



YUKON LAND USE PLANNING COUNCIL

YUKON LAND USE PLANNING COUNCIL (YLUPC)
Annual Activity Report 2009-2010

1. Introduction

This report summarizes the activities of the Yukon Land Use Planning Council, as required by the Yukon Government in its Transfer Payment agreement with the Council. The annual activity report contains the following:

- A brief description of implementation activities;
- A progress report on results and achievements;
- The scheduling or timing of major events; and
- An overall assessment of the achievements of the Council's obligations under the Final Agreement, its Implementation Plan, and related acts of Parliament.

Yukon Land Use Planning Council is: Doug Phillips, Chair
 Ian D. Robertson, Member
 Steven Buyck, Member

2. Implementation Activities, Results and Achievements

The Council had a very active 2009-2010 by assisting two planning commissions, the Yukon Government and Yukon First Nations as they implemented *Chapter 11 Land Use Planning* of the Yukon Final Agreements. The North Yukon Planning Commission's regional land use plan was approved by the Yukon Government and the Vuntut Gwitchin Government in June of 2009. This represents the first regional plan approved through the implementation of a Yukon First Nation Land Claim Agreement.

The Peel Watershed Planning Commission (PWPC) completed a Draft Plan and Recommended Plan for the Peel planning region. The Council prepared for the establishment of the Dawson Regional Planning Commission but delays in appointment process occurred as the Yukon Government and the Tr'ondëk Hwëch'in developed consensus on the membership of the Commission.

The Council began rethinking the configuration of planning regions in the southern Yukon as it is unlikely that there will be land claims settled in the traditional territories of the Ross River Dena, Liard First Nations and White River First Nations. This work involved engaging six first nations about options for planning boundaries and their desire to begin regional planning.

2.1 Completing the 2009-2010 Work plan

To complete its 2009-2010 work plan, the Council held nine Council meetings, one Special Meeting (budget meeting of February 18, 2009) and a Strategic Planning Session (November 24, 2009). The Council's Secretariat staff included a Director, Senior Planner, Policy and Planning Advisor and a Senior Financial Administrator (Senior Planner resigned December 2009). Contractors were utilized for the strategic planning sessions, technical geographic information systems tasks and communications work.

The Council generally carried out its work plan as outlined in the 2009-2010 work plan. The largest deviation from its work plan related to the tasks associated with the establishment of the Dawson Regional Planning Commission, as the commission was not appointed by the Minister. In addition, the Peel Watershed Planning Commission's planning process received an unprecedented level of media, public and stakeholder scrutiny. This resulted in an increase in work for the Council and its staff as it assisted the Commission, the Yukon Government and the affected Peel First Nations (Vuntut Gwitchin, Na-cho Nyäk Dun, Tr'ondëk Hwëch'in and Tetlit Gwich'in) through a turbulent planning process.

Major Work Themes:

Recommending Additional Commissions (11.3.3.2)

Towards the goal of recommending the establishment of another regional planning commission, the Council hosted with the Yukon Government and the Council of Yukon First Nations (CYFN) a workshop entitled “*How Planning Regions are Selected*” (Whitehorse September 17, 2009). The workshop addressed the challenges associated with completing regional plans for the remaining planning regions in the Yukon. These challenges include: 1) redefining the general planning regions in the Yukon, 2) defining detailed regional planning boundaries based upon the general configuration, 3) determining commission membership, 4) developing a terms of reference and; 5) the implications of the UFA funding commitment to regional planning configuration. The workshop was attended by 30 people, including representatives from the Yukon Government, the Council for Yukon First Nations and 10 Yukon First Nations.

Following the workshop, the Council’s staff held a series of meetings with the southern Yukon First Nations that focussed upon the details of starting another planning commission. The Council’s Chair, one member and the Director met with senior Yukon Government officials from the Land Claim Secretariat and Energy Mines and Resources regarding planning in unsettled areas and other issues associated with the general configuration of planning regions in the southern Yukon (November 2009).

These initiatives generated interest in regional planning and the Council received letters from the Teslin Tlingit Council (TTC) requesting the re-establishment of the Teslin Regional Planning Commission (February 12, 2010) and from the Champagne and Aishihik First Nation (March 26, 2010) requesting the establishment of a planning commission for their traditional territory.

Products: Discussion Papers and Primer Package for the workshop “*How Planning Regions are Selected*, (September 17, 2009), *Workshop Proceedings: How Planning Regions are Selected: September 17, 2009*, (October 2009).

Preparing for the Dawson Regional Planning Commission (11.3.4, 11.3.3.5)

The Yukon Government, the Tr'ondëk Hwëch'in and the Vuntut Gwitchin agreed to a Terms of Reference for the Dawson Regional Planning Commission early in 2009 and it was expected that the Commission was to be established in the 2009-2010. However, the lack of consensus about commission membership protracted the appointment process. The Council wrote two letters to the Minister of Energy, Mines and Resources and the Chief of the Tr'ondëk Hwëch'in urging them to establish the Commission. Despite the delays, the Council prepared for the creation of the commission by:

- updating a plain language guide to regional planning intended for Dawson members (*A Source Book for Commission Members*);
- preparing a detailed plan for the first three meetings of the Dawson Regional Planning Commission including a detailed outline of a draft training and orientation session;
- reviewing the Yukon Government: Department of the Environment's *Dawson Land Use Planning: Fish and Wildlife Inputs* information sources summary chart;
- creating an office for the Commission within the YLUPC office space; and
- attending and presenting at the Tr'ondëk Hwëch'in General Assembly (August 29 and 30, 2009)

Products: Presentation to the Tr'ondëk Hwëch'in General Assembly, August 30, 2009, Dawson Regional Planning Commission: Training and Orientation: Draft Agenda (March 2010) Detailed Work plan for the first three meetings of the Dawson Regional Planning Commission (March 2010)

Assisting the Peel Watershed Planning Commission (11.3.4)

The assistance and relationship the Council had with the Peel Watershed Planning Commission was defined in the Memorandum of Understanding that was signed between the Chairs (April). This Memorandum of Understanding defined:

- the method by which funds are to be transferred from the Council to the Commission;
- the assistance with financial administration and the integration of the financial accounting systems;
- any new staff orientation and training;
- the potential facilitation of PWPC meetings by YLUPC staff;

- the YLUPC staff assistance with plan production and related products;
- the sharing of office space and computer networks;
- the assistance from the Commission with relevant recommendations the Council is developing.

The Council's staff assisted the PWPC with the completion of its draft regional land use plan (April 2009), providing editorial review and mapping assistance. YLUPC staff accompanied the Commission on consultation tours to the communities associated with the Peel region. The Council wrote to the Yukon Government regarding the timeliness and nature of their submission to the PWPC's Scenario's and Draft Plan documents (June 2009). The Council's Chair met with the Commission's Chair about the ongoing challenges associated with the review of the PWPC draft plan (July 16, 2009). A review of the Draft Peel Watershed Land Use Plan was prepared and brought to the attention of the approval Parties and Commission through both the Technical Working Group (TWG) and through a letter to the Parties to the Plan (May, June 2009). The Council participated on the Technical Working Group and the Senior Liaison Committee.

Once the Commission released its Recommended Plan in December, the Council contracted a local contractor to review it and this report was submitted to the reviewing Parties (YG, Peel FNs) to assist with their review. The Council also identified the substantive concerns it had with the plan and these were transmitted to the Parties via a letter in March 2010.

As the Commission was preparing the Recommended Plan in November and December 2009, the Council prepared a Memorandum of Understanding which acknowledged that the Council would provide administrative support for the Commission starting December 19, 2009 through to the time the Commission was reactivated by the Parties. The Council developed and submitted a 2010-2011 work plan and budget for the Commission to provide it with funds to maintain a small unstaffed office, participate in the plan consultation events and for the period that it was to be reactivated.

Products: two Memorandums of Understanding between the PWPC and YLUPC (April and December 2009), the Financial Agreements between YLUPC and PWPC (April and November), *Review of Recommended Peel Watershed Regional Land Use Plan (February 23, 2010)*, 2010-2011 Work plan and Budget: Peel Watershed Planning Commission (March 2010)

North Yukon Planning Commission (11.3.4)

The North Yukon Planning Commission submitted its Final Recommend Plan to the Yukon Government and the Vuntut Gwitchin Government in January of 2009 and was not active during the year. The plan was approved in June 2009 and the Council's Chair and the Commission's Chair and three commission members attended the approval ceremony in Old Crow in July 2009. The Council supported the Commission's request to complete the NYPC scenarios document that summarized the cumulative effects modelling that the Commission had done (done by contractor and YLUPC staff December 2009). The Council's staff reviewed the Yukon Governments implementation plan that was produced for the approved plan. Discussions also began between the Council and the Yukon Government on the possibility of the Council performing the conformity checks on projects relative to the plan. A draft conformity check template was developed by the Yukon Government and the Vuntut Gwitchin and reviewed by Council staff (March 2010).

Products: *North Yukon Planning Region Land Use Scenarios Report* (December 2009)

Meeting of the Chairs

The Council hosted a meeting of the Chairs that involved the Chairs of the North Yukon and Peel Watershed planning commissions (May 2009). Topics discussed included:

- the delegation of roles and responsibilities amongst commissions member;
- improving Memorandums of Understandings (MOUs);
- standardizing work plans and budgets;
- new rules associated with funding agreements;
- engaging the Parties and Stakeholders during planning processes;
- the work of commissions after the submission of a Final Recommended Plan;
- sharing their planning experiences with the Dawson Regional Planning Commission.

Products: Minutes from the Meeting of the Chairs: May 20th, 2009

Yukon Planning Atlas

The Council continued to improve the Yukon Planning Atlas by adding information on the North Yukon and Peel regions. A press release was sent out announcing that the Yukon Planning Atlas had been developed to the point that it was now “public” and available for those with an interest in regional planning in the territory. A successful “teaching” workshop was held in October involving 20 people from UFA boards, the Yukon Government and Yukon First Nation (*Data Requirements for Yukon Regional Land Use Planning, Oct 15-16, 2009*). A presentation about the Planning Atlas was made by the Council’s Senior Planner at the FOSS4G Conference in Sydney, Australia, October 21, 2009.

Products: Presentations from the *Data Requirements for Yukon Regional Land Use Planning Workshop, October 15-16, Whitehorse* and the FOSS4G Conference: *Yukon Planning Atlas – Building Regional Capacity for Land and Resource Management, October 21, 2009*.

Other Work

- *YLUPC Submission to the House of Common’s Standing Committee on Aboriginal Affairs, December 12, 2009, Ottawa*, including presentation by Council member Ian D. Robertson to the Standing Committee;
- attended the Council of Yukon First Nations General Assembly (July 23, 2009) and the General Assembly of the First Nation of Nacho Nyäk Dun (June 25, 2009);
- supplied comments to the 5 Year Review of the Yukon Environmental and Socio-Economic Assessment Act (May) and produced a draft discussion paper on the link between YESAA and regional commissions;
- updated the “Tracking Sheets” for the activities of the processes associated with all regional planning commission established to date (September);
- prepared the audited Financial Statements and Annual Reports for YLUPC and NYPC and reviewed the PWPC Annual Report (June, July 2009);
- prepared YLUPC 2010-2011 Work plan and Budget (February 2010);
- prepared YLUPC interim report and reviewed and recommended to the Yukon Government the PWPC’s interim report (October);
- updated the Council’s Communication Strategy (July 2009);

- Policies and Procedures updated with assistance from a contractor (February, March);
- presentation to the Implementation Review Group (YG, Canada and settled Yukon FNs) regarding funding for regional planning (September 2009);
- YLUPC Director gave a presentation at the “2030 North Conference”, Ottawa, June 1-4, 2009;
- YLUPC display booth with NYPC and PWPC material at Yukon Geoscience Forum, Whitehorse, November 2009

3.0 Overall Assessment

The YLUPC and the regional planning commissions continue to reach significant milestones in the implementation of regional planning in the territory and of Chapter 11 of the Final Agreements. The approval of the North Yukon Planning Commission’s regional plan is the most significant event in the history of regional planning in the territory. The Council views this as a major achievement in the implementation of the land claim agreements.

Completing the Recommended Plan for the Peel region represents a second milestone in regional planning. The Peel commission faced a more complex planning challenge than the North Yukon Planning Commission. The PWPC must build consensus amongst *four* First Nations and the Yukon Government in a region with high public profile. Much has been learned about planning product expectations and the need for an iterative process involving the Commission and the approval Parties. The Council recognizes it could have done more to inform the public, stakeholders and “planning partners” prior to the planning commission engaging in its consultation efforts.

The delays in the establishment of the Dawson Regional Planning Commission are very much of concern to the Council. The devolution of appointment power to the Yukon Government from Canada that occurred in 2003 should have resulted in the *faster* appointment of members. The Dawson commission appointments have taken longer than any of the commission member appointments done by Canada. This should not go unnoticed nor without process review and remedy.

Finally, the Council looks forward to the improvements to the First Nation Land Claim Agreement Implementation Plans that will stem from the *Yukon First Nation Final Agreement Implementation Reviews* (October, 2007). The implementation of Chapter 11 will benefit from the certainty established once there is agreement amongst the Parties on agency roles and responsibilities, financial commitments and the intent of the claims with respect to regional planning processes. **These answers are long overdue and much needed.**