



# YUKON LAND USE PLANNING COUNCIL

## **From Claim to Plan (and Beyond!) Regional Planning in the Yukon**

**Venue Location:** Kwanlin Dün Cultural Centre, Whitehorse  
**Workshop Dates:** January 30<sup>th</sup>, 31<sup>st</sup>, 2013

### **Introduction:**

From 2002 to 2004, the Yukon Land Use Planning Council (Council) developed the Common Land Use Planning Process (CLUPP) as a means of organizing process elements identified in Chapter 11 of the Yukon First Nation Final Agreements. Additional planning stages required for successful planning were added to those found in Chapter 11. CLUPP was updated in 2008 subsequent to the devolution of land management powers to the Yukon Government from Canada Plan Implementation and Plan Review stages were also added. A *Commission Members Source Book* was produced by the Council in 2010 and represents a plain language summary of CLUPP.

Council intends to update this process and will work with Yukon First Nations, the Yukon Government and regional planning commissions to do so. This workshop helped create common understanding of CLUPP within these agencies and allowed for the critical and constructive review of the process that is needed at this time. The workshop was chaired by Gerald Isaac. Facilitators included: Sam Skinner, Nick Grzybowski, Jeff Hamm, John Meikle, Gillian McKee, Renee Mayes and Lesley Cabott.

### **Purpose of the Workshop:**

1. To provide an overview of the process of creating regional land use plans in the Yukon for the purpose of educating the key participants that are involved in the process of implementing *Chapter 11 Land Use Planning*. An emphasis will be placed upon the stages in the process where the core planning work is done;
2. To answer questions from the many new people that are now involved in regional land use planning in Yukon First Nation governments;
3. To consider the merits of *Structured Decision Making* during the production of a Recommended Land Use Plan.

## **Workshop Summary Format:**

Over two days, there were several presentations and opportunities for questions and discussions. There also were five break-out group sessions (a sixth was cancelled), each with four groups of 8-12 participants and a facilitator. This summary follows the agenda of the workshop, and gives the main points for each of the presentations and some of the break-out groups. Following these summaries is a list of identified learning needs, a summary of “Parking Lot” items, a list of overall workshop findings, and a list of recommendations resulting from the workshop.

See also the workshop presentations also found on the YLUPC website.

## **Day 1 (January 30<sup>th</sup> 2012)**

### **Opening Remarks (Key Points)**

(Ian D. Robertson, YLUPC Chair)

- Planning is about considering future options and making wise choices now for our children tomorrow. It is not anti-development and pro-conservation but rather about finding the appropriate balance between today’s needs and tomorrow’s choices.
- This workshop is about leadership, responsibility and moving forward together.
- We have a responsibility to advocate for getting regional plans done in an open, transparent and inclusive fashion.

### **Specifically we need to improve:**

- The lack of urgency and commitment to get regional plans done, approved and implemented – it is not business as usual. All land users need to come to the table and participate;
- The excessive amount of front-end time the Parties take to approve their terms of reference and to establish the regional commission is phenomenal. The time it takes to produce plans, seek plan approval and to implement them is also a lengthy process; and
- The need for a solution on how recognized Yukon First Nations with Final Agreements and without Final Agreements can engage with each other and work together to prepare regional land use plans where their traditional territories overlap.
- I hope that by the end of this workshop, we all know more about each other, that you know a lot more about regional planning and together we can use this knowledge to implement the vision of the land claim agreements and complete regional plans throughout the Yukon.

### **Breakout Group 1: Getting to Know You (and what you know)**

This was an icebreaker intended for people to introduce themselves and provide a sense about what they know about planning.

\*results from this breakout were included in the overall workshop findings on page 11&12.

## **Presentation: Regional Planning Done under Chapter 11 of the First Nation Final Agreements**

(Ross Burnett, Senior Policy Analyst, YG-Land Claim Implementation Secretariat)

- An overview of Chapter 11, including emphasis on the importance of:
  - interpreting Chapter 11 in its entirety; and,
  - understanding specific clauses in the context of the objectives for the chapter.
- A laypersons guide to Chapter 11 including some tips about how to read and interpret it.
- 3 parties in the Agreements which brings up different interpretations of the Agreement.
- Recognized the difference between the Umbrella Final Agreement and the First Nations Final Agreements.

## **Presentation: From Claim to Plan (and Beyond): the Common Land Use Planning Process (CLUPP)**

(Ron Cruikshank, Director, YLUPC)

- Covered Land Claim Agreements and how they have led to Regional Land Use Planning.
- Addressed the important point that Land Claim Agreements distinguished who owns land and who manages the land, but did little to answer the question of how the land is going to be used.
- Touched on how the YESAA review process fits into the completed Regional Plans
- Discussed Regional Planning Commissions and the planning cycle from plan production to Plan revision
- Portrayed the CLUPP process from Land Claim to Final Plan.
- Showed where Yukon First Nations are with respect to stages of planning in CLUPP.
- Showed approval process slide from recommended plan to approved plan.
- Showed a slide that portrays the various boards and committees that need to be involved in plan implementation

## **Presentation: How Planning Commissions Interact with the Parties**

(Gillian McKee, Senior Land Use Planner, YG-EMR)

Discussed the Senior Liaison Committee (SLC), the Technical Working Group (TWG) and YG's Interdepartmental Working Group.

### **Breakout Group 2: Reflections on the Common Land Use Planning Process**

This was a discussion on the Common Land Use Planning Process.

\*results from this breakout were included in the overall workshop findings on page 11&12.

## **Presentation: Case Studies of the Core Planning Processes for Regional Land Use Plan Production**

(Ron Cruikshank, Director, YLUPC)

### **Gwich'in Settlement Area Land Use Plan and the North Yukon Regional Plan**

The two presentations on two different regional plans covered the following points:

1. Regional Introduction
2. Planning Context
3. Agreement made before Commission Establishment
4. Commission Start-up
5. Preparing Plan:
  - o Issues and Interest, Information Collection,
  - o Options/Scenario, Draft Plan, Recommended Plan
6. Plan Approval
7. Plan Implementation

#### **Conclusions from Case Studies:**

- FNs and Governments relations is key to Success
- Roles of all agencies involved need to be defined well
- Constant work is required to ease tension between “independent” Commissions and Parties
- The Commission often struggle with: Land Designation System, Landscape Management Unit development, Prescriptive Planning (or not), Developing Principles, Goals and Objectives, the Options or Scenario stage
- Once the Draft Plan is done, things get better
- Summary documents are very useful
- Regional Plans can take a longer time then imagined at start!

#### **Breakout Group 3: Case Studies**

This breakout group was meant to be an opportunity to discuss the case studies presented above. However, it was cancelled to maintain the workshop's schedule.

### **Presentation: Implementing the North Yukon Regional Land Use Plan**

(Randy Lamb, Senior Land Use Planner, YG-EMR)

- Discussed the various steps involved in the implementation process including the coordination efforts between YG and VGFN and the joint preparation of plan implementation budget and work plans.

## **Presentation: A Decision Framework for Evaluating Plan Alternatives for the Dawson Region Planning Commission**

(Jeff Hamm, Senior Land Use Planner, DRPC)

- Regional planning context, the Dawson planning process and evaluating plan alternatives
- Where the Dawson Regional Planning Commission is with respect to the Regional Planning Process and CLUPP and how the Commission will approach plan alternatives.
- Lessons learned from previous planning Commissions, including discussion of:
  - the recent flurry of ad campaigns encouraging stakeholders to submit their issues and interests into the Peel Planning Process, unfortunately this push should have been at the front end.
  - the need for consistent and meaningful evaluation criteria throughout the process.
  - Goal Orientation and Multiple Objectives (triple bottom line) i.e., economic, socio – cultural and environmental.
- Discussed the conflicting goals of planning as outlined by Campbell, essentially the conflicting goals of sustainable development can be portrayed as a triangle with Equity, Economy and Ecosystems - situated at each corner. Planners find themselves situated in the middle of this triangle.
- The Dawson Planning Goals portray a similar triangle to Campbell's with First Nation Cultural Value, Economic Prosperity and Environmental Stewardship occupying the three corners.
- The Dawson Regional Planning Commission is looking to incorporate “Structured Decision Making” into their process. The DRPC plans to do this by: firstly, developing alternatives and objectives in public workshops, secondly scenario development and analysis by DRPC Planning team, thirdly refining scenarios and presenting them to Commission and Parties.

## Day 2 (January 31<sup>st</sup> 2012)

### Presentation: Structured Decision Making and its Potential Use in Regional Land Use Planning

(Dan Ohlson, Compass Resource Management and Lesley Cabott, Morrison- Hershfield)

Dan Olson and Lesley Cabott presentation covered *structured decision making* and its applications in a Regional Planning Context. Lesley and Dan's presentation covered the following points:

- SDM is an organized and transparent framework for identifying and evaluating creative options and making defensible choices in situations characterized by multiple interests, high stakes, and uncertainty. Furthermore SDM is a common-sense set of core steps to aid decisions; A set of structuring tools from the decision sciences; A clear way to distinguish between values and facts; Informed by the social and physical sciences; An integration of analysis and deliberation; Flexible, scale-able and iterative.
- Dan spoke to the scale of planning where SDM is applicable, i.e. Linear Disturbance Management Planning, Watershed Management Planning, Protected Area Planning
- SDM is an iterative process with the following 6 steps:
  1. Clarify the Problem / Decision Context
  2. Define Objectives & Evaluation Criteria
  3. Develop Alternatives
  4. Estimate Consequences
  5. Evaluate Trade-Offs / Make Choices
  6. Implement and Monitor
- Structured Decision Making is an umbrella term for a number of planning and decision support tools including:
  - Objectives hierarchies
  - Means-ends diagrams
  - Influence diagrams
  - Decision trees
  - Risk profiles
  - Strategy tables
  - Consequence tables
  - Structured expert judgment
  - Multi-attribute trade-off analysis
  - Adaptive management
- SDM stresses the need for structuring tools i.e. Means – ends diagrams, Influence diagrams, strategy tables, consequence tables, because people will only make tough choices when they've had the chance to create alternatives and the chance to evaluate them with credible analysis
- SDM can support the CLUPP especially during Step 3 Prepare the plan stage – develop scenarios/options, draft the plan.
- 3 KEY MESSAGES:
  1. Treat all interests / objectives on a level playing field. Uncover all the things that matter, not just those you have data for.

2. SDM is about the integration of analysis and deliberation, one without the other will fail.
3. Iteration, iteration, iteration. Need to build from the insight gained by formally evaluating alternatives.

### **Breakout Group 4: An exercise in the Application of structured Decision Making (SDM)**

Simulation: how to run a public forum on the creation of scenarios for a regional plan.

Each (of four) breakout group imagined that they were at stage 4 of the CLUP process (scenarios/options), and had to consider only one of the four provided objectives and while considering a series of simulated maps of resource values, traditional values, caribou range, recreation/tourism:

- Conserve important habitat of species of interest
- Protect areas that support traditional activities
- Promote the opportunity for wilderness recreation and tourism
- Maintain economic activity

\*results from this breakout were included in the overall workshop findings on page 11&12.

## **Presentation: Regional Planning Boundaries: Progress and Challenges to Establishing Planning Boundaries**

(Ron Cruikshank, Director, YLUPC)

The presentation highlighted First Nations Traditional Territories, and the status of Regional Planning Boundaries throughout the Yukon. The presentation covered some of the common ways of delineating planning boundaries. These included the use of:

- Watersheds
- A First Nations Traditional Territory
- Multiple First Nations Agreement

The YLUPC, First Nations and YG are exploring how to involve recognized Yukon First Nations without Final Agreements in Regional Land Use Planning.

### **Breakout Group 5: Regional Planning Boundaries**

Two hypothetical maps of potential planning boundaries were provided: one showing Traditional Territory boundaries of Yukon First Nations with Final Agreements only, and the other showing Traditional Territory boundaries of Yukon First Nations with and without Final Agreements. Participants discussed:

- What agencies should be involved in the resolution of the planning boundary?
- What topics would these agencies have to address in order to create a planning boundary?
- What would need to be known about these boundaries before they could be established?
- What might make a good planning boundary?
- What strategies might be employed to develop the consensus needed to establish the boundary and proceed with planning?

\*results from this breakout were included in the overall workshop findings on page 11&12.

### **Breakout Group 6: Potential Additional Workshops/Learning**

Participants were asked to discuss and list any learning needs they may have around Regional Planning in the Yukon. Results from this breakout were organized by theme in the following section.

## **Other workshops and learning/training needs**

The following lists were compiled from the four breakout groups discussing learning needs around Regional Planning.

### **REGIONAL LAND USE PLANNING 101 (contents/curriculum)**

- Terms of Reference (Sections 1-16 + and Appendices)
- A Source Book for Commission Members
- Process of preparing Commission Budget and Work Plans
- Plan Implementation i.e., North Yukon (approved plan)
- Approval Process: Recommended Plan to Final Recommended Plan (or Approved Plan) \*See YLUPC Flow Chart.
- Computer modeling/threshold applications: ALCES (A Landscape Cumulative Effects Simulator – used in the North Yukon planning process) & Marxan (threshold applications -used in the Peel Watershed planning process)
- Plan amendments process: plan variance, plan amendment, plan review
- Sub-Regional planning comparative to YG Local Area Ordinance planning
- First Nations Roles and Responsibilities in Regional Land Use Planning in the Yukon - 2013
- Commission Vision Statements (examples)
- A Common Framework for Yukon Regional Land Use Planning:
- Common Land Use Planning Process (CLUPP)
- Chapter 11-Land Use Planning, Section 11.0 listed (6) objectives Umbrella Final Agreement Whereas: preamble statements.
- Review of Umbrella Final Agreement and Yukon First Nation Final Agreement Implementation Plans –Yukon Land Use Planning Council as submitted to Government in year 2004 (this was a 9 year implementation review that included budget/work plans and lessons learned).
- Consider Table of Contents from Regional Commission “Orientation/Training” Board Packages (ie) Teslin Regional Planning Commission, Peel Watershed Planning Commission and Dawson Regional Planning Commission

### **LINK REGIONAL LAND USE PLANNING (CHAPTER 11) WITH ECONOMIC DEVELOPMENT (CHAPTER 22)**

- Government and the respective YFN’s shall jointly undertake the preparation of a regional economic development plan within their traditional territory.
- Government and the respective YFN’s undertake development in the areas of communication, culture, transportation, agriculture, energy, renewable and non-renewable resources and tourism in YFN’s traditional territory.
- Government and the respective YFN’s present *or* generate ideas on other types economic options (beyond primary resource extraction)

## **COMMUNICATIONS/CONSULTATIONS**

- How YESAB & YLUPC interact
- DRPC Terms of Reference, Appendix C, Protocols for Decision-Making
- Reference document presented by Dan Ohlson & Lesley Cabott entitled: Structures Decision-Making and its Potential Use in Regional Land Use Planning ( \*Could apply to established regional commissions & stakeholders)
- Invite individual Indigenous/Aboriginal planning practitioners to future Planning Workshops for local perspectives. (YFN's Lands & Resource staff members)

## **EXISTING ACTS & REGULATIONS**

- “Free entry system” review intended to re-visit the application of Quartz & Placer Acts and the relationship or impacts upon regional land use planning
- YESSA ( Yukon Environmental and Socio-economic Assessment Act) implications/relation to regional land use planning
- Parties to consider review of the Yukon Environmental and Socio-economic Assessment Act and the mandate and responsibilities of the Yukon Environmental and Socio-economic Assessment Board (YESAB) as it relates to Chapter 11 land Use planning.

## **“Parking Lot”**

Over the course of the workshop, the facilitator placed a number of questions or comments that were off the current topic into the “Parking Lot”. These are listed below, organized into themes.

### **THEME: REGIONAL LAND USE PLANNING**

- Sub Regional district Planning and its relation with regional planning
- YESSA – Feedback loop, Plan approval
- Land Claim Agreement
  - (see Ross Burnett presentation: Regional Planning done under Chapter 11 of the First Nation Final Agreements)
- Regional Land Use Planning Questions and Funding
  - Review established Commission budgets, work plans and timeframes to complete draft regional land use plans, including additional timeframe for final plan approval. i.e., What was actual timeframe for North Yukon?
- LUP funding to larger grouped YFN’s i.e., NND/SFN/LSCFN
  - Budget and Work Plan prepared by Commission, reviewed by YLUPC.
  - YLUPC recommends to YG for approval.
- Validity of core area boundary
  - YLUPC refers to the Parties i.e., WRFN & KFN
- Trans-boundary planning interests?
  - YLUPC refers to Federal Government, Provincial Government, Yukon Government and affected First Nations (Comprehensive Claims Negotiating Process)

### **THEME: APPLICATION OF EXISTING ACTS AND REGULATIONS**

- Free entry system with respect to Yukon Placer & Quartz Act (Parties review Acts)YESSA
- YG, YLUPC and YESAB advise and provide information on process.

## Overall Findings from the Workshop

These findings are in no particular order. They came from one or more Breakout Groups, Question and Answer sessions, “Parking Lot”, General Comments):

- Communication between those involved in CLUPP is very important.
- Consistent planning process is important for maintaining trust. Inconsistencies generate mistrust and deceptions and could potentially derail everything.
- Interests/values need to be considered on a level playing field, favoring one over the other (i.e., non-renewable over tourism) can cause people to lose faith in the process
- Planning process needs to have flexibility built into it.
- Adequate funding needs to be in place for a successful planning process.
- All parties need to participate in order for planning process to be a success (*where there is commitment, there is good will*)
- Regional Land Use planning exercises with Yukon First Nation’s without Final Agreements needs to be figured out. Question is by whom? Who has the authority, jurisdiction and mandate? What Parties involved? i.e., Federal Government, Yukon Government, Yukon First Nation (affected) and CYFN?
- Follow through on MOU is important (Such as Financial Transfer Agreements, Approval process).
- Follow through on LOU i.e., Joint letter of understanding on Peel Watershed Regional Land Use Planning Process (Endorsed by representatives of all of the Parties)
- There is a need to balance the technical with the simple. i.e., no use if those involved do not understand it.
- Structured Decision Making is one mechanism to assist Regional Planning Commissions with producing a Regional Land Use Plan (others include Terms of Reference, Appendix C, and Protocols for Consensus Decision Making).
- Resolution of planning boundaries process gets more complicated when Yukon First Nations without Final Agreements are involved. i.e., more parties involved (Cross jurisdictions: (moral, political & legal)).
- Several topics need to be discussed i.e. site specifics, r- blocks, resource inventory, culturally significant sites, technical ecological knowledge (TEK), etc.
- Many strategies could be employed to aid Commissions with developing a Regional Plan, such as Structured Decision Making, Protocols for Consensus Decision Making, Interest based negotiation, meetings, etc.
- When working with YFN’s without final agreements there needs to be commitment and goodwill to get the job done.
- There appears to be an interest in Regional Land Use Planning across the Territory, although there is some apprehension of the process because of the delayed approval process for the Peel.
- Education sessions on Regional Land Use Planning in communities are important to maintain dialogue and LUP continuity.
- Participants who are involved in Land Use Planning, or who are about to begin Regional land use planning exercises are interested in the lessons to be learned from previous planning exercises.
- Better to have orderly and integrated planning than overall adverse development.

- Yukon First Nations see Chapter 11 as one of the most important in final agreements. Many appear concerned about the intentions of YG with respect to implementing this chapter.
- There is turnover in YG of staff involved in land use planning. Workshops on chapter 11 that include presentations from YLUPC staff and FNs would be useful. A similar workshop, with FN speakers is needed for YG senior staff and departmental staff.

## Recommendations:

Recommendations or action items result from (but are not limited to) the findings above

- 1) YLUPC to update pamphlet: “First Nations Roles & Responsibilities in Regional Land Use Planning in the Yukon- 2013”
- 2) Develop and conduct Planning 101 class sessions in requesting Yukon First Nation communities.
- 3) Plain language planning \* Reference: Common Land Use Planning Process (CLUPP)
- 4) YLUPC schedule meetings with affected YFN’s with Traditional Territory boundary overlap interests. The Parties will seek consensus on a regional planning boundary i.e., North boundary of Whitehorse region will involve YLUPC, YG, LSCFN, KDFN & TKC
- 5) **Note:** See recent break through “Interim Administrative Agreement for Overlapping Traditional Territories’ (CAFN,KDFN, CTFN & TKC) dated February 12, 2013
- 6) \*Parties to develop: Regional Land Use Planning 101 document for reference and YFN’s community class sessions (\*Reference: YLUPC Regional Land Use Planning 101 document delivered to CTFN on December 8, 2005)
- 7) Meeting about funding – is there enough money? (YLUPC, Regional Commission, YG)
- 8) Review established Commission budgets, work plans and timeframes to complete draft regional land use plans, including additional timeframe for final plan approval.
- 9) Determine/document Federal/YG outcome to 9 year reviews submitted by YLUPC & CYFN/YESAB and RLUP how they work together (conformity checks)– information session
- 10) Information session on implementation process “lessons learned from North Yukon” (VGFN planning life after Commission)
- 11) Indigenous/Aboriginal planning practitioner perspectives – have presenter at subsequent workshop.
- 12) **Workshop** on structured tools including:
  - o how to define LMU’s and LMU designation system (See CLUPP)
  - o sub regional planning, how to incorporate into RLUPing
  - o how to set objectives? (Chapter 11)
  - o evaluating tools for scenario phase
  - o Engagement : YG,YFN, NGO, special interest groups, public, etc
- 13) Hold a RLUP 101 workshop for NGO’s, special interest groups and the public so they can be better informed on the engagement phases of RLUPing
- 14) With high levels of staff turnover in FNs, periodic information workshops on Chapter 11 planning are useful.
- 15) Now that there are a number of FNs with experience of Chapter 11 plans, subsequent workshops should involve knowledgeable individuals from FNs in presenting, rather than YLUPC staff, YG staff and consultants.
- 16) Provide participants who could not attend workshop with initial workshop binders and summary reports from the workshop, or email links to these resources.