



YUKON LAND USE PLANNING COUNCIL

YUKON LAND USE PLANNING COUNCIL (YLUPC)
Annual Report 2013-2014

1. Introduction

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

1. Role of the Council, Relationship to the Commissions, Relationship to the Planning Parties
2. Support to Planning Commissions
3. Other Council Activities
4. Council Meetings and Activities
5. Work Plan Variance
6. Work plan Summary 2014-2015
7. Overall Achievements and Challenges

Members

Yukon Land Use Planning Council:

Ian D. Robertson Chair, Term end April 7, 2013
Shirley Frost, Acting Chair April – Aug. 16, 2013
Patrick Rouble, Appt. September 10, 2013
Chair: Nov 19, 2013

Pearl L. Callaghan, Member, Appt. Aug. 28, 013
Mel Stehelin, Member: term ended March 16, 2014

Staff:

Ron Cruikshank, Director
Gerald Isaac, Senior Policy and Planning Advisor
Sam Skinner, Senior Planner
Heidi Faulds, Senior Financial Administrator
Nick Gryzbowski, student planner (co-op
University of Victoria)

1. Introduction: Roles and Responsibilities

1.1 Role of the Council

The YLUPC initiates and guides the implementation of *Chapter 11 Land Use Planning* of the Umbrella Final Agreement. It does this by making recommendations to the Yukon Government and Yukon First Nations with respect to regional land use planning in the Yukon. The Council makes recommendations relating to:

- Policies, processes, goals and priorities (see sections 3.1.1, 3.1.2)
- Planning regions, their boundaries and priority planning areas (see section 2.2.4)
- Terms of Reference for the planning commissions; and (see sections 2.1, 2.2.4, 5.1)
- Such other matters as Government and each affected Yukon First Nation may agree upon.

The Council also reviews the annual budgets and work plans prepared by the planning commissions before these budgets are submitted to Government (see section 2.2.1). The Council also assists the commissions through their planning processes (see section 2.2.1) and conducts conformity checks on approved regional land use plans.

1.2 Relationship to the Commissions

This relationship is characterized as a support role to the commissions, with the focus upon regional plan production in accordance with a Terms of Reference agreed to by the Parties. This assistance includes:

- Commission start up activities and orientation;
- Providing assistance to the commission as identified through consultation with the Parties and/or by the commission;
- Providing ongoing support: technical, financial and office administrative, planning and communication;
- Providing opportunities for discussion on land use planning related topics via annual meeting of the Chairs and at regular Council meetings.

To help define this relationship, the Council enters into Transfer Payment Funding Agreements (jointly with Yukon) and Memorandums of Understanding with regional planning commissions.

1.3 Council to Parties

The Council is primarily an advisory body to the Parties but also has an oversight role for the implementation of *Chapter 11 Land Use Planning*. Recognizing that the Parties are the decision makers and therefore crucial to successful implementation, the Council engages the Parties in virtually all stages of the implementation of Chapter 11. It does this by inviting the Parties to join the Area Specific Working Group that helps develop the Terms of Reference for regional commissions and extends these working relationships on the Technical Working Group (TWG) and the Senior Liaison Committee (SLC). The Council also enters into funding agreements with Yukon that define the financial relationship and obligations associated with Chapter 11 funding. The Council attends First Nations General Assemblies when appropriate (2 attended in 2013-2014) and hosts joint meetings with YG and FNs officials when decisions require the consensus of both groups.

1.4 Council Members

There was a significant change in Council membership over the course of the fiscal year. The year began with Ian D. Robertson as Chair. Shirlee Frost was made Acting Chair when Mr. Robertson's term expired in April. She acted in this role until her term ended in August and Patrick Rouble, who was appointed September 10th, 2013, became Chair November 19th, 2013. Pearl Callaghan joined the Council August 18th, 2013 while Mel Stehelin's term ended March 16th 2014 and he was not replaced before the end of the fiscal year.

2. Support to Planning Commissions

2.1 Status of Planning by Region

The following is a summary of the status of planning in the seven planning regions the Council envisions for the Yukon (as of March 31, 2014):

North Yukon Planning Region: Commission is no longer operational. The plan is approved and being implemented by the Yukon and Vuntut Gwitchin governments;

Peel Watershed Planning Region: Commission is no longer operational and the members terms expired in October 2013. The Nacho Nyäk Dun and Tr'ondëk

Hwëch'in approved the Commission's *Final Recommended Peel Watershed Land Use Plan* (dated July 22, 2011) and the Yukon Government approved the *Peel Watershed Regional Land Use Plan* (dated January 2014). This led to a lawsuit by the Nacho Nyäk Dun, Tr'ondëk Hwëch'in, Canadian Parks and Wilderness Society and Yukon Conservation Society challenging Yukon Government's authority under Chapter 11 to modify the Commissions' Final Recommended Plan as it applies to non-settlement land. The lawsuit and its outcome could affect the implementation of the plan and future planning processes.

Dawson Planning Region: a six person planning commission is operational and has completed the Alternatives/Options stage and is developing a draft plan; Teslin Planning Region: Terms of Reference is in draft form with the primary outstanding issues being: 1) the nature of the involvement of the Ross River Dena Council and the Liard First Nation in the Teslin regional planning process; 2) the completion of the review of the Common Land Use Planning Process and the review and associated decisions by the Parties and 3) the outcome of the Peel Watershed Regional Land Use Plan lawsuit regarding the approval process for that plan.

Kluane Planning Region: Terms of Reference is in draft form, with the primary outstanding issues being the planning boundary, the involvement of the White River First Nation in the Kluane planning process and the completion of the review of the Common Land Use Planning Process and the review and associated decisions by the Parties;

Whitehorse Planning Region: No activity.

Northern Tutchone Region: No activity.

2.2 Overview of Support Provided by the Council to the Commissions

2.2.1 Dawson Regional Planning Commission (DRPC)

The assistance the Council provided the DRPC was identified in a Memorandum of Understanding signed between the two agencies in May 2012. Over the course of the year, the Council and its Secretariat was actively involved in key aspects of the work of the Commission.

This work included:

- the Council's Senior Financial Administrator providing the DRPC's with its financial administration: accounting services, administering payroll and benefits, preparing any necessary financial reporting (completing the year-end financial statements and preparing for the 2012-2013 audit) and other secretariat support on a permanent basis;
- Examining the potential use of Structured Decision Making (SDM) in regional planning, including YLUPC covering the cost of SDM consultants used in the DRPC's planning process (April 2013);
- YLUPC Senior Planner using computer software (Marxan) to assess and analyze the known resources of the Dawson region and creating composite maps of the Dawson region's resources;
- Training of new Commission member (Debbie Nagano), May 2013;
- The YLUPC Director and Chair attended Senior Liaison Committee (SLC) meetings (May and September) to discuss with the Parties and the Commission the work and budget of the Commission;
- YLUPC Senior Planner actively participating on the Technical Working Group;
- YLUPC Director attending the stakeholders and public workshops June 11, 12, 2013, Dawson City;
- Attending DRPC meeting October 16, 17th, 2013 to discuss timeframe and budget challenges associated with DRPC's work plan;
- Director and Senior Policy and Planning Advisor present at the Tr'ondëk Hwëch'in *Traditional Economic Area Workshop*, March 4th and 5th, 2014;
- The Council reviewing the Commission work plan and budget for 2014-2015 (done February and March 2014).

2.2.2 North Yukon Regional Plan Implementation

The YLUPC continued with its work checking that proposed projects occurring in the North Yukon region are consistent with the North Yukon Regional Land Use Plan (two completed in 2013-14). The Council's staff conducted a conformity check on a large seismic program proposed by Northern Cross. The process of conducting this conformity check illuminated

problems with the current process, particularly with the information requirements expected of the proponent, the need for baseline information about the current levels of linear disturbance and surface disturbance in the region, and the need for improvement on the process. Two new YLUPC Council members participated in an aerial and ground tour of the project area to familiarize themselves with the challenges associated with performing conformity checks.

2.2.3 Peel Watershed Planning Commission

The Council's work with respect to the Peel Watershed Planning Region included:

Reviewing products: On April 7, 2013, the Council sent a letter addressed to the Yukon Government and affected Peel First Nations regarding “The Yukon Government’s Consultant’s on the Peel Watershed Planning Commission’s *Final Recommended Peel Watershed Regional Plan* and the New Plan Concepts”;

Process review:

A review of the process used by the Peel Watershed Planning Commission to produce its Final Recommended Plan was completed by a Master student (Nick Grzybowski) working with the Council via the University of Victoria’s cooperative education program. The thesis was a result of interviews with key people involved in the process including staff, government participants, Council and PRWPC members. The Council also examined the financial expenditures of the Peel commission to understand how the Commission spent its funds and compared the pattern of expenditures relative to other regional planning commissions.

Consistency Checks: as the PWPC was not operational during the fiscal year, the Council prepared itself for reviewing any projects proposed in the planning region during the approval process (consistency checks) and for conformity checks after the plan was approved on January 21, 2014. None occurred as a moratorium on staking in the region was in place until January 21, 2014 and no projects were proposed after January 21, 2014.

2.2.4 Additional Planning Commissions

Beyond the work of providing assistance to regional planning commissions, the Council worked to establish additional commissions in the territory. The focus of much of the activity followed the Council’s 2011 recommendation regarding planning regions in the territory. Currently seven regions are envisioned (North Yukon, Peel, Dawson, Northern Tutchone, Kluane, Whitehorse

and Teslin). The focus of work in 2013-2014 was the establishment of the Teslin and Kluane regions. Both these regions have areas that include the traditional territories of First Nations that have not signed land claim agreements. How these First Nations are involved in regional planning is not yet clear and this uncertainty has delayed the establishment of these commissions.

Based upon communication with the White River First Nation, the Council sent a letter to the Yukon Government regarding the need for a policy on this topic (April). A letter was received back from the Premier agreeing that policies were needed and these would be developed on a case by case basis.

The Council's staff also met with the staff of the Teslin Tlingit Council and discussed the challenges associated with re-establishing the Teslin Regional Planning Commission and the impact of altering the boundary of the planning region on the Terms of Reference for the Teslin Regional Planning Commission (June). In February 2014, the Council received a letter from the Teslin Tlingit Council (TTC) indicating a desire to create the commission with a boundary that did not include any overlap with First Nations without land claim agreements.

3. Other Council Activities

3.1 Yukon Socio-economic Assessment Act Review

Canada requested that Council comment upon potential changes to the Yukon Socio-economic Assessment Act as part of a review of the Act. The Council developed a response and the Director presented this response at a meeting involving Yukon, Yukon First Nations and Canada (July 9th, 2013). In March, the Council received a second set of potential changes from Canada and prepared a presentation for another meeting which occurred in April 2014. Results of the Council's presentations and input may appear in the update YESAA legislation.

3.2 Meeting of the Chairs

The Council organized a *Meeting of the Chairs*, June 26, 2013 including David Loeks, PWPC, Shirlee Frost, YLUPC and Scott Casselman, DRPC. The meeting's agenda was not completed and two of the three participants appointment terms lapsed before the meeting could be

concluded. Results from the *Meeting of Chairs* were used in the Council's review of the Common Land Use Planning Process.

3. 3 Presentations at the Canadian Institute of Planners

The Council's Secretariat prepared three presentations for the Canadian Institute of Planners *Infuse* Conference, August 7th, 8th and 9th, 2013 in Vancouver. One Council member (Shirlee Frost) and the Director accompanied past Chair Ian D. Robertson to the conference and each gave an 15-20 minute presentation. The response to the presentations indicated that the hour and half long session was very successful.

3. 4 Training and orienting new members

The Council's Secretariat prepared a two-day training and orientations session for the new Council members (Patrick Rouble and Pearl Callaghan) on September 24th, 2013. Former Council members Ian D. Robertson and Shirlee Frost addressed the new members as part of the transition of responsibilities.

3. 5 Public Relations Video

The Council Secretariat, working with a videographer and animator developed a preliminary storyboard and text content summary for a 3-5 minute public relations video regarding regional planning in the Yukon.

3. 6 Planning Workshops:

“*Planning for Success*” Workshop (January 21, 22, 2014), Whitehorse, Yukon.

The Council hosted a two-day workshop regarding potential improvements to the Common Land Use Planning Process (CLUPP). The workshop was attended by 40 people from the Yukon Government and Yukon First Nations at the Yukon Inn, Whitehorse and included presentations on the origin of land claim agreements, progress on the implementation of Chapter 11 Land Use Planning and the potential changes to CLUPP. The outcome of the workshop influenced the Council's recommendations regarding changes to the process by which plans are created in the Yukon.

3. 7 Yukon Planning Atlas

The Council continued to maintain the Yukon Planning Atlas. Maps layers from the Peel Watershed Planning Commission's planning process and DRPC's Resource Assessment Report and Alternatives Report were also added to the Atlas.

4. Council Meeting and Activities

4.1 Member Activity

Council member's activities typically involve attending regular and special YLUPC meetings, meetings with the Parties (FNs and the Yukon Government), presenting at and/or attending conferences, attending workshops and gatherings and attending to financial and administrative matters of Council. The Council met 6 times in 2013-2014, held one special meeting, hosted the *Meeting of the Chairs*, attended training and orientation session and a combined total of 9 other events (DRPC events, workshops and conferences).

4.2 Special meetings

One Special Meeting: Dawson Regional Planning Commission Interim Report (October 4th, 2013).

4.3 Attendance at Conferences and Workshops (not including DRPC workshops)

Council of Yukon First Nations: General Assembly, Whitehorse, July 8 - July 10th, 2013

YLUPC Presences: Display Booth, one staff.

Champagne & Aishihik First Nation General Assembly, July 26th, 2013

YLUPC Presences: Display Booth, one staff.

Canadian Institute of Planner:, *Infuse* Conference, Vancouver, BC, August 7th, 8th and 9th, 2014.

YLUPC Presences: Presentations by former Chair Ian D. Robertson, Chair Shirlee Frost and Director Ron Cruikshank.

Conference Board of Canada: *Canada North Summit*, October 15th, 2013, Whitehorse,

YLUPC Presences: Display Booth, Chair Patrick Rouble, 2 staff

Tr'ondëk Hwëch'in: *Traditional Economy Workshop*, March 4th and 5th, 2014, Dawson City,

YLUPC Presences: Presentation by 2 staff members (Director, Senior Policy and Planning Advisor).

5. Work Plan Variance

5.1 Significant Variance from the 2013-2014 Work plan

The significant variance to the work plan included:

Common Land Use Planning Process Review: The Council did develop potential substantive changes to the process by which regional plans are produced in the Yukon. However, these were not formally presented to the Yukon Government or the Yukon First Nations for consideration. The Parties have instructed the Council to utilize a third party to finalize proposed changes to the CLUPP process. Once these potential changes have been presented and agreed to by the Parties, they can be incorporated into the Terms of References of future planning.

Public Relations Video: the Council completed the primary storyboard and text content for the public relations video but the availability of the illustrator slowed the production of final product.

Strategic Planning Session: the Council did not hold a full Strategic Planning session, as the new members were undergoing their orientation during the period when the Council would normally convene its Strategic Planning Session.

Memorandum of Understanding, YLUPC/DRPC: the Council anticipated updating the MOU with the Dawson Regional Planning Commission. However, the resignation of the DRPC Senior Planner in November 2013, the transition to the Acting Senior Planner and alterations to their work plan and budget made it difficult to define the work to be done and the assistance needed.

6.0 Work plan Summary for 2014 - 2015

The work of the Council in 2014-2015 will focus upon three areas:

Implementing Changes to the Common Land Use Planning Process

The Council will seek decisions from the Yukon Government and Yukon First Nations that will allow the implementation of the revised process. These improvements will result in a more efficient and effective process and be the bases for future Terms of References. A conference of planners from across Northern Canada is planned to provide opportunities to exchange ideas and expand the knowledge of northern planning. Key Milestones: review of the Common Land Use Planning Process with the Parties, including a review of other jurisdictions regional planning processes (3rd quarter) and hosting large Northern planner's conferences.

Provide operational assistance to the Dawson Regional Planning Commission:

The Council will continue to assist the commission through their remaining plan development stages, including providing the commission with its financial and administrative support. Once the commission submits a Recommended Plan, the Council will assume the Commission's Secretariat functions.

Key Milestones: Updated Memorandum of Understanding with DRPC (3rd quarter)

Initiating the Next planning regions:

Should the Terms of References be prepared for the establishment of additional commissions and agreed to by the Parties, the Council will lead the commission through the starting phases of their operations.

Key Milestones: Draft Terms of Reference for additional planning commissions (4th quarter)

7.0 Overview of Accomplishments and Challenges

2013-2014 was a year of both progress and setbacks with respect to regional planning in the territory. The implementation of the North Yukon Regional Land Use Plan continues to provide examples of a successful regional plan and its implementation. The Council, working with YESAB, Yukon and the Vuntut Gwitchin, conducted a conformity check on the first large oil and gas exploration project proposed in the region since the plan was approved. The process of determining that the project conformed to the plan required policy development that can be applied to both future conformity checks and other regional plans.

The Yukon Government and the Yukon First Nations of the Peel Watershed approved a regional land use plan for the Peel Region. However, the legal challenge that followed the Yukon Government's approval has resulted in a period of uncertainty with respect to the appropriate regional planning and approval process used for the territory. The Council did host a successful workshop relating to the Common Land Use Planning Process (CLUPP) and this workshop contributed to a list of potential improvements that the Council developed for consideration by the Parties.

The Dawson Regional Planning Commission completed both its *Information Collection* and *Plan Options (Alternatives)* stage but draft plan production work was moved to the next fiscal year due changes in staff and membership.

The work of establishing additional commission (e.g. Teslin, Kluane) was hampered by uncertainty of the role First Nations without settled land claims in these planning processes. While some clarity was achieved through correspondence with the Parties, more detailed agreement will need to be reached before the Terms of References for additional commissions can be completed.

Finally, the activities of the Council successfully transitioned through the Council's complete change of membership that occurred over the course of the year. The "new" Council looks forward to working with their staff, the Commissions, and the Parties as they implement *Chapter 11 of the Yukon First Nation Final Agreements*.