



YUKON LAND USE PLANNING COUNCIL

YUKON LAND USE PLANNING COUNCIL (COUNCIL)

Annual Report 2019-2020

Report Introduction

This report summarizes the activities of the Yukon Land Use Planning Council (Council), as required by the Yukon Government in its Transfer Payment Funding Agreement. 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. Successes and Challenges
7. Work plan Summary 2020-2021

Members

Pearl Callaghan, Chair until August 27, 2019

Hammond Dick, Member Appointed August 28, 2019

Lois Craig, Member

Dennis Zimmermann, Member

Members rotated Chair duties throughout the year

Staff: Ron Cruikshank, Director

Joe Copper Jack, Senior Policy and Planning Coordinator

Sam Skinner, Senior Planner

Heidi Hansen, Senior Financial Administrator

Nicole Percival, DRPC Land Use Planner

1. Introduction: Roles and Responsibilities

1.1 Role of the Council

The Council makes recommendations to the Yukon Government and Yukon First Nations on regional land use planning in the Yukon and assists regional planning commissions. The Council makes recommendations relating to:

- Policies, processes, goals and priorities;
- Planning regions, boundaries and priority planning areas;
- Terms of Reference for the planning commissions; and
- Such other matters as Government and each affected Yukon First Nation may agree upon.

The Council works collaboratively with the Parties on regional land use planning related initiatives and facilitates issue delineation and resolution.

The Council also reviews the annual budgets and work plans prepared by the planning commissions, organizes an annual meeting of commission Chairs, and advises YESAA based reviews as to whether a project is consistent with the North Yukon Regional Land Use Plan.

1.2 Relationship to the Commissions

This relationship is characterized as a supporting role to the commissions, with a focus on regional plan production in accordance with a Terms of Reference (ToR) 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 administration, planning and communication;
- Providing opportunities for discussing land use planning related topics, facilitating problem solving via annual meeting of the Chairs, at regular Council meetings and other meetings between the Council and the commissions.

To help define this relationship, the Council enters into Transfer Payment Funding Agreements (jointly with the Yukon Government) that define the standards and expectations of the commissions and a Memorandums of Understanding that define the assistance the Council will provide. Both these were entered into with the Dawson Regional Planning Commission for 2019-20.

1.3 Council to Parties

The Council is an advisory body to the Parties on regional planning matters. The Council recommends the work plans and budgets of the commissions to the Yukon Government and jointly administers the associated funding agreements. The Council also provides

recommendations to the Parties on land use planning related matters that could contribute to timely resolution of outstanding matters.

To assist with this relationship, the Council requested that the LEADS committee that was created through the Yukon Forum be available as an avenue of communications and issue resolution between the Council and the Parties. This has proven to be an effective engagement strategy.

1.4 Council Members

The Council operated with at three members until August 27th, 2020, with Hammond Dick's appointment becoming known to Council in October, after which the Council had full membership.

Support to Planning Commissions

2.1 Status of Commissions by Region

The following is a summary of the status of planning in the seven planning regions recommended by the Council (as of March 31, 2019):

- North Yukon Planning Region: no active commission. The plan is approved and being implemented by the Yukon and Vuntut Gwitchin governments, with extensive assistance from the Council. This includes conformity checks, technical work related to cumulative effects assessment and management (historical linear and surface disturbance levels and regeneration rates).
- Peel Watershed Planning Region: Commission is no longer operational. The Plan was approved August 22, 2019 at a ceremony in Mayo, Yukon. The Parties' then began the work of developing the implementation plan (ongoing) and Council began conducting conformity checks;
- Dawson Planning Region: In 2017, the Parties requested that the Council begin the process of re-establishing the commission and new a Terms of Reference was developed by the Senior Liaison Committee based upon issues identified by the Council. The Council recommended a Terms of Reference in July 2018, making minor modifications to the work of the Senior Liaison Committee. The Commission was appointed in December 2018 with training and orientation occurring April 8-10th, 2019 in Dawson City, with Commission working on the production of its Draft Plan throughout the year.
- Teslin Planning Region: no active commission: Requested by Teslin Tlingit Council
- Kluane Planning Region: no active commission;
- Whitehorse Planning Region: no active commission;
- Northern Tutchone Region: no active commission.

2.2 Overview of Support Provided by the Council to the Commissions Dawson Regional Planning Commission

On April 8-10th, the Council led the Commission through their Orientation and Training workshop in Dawson. The new members learned about each other, about their planning task, and started building their organization. The Commission heard from the leaders from the Tr'ondëk Hwëch'in (Chief Roberta Joseph), Government of Yukon (Energy, Mines and Resources Minister Ranj Pillai), members of the Yukon Land Use Planning Council, past Chairs of other commissions and the Senior Liaison Committee. The Commission also met with support staff, and colleagues within the Tr'ondëk Hwëch'in and Government of Yukon.

The Council also provided substantive assistance with the DRPC's first two meetings: April 30-31 and June 18-19, 2019. Key topics included the Commission's policies and procedures, the work of the previous Dawson Regional Planning Commission, a public engagement strategy, the Commission's Vision statement and the Memorandum of Understanding between the Council and the Chair. Extensive support has been provided by the YLUPC to the DRPC including financial administration, technical and professional assistance.

As per the Terms of Reference for the Commission, the Memorandum of Understanding between the Council and the Commission was signed on July 30th, 2019. This MOU identified the assistance the Council was to provide the commission including: financial administration, a secretariat and office space, human resource acquisition and all staff contracts and Geographic Information System support and associated analytics. The Commission's financial agreement was signed on July 29th, 2019 and included signatures from Yukon Government, YLUPC and the Commission.

North Yukon Planning Region

Upon the request of the Parties, the Yukon Land Use Planning Council completed three conformity checks in the North Yukon planning region. YLUPC staff also produced an estimate of the linear disturbance and surface disturbance levels in region and provided these to Yukon and the Vuntut Gwitch'in governments.

Information Storage and Maintenance

The Council maintains the information and records of the Teslin, Peel Watershed, North Yukon and Dawson regional planning commissions.

3. Other Council Activities

3.1 Summary of Major Activities, Results

The Council's workplan in 2019/20 identified three priority work themes for the Council:

- assisting the Dawson Regional Planning Commission and providing the human resources for the production of the Draft Regional Land Use Plan;
- participate and/or contribute to the Adequacy of Funding review of Chapter 11 and review and consider the outcome of the Yukon Forum's review of the Chapter 11;
- outreach, education and advocacy work with the Parties, planning partners and the public about implementing Chapter 11 and the Council's role.

Priority Work Theme #1 Assisting the Dawson Regional Planning Commission

In addition to the assistance and support provided to the Dawson Regional Planning Commission listed in sections 2.2 Overview of Support Provided to Commissions, the Council's Chair met twice with the Chair of the DRPC (April 10th, 2019 and February 18, 2020). The topics covered in these meetings included the Commission's workplan and budget, work the Council was doing that may of interest to the Commission, the staff arrangements identified in the Memorandum of Understanding and the relationship between the Commission and the Parties.

Priority Work theme # 2: Adequacy of Funding Review

A meeting regarding the Adequacy of Funding review of Chapter 11 involving Yukon Government, Canada and CYFN occurred on May 7th, 2019. The draft Terms of Reference for the review was reviewed with substantive changes agreed upon. The Council was asked for all the expenses of the regional planning commissions since the settlement of the land claim agreements and these were provided to Adequacy of Funding committee. The Committee's Terms of Reference was signed in December but no further meeting involving the Council occurred.

Priority Work Theme # 3: Outreach, Education and Advocacy work with the Parties, Planning Partners and the Public

Meetings with CYFN Grand Chief Peter Johnston and Minister Ranj Pillai, Energy Mines and Resources, Yukon Government

The Council continued with a series of meetings it was having with both the Grand Chief of the Council of Yukon First Nations (Peter Johnston) and the Minister of Energy, Mines and

Resources (Ranj Pillai), with a meeting April 2, 2019. The meeting agenda included a report of the recommendations from the Council's *Total Impact: Our Collective Footprint Workshop* of March 12th and 13th, 2019 that advanced cumulative effects in Yukon, the strategy for the start-up of the Dawson Regional Planning Commission, the approval timeline for the Peel Watershed Land Use Plan, the review of Chapter 11 stemming from the Yukon Forum and the need for a second UFA Boards gathering.

New Initiatives

“LEADS” Committee Meetings

In April, the Council received the recommendations from the Yukon Forum's Land Use Planning Action Plan. The Council developed a response to this series of recommendations and sent these to the Yukon Government, the Council of Yukon First Nations and all Yukon First Nations with Final Agreements (August 15th, 2019). The Council's response highlighted its desire to work together to move forward with Yukon land use planning processes, to consider the recent Peel Supreme Court decision as part of the move forward, to find commonality and creative new initiatives that support planning and continue to build upon the collaborative relationship that has been created through regular high level meetings.

The Council requested that the “LEADS” committee that led the Yukon Forum review continue to be active, with periodic meetings with the Council. The first official meeting occurred January 23rd, 2020. The Council presented the LEADS committee a regional land use planning restart proposal within the Yukon Forum framework. The goals include advancing planning inside and outside of Chapter 11, re-evaluating process and data requirements for regional land use planning, supporting several land use planning processes concurrently and evaluating a full range of process options. The idea of co-creating an improved process was well received and further work refining how this might occur was agreed upon, with the Council leading this work.

Yukon Environmental and Socio-Economic Assessment Board

In an effort to improve the integration of land use planning and land use assessment, the Council initiated correspondence with the Yukon Environmental and Socio-Economic Assessment Board (YESAB) and this resulted in a meeting between the two agencies on February 27, 2020. A wide range of topics were discussed in the meeting, including the need for early engagement between YESAA based office staff and planning commission staff, the issues associated with the Council doing conformity checks, the common interest in Cumulative Effects management, the content of regional plans that is most useful to YESAB, the potential use of information by planning commissions generated by YEABs Yukon Online Registry and the potential for a YESAA Forum focussed upon the integration of Chapter 11 and Chapter 12 of the land claim agreements.

The Council sent YESAB a follow-up letter on March 31st, 2020 and hosted an information session about YESAB's new approach to Cumulative Effects.

Mineral Development Strategy Panel

Based upon an agreement between the Yukon Government and Yukon First Nations, an independent panel has been established to review the mineral development process in the Yukon. The Council met with the Mineral Development Strategy Panel on January 30th about the progress being made in regional planning, redefining and restarting regional planning now that the Peel plan has been approved, regional planning and cumulative effects, sub-regional planning and its link to regional planning. Topics of interest to the panel included the need to define how plans are changed after they are approved, how new knowledge and traditional knowledge is incorporated into decision making processes and conformity checks. The Council indicated that it would make a formal submission to the Panel to assist it with its recommendations.

Attendance at First Nation General Assemblies

The Council attended the following First Nation General Assemblies Little Salmon Carmacks: June 9, 2019, Council for Yukon First Nations, June 25th (Dawson City), Champagne and Aishihik First Nations (July 19-20) and Kluane First Nations June 15, 2019 (presentation by Chair). The Council's Chair, Director and Senior Policy and Planning Coordinator gave a presentation at the Teslin Tlingit Council General Assembly at Brooks Brook on August 7th, 2019. On August 8th, 2019, the Teslin Tlingit Council wrote the Yukon Land Use Planning Council a letter requesting that the Teslin Regional Planning Commission be re-established.

Annual Report and Audited Financial Statements

The annual report and audited financial statements were completed. There was no management letter associated with the audit.

3.2 Attendances at Conferences and Workshops

Canadian Institute of Planners Conference: "*Generations*" July 3-6, 2019

The Council's Director, accompanied by an elder from Mayo presented at the Canadian Institute of Planners annual conference in Ottawa, Ontario (800 participants attended). A presentation on the Peel planning process was delivered by the Director, the elder from Mayo and two planners from Stantec Consulting. A highlight of the conference was a presentation by Dr. Hayden King, which examined planning and the associated issues of First Nation occupation and land rights across Canada.

Geoscience Forum, Nov. 15-19, 2020, Whitehorse, Yukon

The Council had a joint booth with the Dawson Regional Planning Commission at the Geoscience Forum November 15-19th, 2019. A YLUPC member, DPRC Chair and DRPC Senior Planner gave a presentation regarding regional planning in the Yukon and the DRPC planning process. The staff attended presentations on the Alaska to Alberta train proposal, the Mineral Development Strategy, effective large project review and small energy production.

BC Land Summit, May 8th – 10th, 2020

The Council's Senior Planner attended the British Columbia Land Summit conference in Vancouver British Columbia, May 8 – 10, 2020. The Summit featured a diverse and interdisciplinary content related to land and land-use issues and approaches to resolving these challenges.

“Making Modern Treaties Work” Land Claim Agreement Coalition, February 11th-12th, 2020, Ottawa

A YLUPC Council member and the Council's Senior Policy Advisor and Planning Coordinator attended the Land Claim Agreement Coalition's “*Making Modern Treaties Work*” conference in Ottawa, February 11th and 12th, 2020. The conference focussed upon the legal, cultural and governance issues and improving intergovernmental relationships.

Workshops and Special Projects

The Council participated in the preparatory work associated with a large multi-jurisdictional workshop that would focus upon indigenous planning and traditional knowledge. Working with the Carcross Tagish First Nation and the Northwest Boreal Conservation Cooperative, the Council had agreed to contribute funding and staff time to the event. This was originally scheduled for January 2020. However, delays in organizing the event plus the limitations caused by the COVID19 pandemic caused this event to be placed in abeyance (Council's funding contribution not spent).

Special projects included a staff brainstorming session on suggested improvements for the regional planning process in the Yukon and assistance with human resources.

4. Council Meeting and Activities

4.1 Member Activity

Council member's activities included:

- attending four regular Council meetings times and four working sessions, primarily focussed upon specific issues (special meetings) preparation for upcoming meetings (LEADS), brainstorming and membership transition preparation;

- one member participated in the training and orientation of the Dawson Commission;
- meetings with the Minister Ranj Pillai and Grand Chief Peter Johnston (First Nations and the Yukon Government) and LEADs committee plus meetings with YESAB, Mineral Development Strategy and the DRPC Chair (2 meetings);
- tending to financial and administrative matters of Council.

5. Work Plan Variance

Significant Variance from the 2019-2020 Work plan

As noted in the previous sections, the Council addressed most key priorities in its work plan. The most significant variance was that Council was not able to organize or sponsor an annual gathering, as indicated in its workplan. This was because of the decisions made by lead organizing agencies to move the date until the next fiscal year. The demands on the Council with respect to start-up of the Dawson Regional Planning Commission limited the public communication work completed in the year.

Successes

Continued High Level Communications: Yukon Government, CYFN and the Council

The Council continued to meet with the Grand Chief of the Council of Yukon First Nations and the Minister of Energy Mines and Resources regarding a wide range of topics related to planning in the territory. These meetings have proven to be very successful at building the working relationships needed for the successful implementation of Chapter 11 and led to further meetings with the LEADS committee that was created in support of the review of Chapter 11 arising from the Yukon Forum recommendations.

Dawson Regional Planning Commission: Terms of Reference Development, Memorandum of Understanding and associated preparation work

The work associated with the re-establishment of the Dawson Regional Planning Commission has been more extensive than previous commission start-ups, including a Memorandum of Understanding between the Parties, more detailed Terms of Reference early staffing, draft Policy and Procedures development and financial and administrative organization.

Approval of the Peel Regional Land Use Plan

While the Council was not actively involved in the Approval Process, the final approval of the Peel plan should be recognized as a milestone in land claim implementation and reconciliation.

Challenges

Dawson Regional Planning Commission: Lack of Agreement Regarding Interim Measures

As the year progressed, it became apparent that the Parties to the Dawson regional plan had been in prior discussions regarding interim measures. This issue was not resolved before the Commission work started and the Parties asked the Commission to recommend interim measures. This request caused a disruption in the planning work that the Commission was doing, with the Commission ultimately deciding not to recommend any interim measures, stating that these should have been in place before the planning work began. The issue remains unresolved between the Parties.

Indigenous Planning and/or Traditional Knowledge Workshop

The Council had anticipated sponsoring and participating in a gathering that focussed upon Indigenous Planning and/or Traditional Knowledge, originally scheduled for January in Carcross, Yukon. This gathering was postponed until May and then placed in abeyance by the Covid19 pandemic.

7.0 Work plan Summary for 2020 – 2021

The Council's work in 2020-21 will focus upon:

Priorities:

- assisting the Dawson Regional Planning Commission in drafting the plan, address planning problems that arise during the process and providing the human resources for the production of the Draft Regional Land Use Plan;
- working with the Yukon Government and the Teslin Tlingit Council, develop a Terms of Reference for the Teslin Regional Planning Commission. Assist with the creation and start-up of the Commission and develop a Memorandum of Understanding with the Commission regarding the assistance the Council will provide;
- work collaboratively with the Yukon Forum Parties to review Yukon's regional land use planning process and identify opportunities to streamline and clarify these processes;
- respond to (if completed) and/or contribute to the Adequacy of Funding review of Chapter 11 being conducted by the Parties to the agreement;
- outreach, education and engagement work with the Parties, planning partners and the public about new and modified approaches to the implementation of Chapter 11 and the Council's role. These new planning approaches will be developed through working relations with the Parties to the land claim agreements and be the focus of a targeted communication activities and products.

Other work:

- hosting or sponsoring a regional planning workshop: timing and theme to be determined;
- consider additional requests for regional planning commissions;
- better linking and integrating Chapter 11 planning to other resource management work occurring in the territory, including the development assessment process (YESAA), Yukon First Nation and Yukon government resource management efforts (e.g. Mineral Development Strategy);
- assisting with the North Yukon and Peel Watershed Plan implementation work including clarity regarding conformity checks.