



YUKON LAND USE PLANNING COUNCIL

201 - 307 Jarvis Street, Whitehorse, Yukon Y1A 2H3
PHONE (867) 667-7397 FAX (867) 667-4624 EMAIL ylupc@planyukon.ca

June 15, 2014

Dear Workshop Participant:

Please find enclosed the proceedings from the *Planning for Success* Workshop held January 21 & 22, 2014 at the Yukon Inn, Whitehorse. The Yukon Land Use Planning Council thanks you for your participation and much was learned about ways to improve how a regional plan is arrived at through the implementation of Chapter 11 of the Yukon First Nation Land Claim Agreements. A preliminary list of potential improvements as been developed and a follow-up workshop is planned for the fall of 2014 that we hope will lead to the formal adoption of many of these improvements. This list includes:

Concept # 1: Formalize the Role and Timing of “**Interim Measures**”: these are land policies that exist *for all or a portion* of the planning processes that address land uses occurring (or are prohibited) during the planning process. The Parties would agree when and how these interim measures would apply in the region.

Concept # 2: The Parties (Yukon Government and Yukon First Nations) would proactively prepare resource assessment information in advance of the Commission’s **Resource Assessment Report production** stage. The Parties would provide this information and a synthesis of it;

Concept # 3: The **Resource Assessment Reports** would include a “futuring” component that examines trends in land use and resource demand on short (next five years), medium (six to twenty) and long term (beyond twenty years) time horizons;

Concept # 4: The **Resource Assessment Reports** would conclude with a synthesis of the resource development and conservation values of the region (both text and mapped form);

Concept # 5: The Parties would provide guidance to the Commission as to **parameters of the Scenarios** (or Alternatives) that the Commission are to produce (either in the Terms of Reference or at an identified stage in the process);

Concept # 6: The Parties indicate the **land use issues** (or indicate specific work) they desire the Commission to do during the process. This would be indicated in the Terms of Reference and focus on the “hard” linkages in the land claim agreements (SMAs, Forestry, YESAA) and these would be specific to the individual planning regions.

Concept # 7: The role of “**stakeholders**”, “**the public**” and **UFA Boards and Committees** in these processes would be more clearly defined and consistently applied. This clarification would occur in the Terms of Reference.

Concept # 8: A detailed **multi-year work plan** would be developed before the Scenarios (or Alternatives) stage and provided to the Parties and Council for review.

Concept # 9: core **training and orientations** content would be defined for the start-up of the Commission. Additional training could be required as determined by the Parties prior to key stages in the process.

Concept # 10 **Proposed Modification to the Recommended Plan** would be defined by the Parties in sufficient detail that the Commission clearly will understand the Parties desire content of the Final Recommended Plan.

Concept # 11 the Parties would enter into **Party to Party agreements** before or during the process to help develop a common understanding of the expectation of the other Party during the process.

Concept # 12 YLUPC would be identified as the provider of **financial administration** to all planning commissions, with this arrangement respecting the day to day decision making role of the Commission with respect to the funding provided by Government

Concept # 13 **Methods reporting**: Commission would be asked for “methods” reports for each of its core products.

Concept # 14 A **land designation system** would be agreed to in the Terms of Reference for use by the regional planning commission, with the goal of having similar systems applied to each region.

Concept # 15 **Planning Principles** would be included in the Terms of References.

Concept # 16: the **Senior Planners** would receive a document that help guide the staff through the planning and administrative work that is expected.

Finally, a review of the process of Peel Watershed Regional Land Use Planning Commission process has been completed through the University Victoria by Nick Grzybowski (MA). The thesis is available for review on the Council’s website or in hard copy form from our office.

If you are interested in more information, please contact Gerald Isaac, YLUPC.

Sincerely,

Ron Cruikshank,
Director
YLUPC



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“Planning For Success”

Dates: January 21st & 22nd, 2014
Venue: Yukon Inn, Whitehorse

Total #: ~ 40

Organizers: Facilitator: Gerald Isaac, (YLUPC) Content: Ron Cruikshank, (YLUPC)

Presenters: Albert Peter (former YLUPC Chair), Sam Skinner (YLUPC), Ron Cruikshank (YLUPC), Dermot Flynn (Aboriginal Relations, YG), Renee Mayes, EMR-YG, Gillian McKee, EMR-YG

Facilitators: Mal Malloch, Andre Gagnon, Nick Grzybowski, Lou Villeneuve, Mark Nelson

Participants: Regional Planning related Yukon Government staff and Yukon First Nations

Background:

The First Nation Land Claim Agreements “encourage the development of a common Yukon land use planning process outside community boundaries” (11.1.1.1). In 2004, the Yukon Land Use Planning Council (YLUPC) developed the Common Land Use Planning Process (CLUPP) as a means of organizing the process identified in Chapter 11 of the First Nation Land Claim Agreements. CLUPP was updated in 2008 to reflect 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. It represents a plain language summary of CLUPP and outlines the main stages involved in getting from a land claim agreement to a regional land use plan.

In January 2013, YLUPC hosted the *From Claim to Plan* workshop at the Kwanlin Dun Cultural Centre, with the goal of creating a common understanding of CLUPP within the Parties to the land claim agreements (YG and Yukon First Nations). This year’s workshop will focus on improvements that could be made to the process.

Purpose of the Workshop:

- to consider potential improvements to the process by which regional plans are produced through the implementation of Chapter 11 of the Yukon First Nations Final Agreements;
- To develop the path forward that will lead to the completion of regional plans in the remaining planning regions

DAY 1

8:30 – 9:00

Registration and Coffee

9:00 -9:05

Opening prayer

9:05-9:15

Welcoming Remarks

Ta'an Kwäch'än Council

9:15 - 9:30

Workshop Introduction and Overview

Workshop Overview and Ground Rules: Gerald Isaac, YLUPC
Opening Message: Patrick Rouble (Chair) and Pearl Callaghan (member)

9:30 - 10:00

Introductions of Participants: Ice breaker and participants introduction: Mark Nelson, Cambio Consulting

10:00 - 10:45

Planning Progress Since Last Workshop and the Common Land Use Planning Process (CLUPP)

This will be a review of the outcome of last year's workshop (*From Claim to Plan and Beyond*), linking the outcome of that workshop to this year's workshop. This will include an update on the important events that have affected regional planning in the territory. The Common Land Use Planning Process will also be reviewed.

Ron Cruikshank, YLUPC

Scott Casselman, Chair Dawson Regional Planning Commission

Discussion (Q & A)

10:45 – 11:00

Break

11:00 Lunch

The Land Claim Origin of Chapter 11 and Linkages to Other Chapters

Albert Peter, Former Chair YLUPC

Discussion (Q & A)

12:00-1:00

Lunch (provided)

1:00-2:30

Conditions for Successful Regional Land Use Planning

Ron Cruikshank, YLUPC

This session will examine the fundamental conditions that should exist before embarking on a regional planning exercise.

Break-out session # 1: The participants will be asked to assess the conditions that exist in their regions relative to the list of conditions made in the presentation

Report back and Discussion

2:30-2:45

Break

2:45-4:00

First Nations and Yukon Government Roles and Responsibilities in the Regional Planning Process

Introductory presentation: Renee Mayes, EMR-YG

Break-out # 2: Develop strategies for clarifying roles, responsibilities and improving relationships between the Parties *before* and *during* the planning process.

Report Back and Discussion

4:00

Closing Prayer

DAY 2

8:30 – 9:00

Coffee

9:00 am

Opening Prayer Elder

9:05-9:30

Summary and Review of Day 1: with Links to Day 2:
Ron Cruikshank and Gerald Isaac

9:30-10:45

Land and Resources Management in the Yukon: The Role of Regional Planning

Gillian McKee, EMR - Yukon Government
Sam Skinner, Senior Planner, YLUPC

Break-out # 3: Main Question: how can we improve the what is provided to regional planning commissions before and during the process to help regional planning play a meaning role in land and resource management in the Yukon.

Report Back and Discussion

10:45-11:00

Break

11:00 -Lunch

Funding Regional Planning Commissions

Presentation by Dermot Flynn, Aboriginal Relations, YG and Ron Cruikshank, Director YLUPC

Break-out session # 4: What factors should influence funding decisions? How can we best get the job done with what is left in the planning pot? How do we become more efficient at producing plans? How can we improve the funding allocation process?

Report Back and Discussion

12:00-1:30

Lunch (not provided)

1:30 - 3:00

Potential Improvements to the Common Land Use Planning Process

Introduction by Ron Cruikshank, YLUPC

Break-out session # 5: Based upon the presentation, discussion and results of the workshop, what are the five most important improvements that should be made to the Common Land Use Planning Process? How can your organization help advance the establishment and completion of regional plans in the territory?

Discussion and Report Back

3:15

Break

3:15 -4:00

The Next Steps: How we can complete the remaining regional land use plans in the Territory?

Introduction: Ron Cruikshank, YLUPC

Question and Answer and Discussion

Closing Prayer Elder

End of Workshop

Please fill out the Workshop Evaluation!!!

Planning For Success
Regional Planning in the Yukon

Venue Location: Yukon Inn, Whitehorse
Workshop Dates: January 21th & 22st, 2014

PARTICIPANTS LIST:)

FACILITATORS:

- | | | |
|-----|--|------------------------------|
| 1. | VGFN: *William Linklater (absent) | Nick Grzybowski/Albert Peter |
| 2. | TH : Bill Kendrick | Mark Nelson |
| 3. | NND: Ray Sabo, Ronald Peter | Andre Gagne |
| 4. | SFN: Dean Gill, *George Magrum (absent) | Lou Villeneuve |
| 5. | LSCFN: Regrets | Mal Malloch |
| 6. | KDFN: John Meikle | |
| 7. | TKC: Natalie Leclerc, *Claudia Wickert (absent) | |
| 8. | CAFN: Roger Brown, Gordon Allison, Graham Boyd | |
| 9. | KFN: *Grace Southwick, (absent) Simon Johnson | |
| 10. | WRFN Chief Charles Eikland, Jr., Glenn Stephens, | |
| 11. | CTFN: Frank James, Miles Johnson | |
| 12. | TTC: Tom Cove, Wilbur Smarch, Kaitlin Wilson, Randy Keleher | |
| 13. | KDN: Steven Jakesta | |
| 14. | LFN Regrets | |
| 15. | RRDC Regrets | |
| 16. | CYFN James MacDonald | |
| 17. | YLUPC: Patrick Rouble, Pearl L.Callaghan, *Mel Stehelin, (absent)
Ron Cruikshank, Gerald Isaac, Sam Skinner, Heidi Faulds | |
| 18. | DRPC: Scott Casselman, Roger Ellis, Debbie Nagano | |
| 19. | EMR: Randy Lamb, Renee Mayes , Gillian McKee | |
| 20. | AR: Dermot Flynn, Kathleen Zimmer | |
| 21. | EVR: *Dan Paleczny, (absent) Cassandra Kelly | |
| 22. | Env. Can: Scott Herron | |

“Planning For Success”

January 21 & 22, 2014

YLUPC Chair Patrick Rouble

Introductions:

Welcome all. Introduce yourself, YLUPC members, Pearl Callaghan and Mel Stehelin

Thank _____ for welcome and prayer and acknowledge that we are on the traditional territory of the Kwanlin Dün and Ta’an Kwäch’än First Nations

When I was asked to sit on the Council, my first question was, “Are you sure? I have a bit of baggage in that area...” I guess, one man’s baggage is another man’s experience. And 9 years in office and 23 years in the Yukon has given me a lot of experiences. I know what it is like to go door to door in my community and ask people what they think about things. I know what it is like to travel to all of the communities in the territory and meet with First Nation Chiefs, Mayors and other community members and ask what they think about things. I know what it is like to hear conflicting and opposing views on subjects. I know what it is like to make decisions that you think are in the best interest of the community. I know what it is like to compromise on some problems so that you can work on the big problems. And I know what it is like to struggle through decisions with political,

philosophical, pragmatic and practical considerations pulling you in different directions.

And then I thought about whether or not I personally wanted to sit on the council

There aren't many things more contentious in the territory and it doesn't exactly have the best track record. There have been numerous starts to plans and numerous reasons why they went sideways. And here we are, years after the agreements were signed, with about half of the funds that we started with and only 1 plan having been implemented, so far. Honestly, this didn't look like as much fun as sitting on say the Lotteries Board or the Art Centre Board.

But I accepted the position and the challenge- Probably for the same reasons that you folks are here. I believe in our community, our responsibilities and our future and I want to work to ensure that they are successful.

Now, I don't have a background in Land Planning, but I do have experience developing and implementing strategic plans and for 3 years I taught Business Planning courses at Dana Naye Ventures. There I helped over 200 individuals prepare their own Business Plans. I didn't write their plan for them, instead I helped them through the process. I see some similarities between that and my current positions.

In that environment I often used the quote that is attributed to Dwight D. Eisenhower that, “plans are nothing: planning is everything”. And I still value that quote. To me, it is the process that is important, - understanding the situation, the objectives, the constraints, the logic, the expected outcomes. If you don’t understand these things it can be very hard to understand why a plan includes the decisions and directions that it does. And, I think that the individual needs to see where they fit into the plan. That’s important too. And we need to realize that plans are living and evolving documents. Just like the world we live in. For example, the world’s population has double since I was born and I can only imagine what it will be when I get to 100. I’m not sure how that will change life on Earth, but our plans, policies and regulations will have to address it

Those are some of my initial thoughts on planning and we are here to discuss other perspectives and ideas, and to, as the sign says “Plan for Success”. As I mentioned, we have had a lot of examples in the territory to learn from and now we need to continue the process of working together to create practical forward-thinking regional land use plans throughout the Yukon.

In some regards we have our work cut out for us. We are at a challenging time, with the uncertainty of the Peel situation. And as my predecessor, Ian Robertson noted we need to find a way to restore public confidence. I don’t have the answer to how we are going to do that, but I believe that we have a responsibility to that and to present

approvable plans that meet the agreements.- And within our existing budget envelop. As I'm sure you are aware, as part of the review of the agreements we lobbied for additional resources and were told that no additional resources would be forthcoming.

I'd like to thank Ron and the folks in the office for putting together some of the speaking notes, and including the mandate and objectives for the Council, but I think that most of you are familiar with who we are and what we do. And if your not, then please come and talk to one of us at the break , visit our office or take a look at the materials that we have posted on the web.

We have a busy two days ahead of us and I hope that all of you will share your ideas, thoughts and concerns. And that we can leave here on Wednesday with a greater understanding of each other, the situation and the best way forward. Good luck in your endeavours.

I'd like now turn the microphone over to fellow council member Pearl Callaghan, All the best.

**Ms. Pearl L. Callaghan,
Member, Yukon Land Use Planning Council**

Opening Remarks

Pearl introduced herself as a new member to YLUPC and summarized her biography:

Pearl brings a valuable and varied skill set to the Council as a citizen and past General Council member of the Teslin Tlingit Council. Recently Pearl was hired in the Executive Office of the Council for Yukon First Nations. Pearl was appointed in August 2013 as a member of the Yukon Land Use Planning Council, a board established by the Umbrella Final Agreement, Land Use Planning, Chapter 11.

Pearl has extensive experience representing Aboriginal interests within First Nation governments and other organizations, the Government of Yukon, and local environmental and economic development organizations. Among others, she has been part of the First Nations Environmental Steering Committee, the Yukon River Intertribal Watershed Council, the Yukon Anniversaries Commission, the Yukon First Nations Tourism Association, Indian and Northern Affairs National Sustainable Development Working Group, a member on the Dispute Resolution Board, the Constitutional Review Committee for the Teslin Tlingit Council, the Yukon Aboriginal Women's Council, past President for the Northern Cultural Expressions Society and she currently sits on the Investment Committee for the Teslin Tlingit Council.

She was also the Executive Director for the Yukon Fish and Wildlife Management Board for over five years and she then went on to serve as the Renewable Resources Manager for the Teslin Tlingit Council for six years. She demonstrated Operations Leadership skills in her last position with the Alaska Highway Aboriginal Pipeline Coalition from September 2008- March 2013.

Her education includes an Environmental Science and Renewable Resource Management from Lethbridge Community College, first year Business Management from Malaspina College and a number of small courses focusing on Aboriginal leadership, Final and Self Government Agreements, Land Claims implementation Plans, negotiations, communications, and conflict management.

Pearl's Concluding remarks:

This would be a new experience for me and I would like to be part of a team working towards a common land use planning process for the Yukon. I believe that I could contribute a great deal as a Board member on the YLUP Council to carry out the objectives of Chapter 11 of the Umbrella Final Agreement. I am somewhat free to attend all the meetings and travel and I bring good knowledge and experience as a board member to this table. Further I have a good working knowledge of First Nations governments and their structures and their role as a partner in the Umbrella Final Agreement. The Land is very important to me is important and I share the definition of "Land" in the

Council's Frequently Asked Question:

*The term **land** refers to all water, air, living organisms, natural resources and natural processes including surface and subsurface interests.*

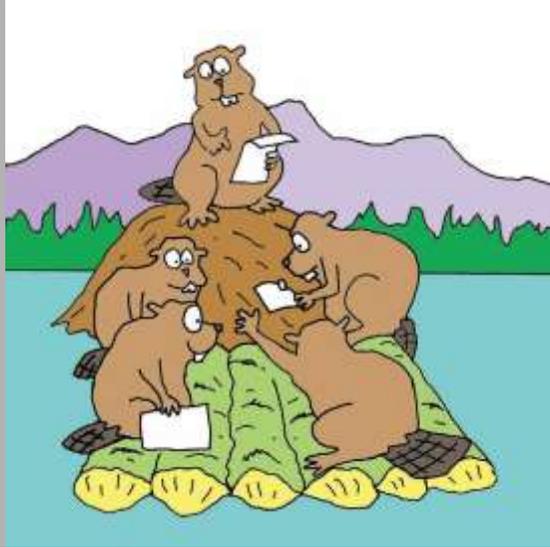
***Land use** is any activity that involves the land in any way. Some examples of land use in the Yukon are subsistence activities such as hunting, trapping, fishing and traditional uses; industrial activities such as construction, mining and energy production; and other human uses such as tourism, recreation, agriculture and communication. Land use can also refer to non-human uses. Protected areas such as parks and ecological reserves are also considered land uses. Balancing economic, social and environmental needs is a complex task, because land use varies widely.*

***Land Use Planning** is the tool often used to balance these needs. It is a value-based process that guides decision-making regarding the land, and attempts to consider the various land-based needs. Land Use Planning is the process of making educated judgments about how the land should be shared and used. These judgments are based on what we know about the land, and how we hope to relate to the land as humans. In other words, there are two important elements to Land Use Planning: understanding the land and its users and making decisions about how to manage that land.*

I look forward to the challenge and being part of the team to establishing land use planning in the Yukon!

Introductory Presentation

"Bringing You Up to Speed"



Planning for Success
January 21, 2014



1. What is Regional Planning?
2. What is the Common Land Use Planning Process (CLUPP)?
3. Last Year's Workshop: Summary
4. Significant Events in Regional Planning Since that Workshop
 - First Nations Without Settled Agreements: Involvement
 - Funding Regional Planning Commission
 - Sahtu Plan approved in the NWT
 - Progress with the Dawson Regional Planning Commission
 - YESAA changes regarding conformity check roles
 - First large scale project to go through a Conformity Check (Northern Cross seismic project)
 - Peel Watershed process review

What is Regional Land Use Planning?

Regional Planning

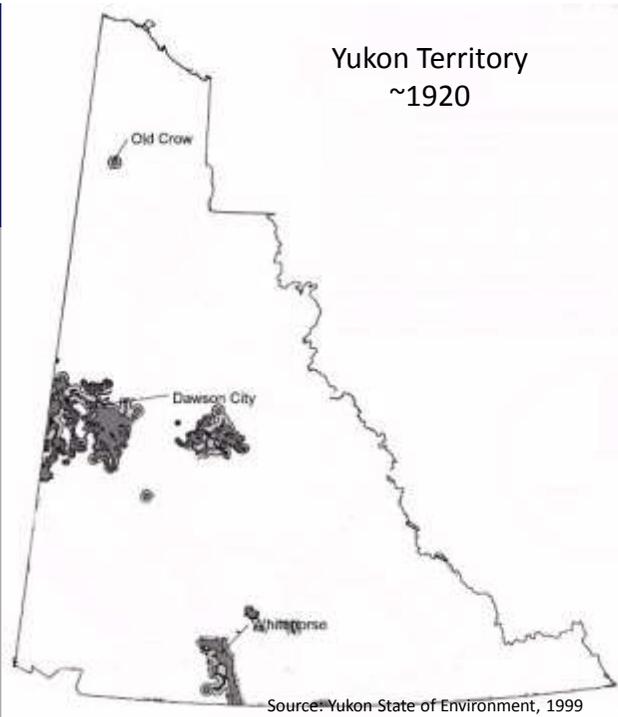
- Establishes **a Vision** for the region
- Uses **Knowledge** in a systematic way: avoids *ad hoc* decisions
- Considers different **Options** for future land use
- Provides a basis for **Decision Making**
- Provides an opportunity for periodic **Review and Flexibility**

Regional Planning

- Effects of growth and change
- Living together in a changing world
- Meaningful self determination
- Regulatory efficiency and certainty



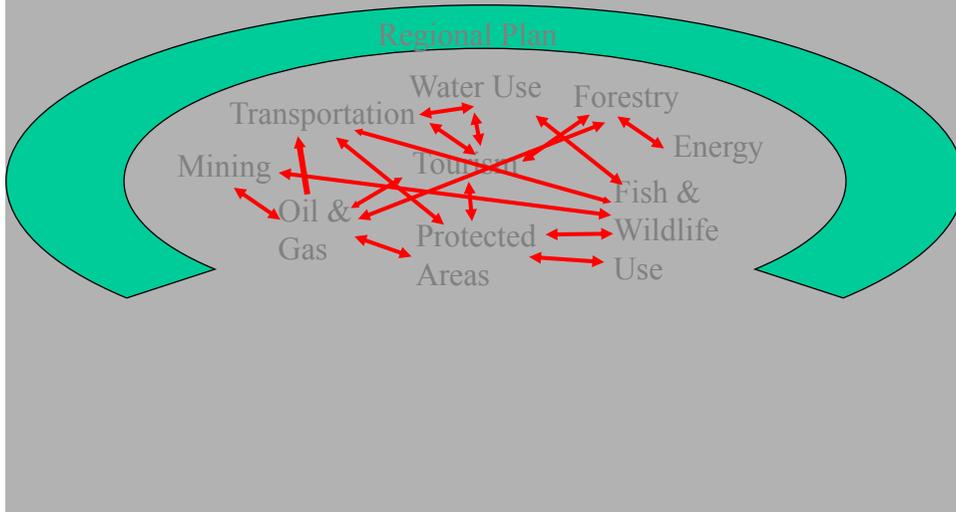
Yukon Growth



Land Use Planning

- Mining
- Oil and Gas
- Forestry
- Water Use
- Hunting, Trapping, Fishing
- Transportation and Communication
- Sand and Gravel
- Protected Area Establishment
- Tourism
- Recreation
- Waste
- ... and others

Comprehensive



Linking Processes

- First Nation Planning
- Development Assessment Process
- Economic Development Strategies
- Fish and Forestry Management Plans
- Protected Area Strategies
- Tourism Strategies
- Transportation Strategies and Plans
- Energy Strategies
- Mining Initiatives Strategies Plans
- Cultural Resource Plans
- Recreational Plans
- Sub-regional Plans

Scale of Plan

International/National (>1:1,000,000)

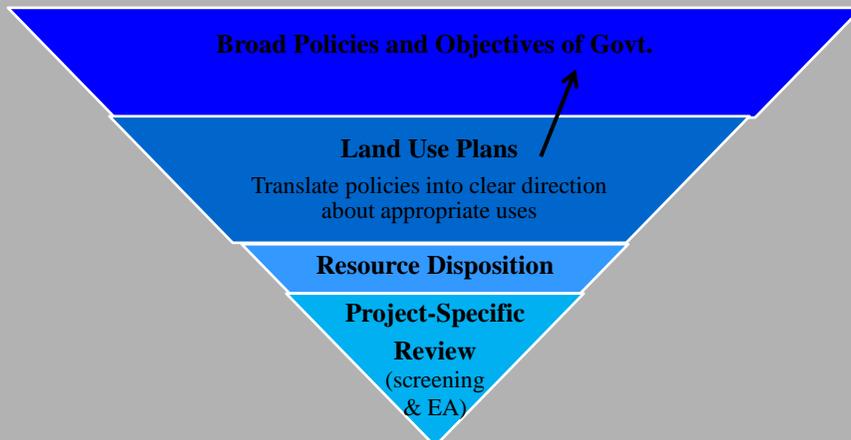
Territorial (1:1,000,000)

Regional Plans (1:250,000)

Sub-Regional/District Plans (1:100,000)

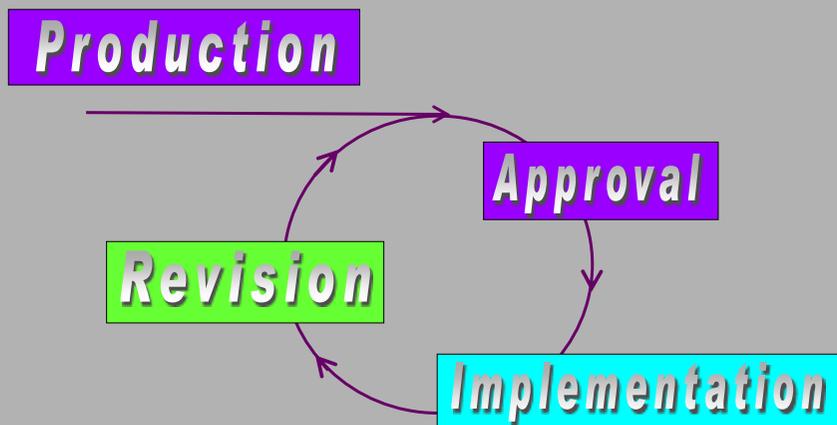
Local (1:50,000)

Resource Management Hierarchy



Planning Commissions

- Not Representatives of the Parties (i.e. FNs, Territorial Govt, Canada)
- “Citizen Planning Commissions”
- Composed of FNs and Government Nominees
- Yukon 1/3 FNs, 1/3 Govt., 1/3 based on population



LAND CLAIM AGREEMENTS

- 1) transfer land ownership to First Nations
- 2) payment of financial compensation to FNs
- 3) provide rights associated with harvesting and wildlife use
- 4) FNs involvement in land/resource management

LAND CLAIM AGREEMENTS

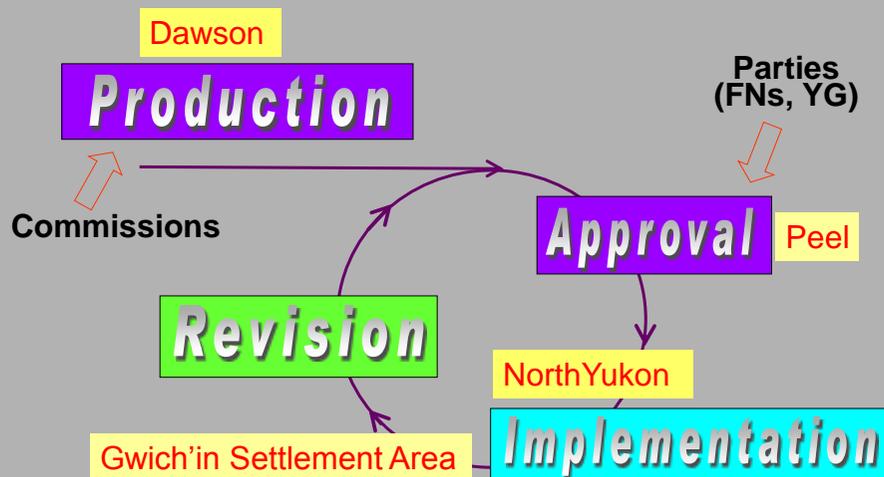
- Land Claim Agreements: Who owns land?; Who manages the land?
- They do not go very far answering:
How is the land to be used?
- This question is central to Regional Planning
- Answering it improves clarity and certainty with respect to land management

Common Land Use Planning Process (CLUPP) (11.1.1.1)

- ESTABLISHING COMMISSION
 - 1.1 Identify Proposed Planning Regions and Priorities. (11.3.3.2)
 - 1.2 Form Working Group *Not in Claim*
 - 1.3 Develop Terms Of Reference *Recom. (11.3.3.3)*
- COMMISSION STARTUP
 - 2.1 Commission Establishment *“May” Clause (11.4.1)*
 - 2.2 Commission Startup *Implementation Plan (IP Annex B, pt 1)*
 - 2.3 Preparing to Plan *“May” Clause 11.4.5.2*
- PREPARE THE LAND USE PLAN
 - 3.1 Identify Issues *“May” Clause 11.4.5.2*
 - 3.2 Gather Information *“May” Clause 11.4.5.2*
 - 3.3 Plan Options/Scenarios *Not in Claim*
- LAND USE PLAN APPROVAL
 - 4.2 Recommend/Final Regional Land Use Plan *Shall Clause 11.6.1*
 - 4.3 Approval of Regional Land Use Plan *Approval optional 11.6.2 11.6.4*

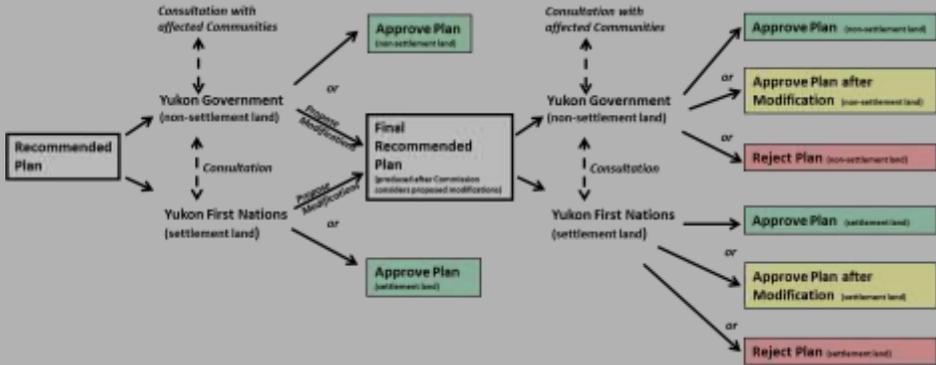
Plan Implementation, Amending and Reviewing the Plan??

General Planning Cycle

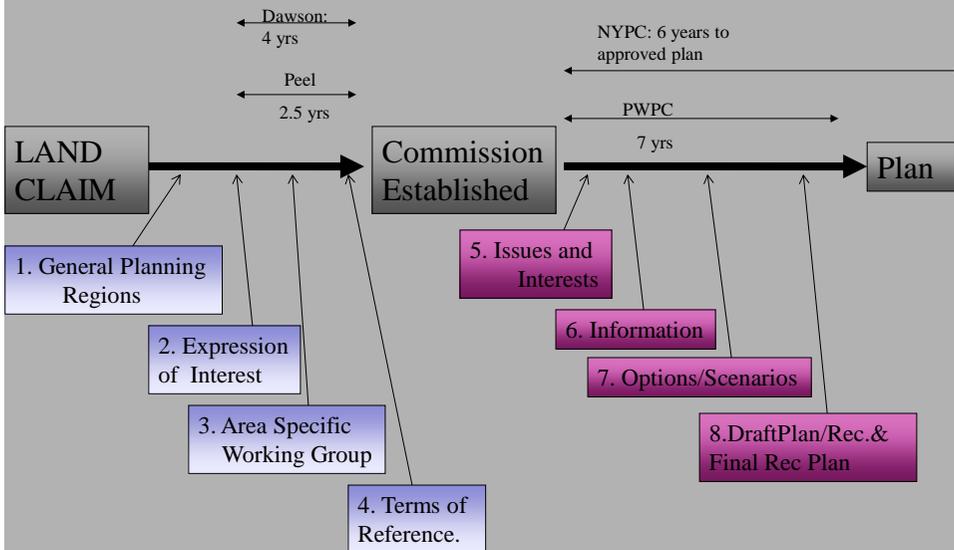


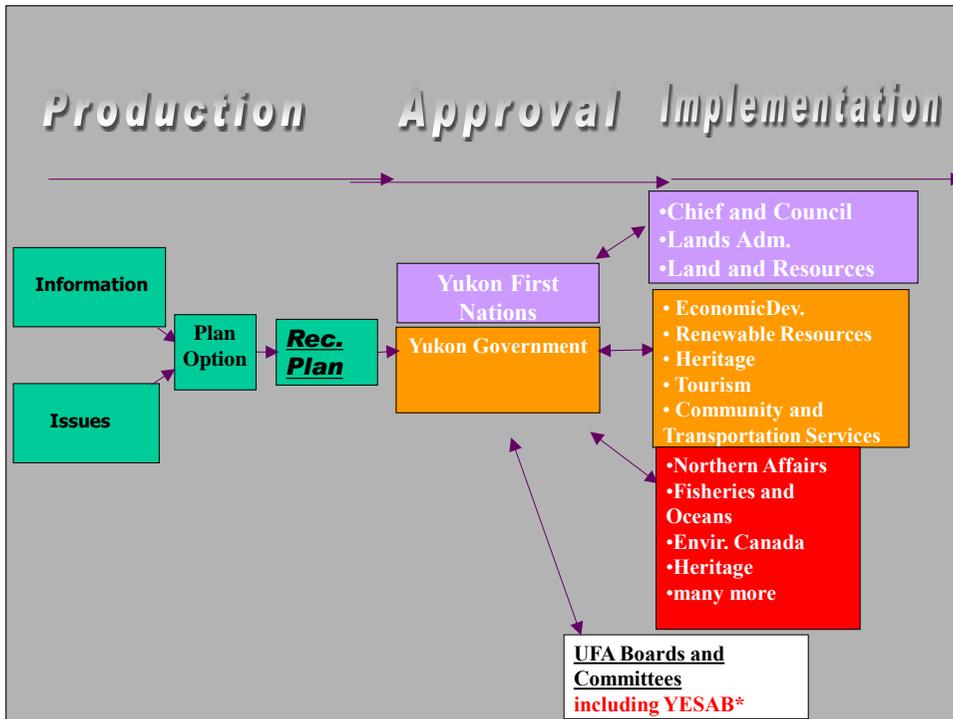


Approval Process: Recommended Plan to Final Recommended Plan (or Approved Plan)



“FROM CLAIM TO PLAN”





Last Year's Workshop Summary

“From Land to Plan”(and Beyond)

(Co-hosted: YLUPC, DRPC)

Topics Covered: Day 1

Opening Remarks: YLUPC Chair

Ian D. Robertson

Regional Planning Under Chapter 11

Ross Burnett, Land Claim Implementation Secretariat

Common Land Use Planning Process

Ron Cruikshank, YLUPC

Commission and Parties Relations

Gillian McKee, EMR-YG

Case Studies: GSA, North Yukon

Ron Cruikshank, YLUPC Randy Lamb, YG NYRLUP Implementation

Topics Covered: Day 2

Decision Framework for Evaluating Plan Alternatives for the DRPC

Jeff Hamm, DRPC

Structured Decision Making and its Potential Use in Regional Planning

Dan Olson, Compass Resource Mgt and Lesley Cabbot, Morrison-Hershfield

Regional Planning Boundaries: Progress and Challenges to Establishing Planning Boundaries

Ron Cruikshank, YLUPC

Topics for Additional Learning/Training

compass

Structured Decision Making Overview & Some Examples

Dan Ohlson

Compass Resource Management Ltd.
200 - 1260 Hamilton St.
Vancouver, B.C. V6B 2S8 Canada

Phone: 604-641-2875
Fax: 604-641-2878
www.compassrm.com

Structured Decision Making

- 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

Applications

- We and the people we work with often face.....
 - Decisions with high stakes, intense public scrutiny
 - Inherent trade-offs
 - Multiple decision makers / perspectives
 - Technical complexity and uncertainty
 - Growing expectations for transparency & accountability
 - Limited resources: time, money, people

Events of Significance Since Last Year

Progress on the Dawson Plan

- Ask Scott Casselman to present

First Nations without Final Agreement: Involvement in Regional Planning

- YLUPC wrote Yukon regarding YFNs without settled agreement
 - YLUPC has no authority/point of reference
 - Two agreements may be needed involving 1. YG: FN with agreements and 2. YG:FNs without agreement
 - FN without agreements: involved in Commission Orientation, community meetings, issue identification, information provider, reviewer of commission products (options, draft, recommended and final recommended plans)

Premier to YLUPC (May 7, 2013)

- YG has a common law obligation to consult FNs if the plan impacts their asserted aboriginal rights
- A common approach may not be appropriate: interests will vary
- Role of non-settled FNs determined before planning starts: separate agreement involving settled FNs as well
- YG looks forward to future regional planning

Funding Regional Planning Commission

- Yukon Government (LCIS) indicated to Council that Canada will provide funds to the Commission as per the Schedule 2 IPs
- ~\$4.6 million left for the remaining planning regions
- No funding (yet?) committed for Commission's to do a Review of plans

Sahtu (NWT) Regional Plan Approved

- Large shared boundary with Yukon
- Mix of development and conservation land designation zoning
- Over 10 years in the making
- Reviewed every 5 years

Potential Changes to YESAA Legislation

- Canada considering changing YESAA legislation to have YLUPC (or another authority) do conformity checks on regional plans
- Commission not being continued after submission of Final Recommended Plan
- Legislation (including land claim agreements) currently has Regional Planning Commissions identified in this role

Northern Cross Seismic Proposal

- First large scale project to go through a conformity check
- Performed by YLUPC working with Northern Cross, YESAA office and Yukon Government/VGFN
- Sam Skinner will highlight this in a presentation

Peel Process Review

- See Word Document



Debbie Nagano



Will Fellers



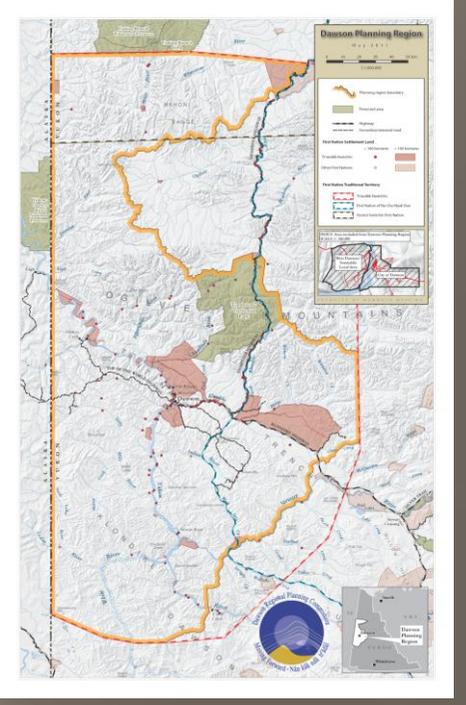
Chester Kelly



Scott Casselman



Roger Ellis



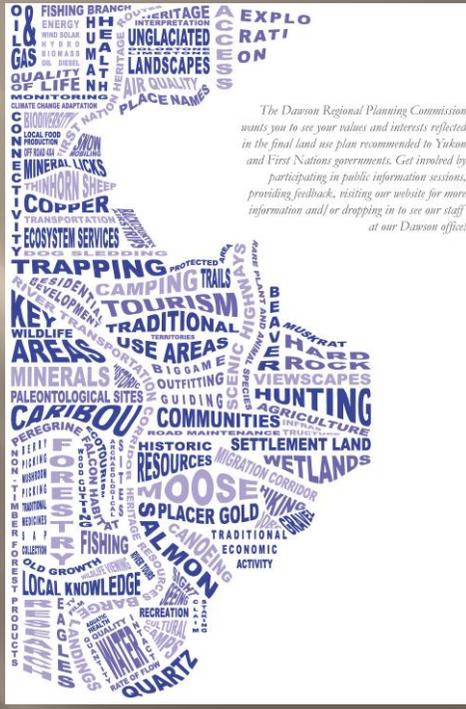
Dawson Planning Region Resource Assessment Report





Dawson Regional Planning Commission
Moving Forward • Nán kák ndá tr'áddá

see **yourself** in the dawson regional land use plan

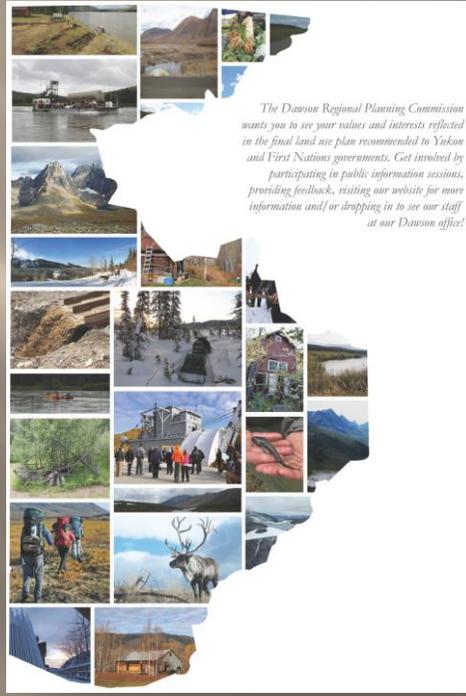


The Dawson Regional Planning Commission wants you to see your values and interests reflected in the final land use plan recommended to Yukon and First Nations governments. Get involved by participating in public information sessions, providing feedback, visiting our website for more information and/or dropping in to see our staff at our Dawson office!



Dawson Regional Planning Commission
Moving Forward • Nán kák ndá tr'áddá

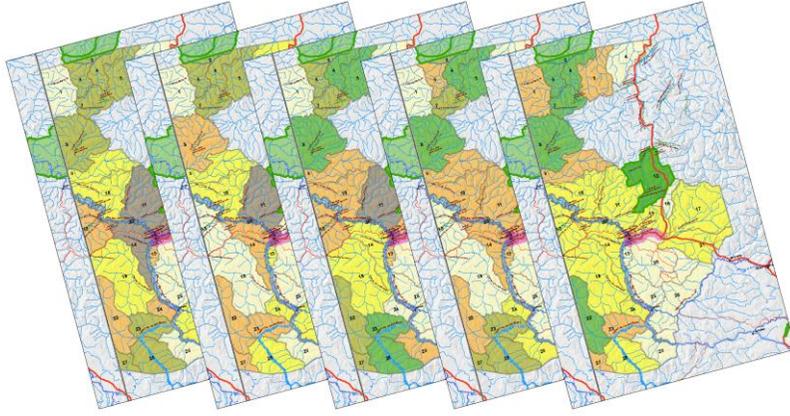
see **yourself** in the dawson regional land use plan



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**Dawson Regional
Planning Commission**
Moving Forward • Nān kāk ndā tr'áddá



see **yourself** in the dawson
regional land use plan

Albert Peter
Presentation at Planning for Success, January 21, 22, 2014

The Land Claim Agreement and Linkages to Chapter 11 Land Use Planning

During my talk, I will focus on two topics: 1) the History of the Land Claim Agreements and their negotiations and 2) the linkages envisioned in the claim between Chapter 11 and the other chapters of the agreement.

Background

The 1763 Royal Proclamation recognized the Aboriginal People and their relationship to the Crown. The Proclamation also established the process to enter Treaties with Aboriginal People.

The first formal call for a Treaty was made in 1902 by Chief Jim Boss in a letter to Canada. The next request came in 1973 when the Yukon First Nation Leadership presented a proposal entitled “Together Today for our Children Tomorrow” to Prime Minister Trudeau. This proposal formed the basis for the beginning of many years of negotiation. During the negotiations the Canadian Constitution Act was signed (1982), with section 35 of the Act recognizing the existing Aboriginal and Treaty rights. In the early 1980’s a land claim package was presented to Yukon First Nations but rejected (10 of 12 “Bands” were needed for ratifications).

Over time the negotiations changed from a centrally based approach to a more community based one. The Elders played an important and critical role in the negotiations by providing guidance and wisdom which formed the principals of the Land Claim Agreements and Self Government Agreements. When I was involved in negotiations with the Nacho Nyak Dun, I spend much time away from the community but we always made sure the communities were aware of the decisions that were being made. We held community hall meetings, engaged area residents and community leaders.

In 1993 the first set of agreements were achieved with the signing of the Umbrella Final Agreement (UFA), a framework of 28 Chapters. The implementation of the UFA and four First Nation Agreements began in 1995 following the enactment of Federal and Territorial legislations. By 2005 11 of the 14 First Nations had concluded agreements. White River, Ross River, and Liard First Nation have not concluded land claim agreements and remain as unsettled territory.

The UFA

The spirit and intent of the agreement was to secure recognition and protection of the Aboriginal Rights and Traditional Territories of Yukon Indian People, so that their traditional lifestyle could continue and be sustained into the future.

The agreement acknowledged the principals of sharing the land, and established mechanisms of co-management which enabled direct community participation.

Renewable Resource Councils (RRC) made up of local residents was established to deal with fish and wildlife habitat and management planning. The development assessment process also provides for direct local input, some communities have locally base assessment offices.

The UFA also provided for the development of an implementation plan. The plan outlines the roles and responsibilities of each of the Parties regarding implementation of the agreement.

In order to respond to future events and changes the agreement also established a review process to assess the successful implementation of the agreements. There have been two reviews conducted and reports with recommendations have been tabled to the Parties.

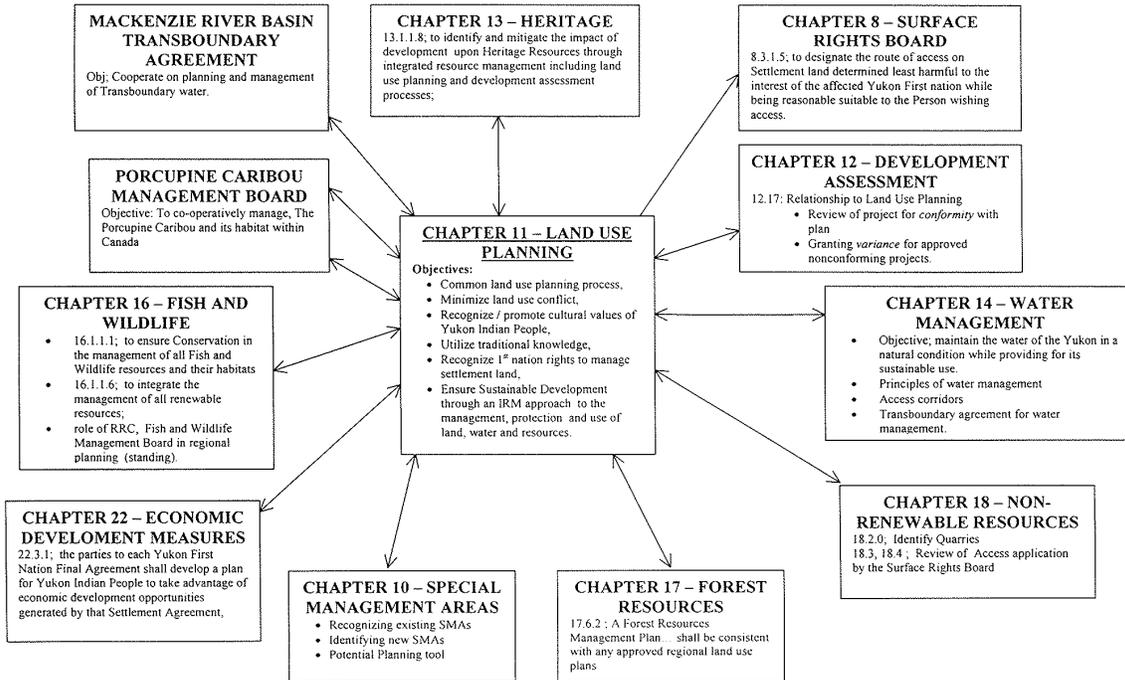
The recognition of First Nation Governments and building a long term relationship was also another important element of the package. This acknowledged the need for co-management of the land and resources on a government to government basis with direct input of the communities.

The Land Claims Agreements must be viewed as a complete package with the linkages between various chapters that bind the process of planning together in order to meet the full obligations contained within the agreement.

Linkages

- 1) Between the UFA chapters (chart 1)
- 2) Between the Parties (chart 2)

Chapter 11, the UFA and Other Related Agreements

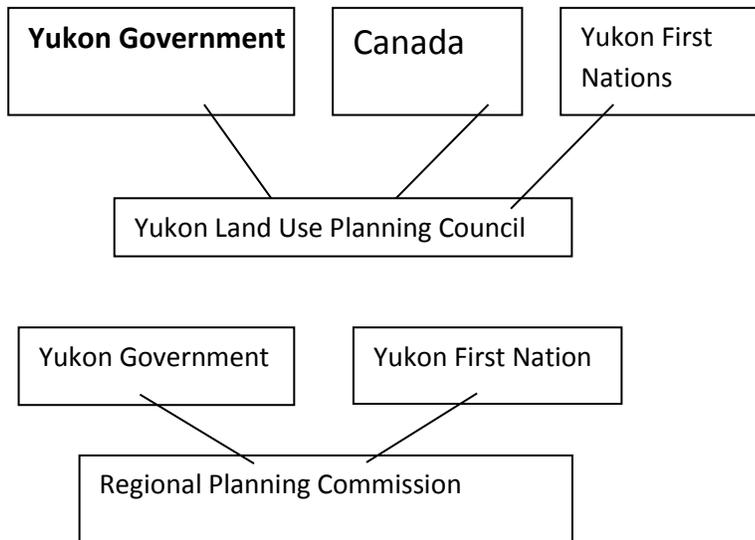


Key Points Associated with UFA Chapters (Chart 1):

1. Chapter 11 was to pull together the other Chapters, with Sustainable Development as the main goal. Protection of heritage resources is also an important goal. Intended to be a shared responsibility between YG and YFNs, with the establishment of co-management mechanisms: RRC, RLUPC, DAP, Heritage, Water Board
2. Integration with Development Assessment Chapter (12) crucial to mitigating impacts of land use. This includes commissions having standing in DAP chapter, plan conformity checks, variance
3. Forest Management Plans (Chapter 17) are to be consistent with Chapter 11
4. Quarries are identified in Chapter 18
5. Chapter 16 – Fish and Wildlife: Management of Harvesting mostly Chapter 16 but habitat and land use planning are closely linked, RRC have standing within regional planning processes
6. Chapter 10 – SMA: existing SMAs need to be considered by the planning body, new SMA consistent with Chapter 11
7. Chapter 8 Surface Rights: identifies access routes in the regions

Chart 2 Relationship Between the Parties

Treaty Signed between Three Parties: YLUPC made up of nominees from all. After Devolution in 2003, only Yukon Government and Yukon First Nations nominate to the Commissions



Final Remarks

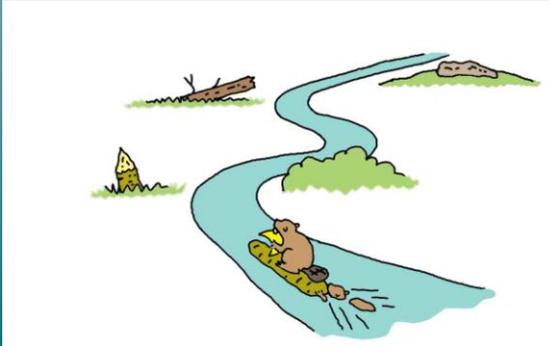
The Commission are Dependent on the Parties for funding and their timelines, information about land uses, resources and for information about government policy and direction. They are also dependent on the Parties for Plan approval and implementation.

The Commission are arms length in their operations but need to find efficiencies for the plan production because of the finite funding that was agreed to. This implementation funding amount, however, was not well thought out and was a “take it or leave it” proposition.

Chapter 11 and all implementation work needs to reflect the spirit and intent of the land claim agreements and this needs to be recognized when addressing any uncertainty in the regional planning processes that are done under Chapter 11. Implementation review periods (5 and 10 year reviews) offer an opportunity to clarify implementation uncertainties.

Conditions for Successful Regional Land Use Planning

January 21, 2014



Presentation Outline

- **Prerequisite for Successful Planning:**
Commitment, Policy Direction, Impartial Process, Information, Implementation (Strategic Land Use Planning, Source Book, British Columbia, 1996)
- **Specific Conditions for the Yukon:**
Priority Planning Regions Assessment, Terms of Reference
- **List of Conditions for Your Consideration during your Break-out session**



Commitment

- Political Commitment to Planning (publicly communicated)
- Public and Interest Groups (e.g. industry, NGOs) Accept the Need for Planning
- “Adequate” Budget
- To Form Communication Channels Between Planners and Politicians



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PLANNING COUNCIL

Policies

- Government policy on land uses relatively balanced across all land uses
- Government policy relevant is either clear (written down) or the need for policy is recognized and requested of the Commission
- Any stated government policy should generally be supported by the public
- Time for discussion between planners and politician during process



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Information Needs

- Key information themes available from the outset, at appropriate scale, summarized
- Information linked to issues
- Impact of potential land uses known
- Technical capacity for analysis available



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Impartial Commission & Professional Planning Process

- Planning Commission (and Staff) perceived as neutral
- Visible effort to establish “level planning field” and consider wide range of public interest
- Planning staff: experts in planning process and planning technics



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Plan Implementation

- Responsible agencies are clear
- Confidence in those agencies to implement is wide-spread
- Tools in place for implementation



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Other Conditions

- There are Issues (land use conflicts) that need to be addressed. No constitutional or legal related conflicts
- Not so time sensitive (safety, emergency, military)
- Key government staff organizational structures in support of planning, time commitments made
- Information about land resources is readily available



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Yukon Specific Conditions

- **Request** to Begin the Process for Establishing the Commission (First Nations)
- **Boundary** of the Planning Region is agreed to
- **Planning Process** timeline/products
- Budget for the Commission's work
- **Membership** based upon Demographics and Appointment Process



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Terms of References Dawson Regional Planning Commission

Contents:

Definitions and Acronyms

1. Introduction
2. Purpose of the Terms of Reference
3. Mandate of the Commission
4. Purpose of the Plan
5. Objectives for the Regional Land Use Plan
6. Requirements of the Regional Land Use Planning Process
7. Boundary and Application of the Plan
8. Membership of the Planning Commission
9. Operating Procedures for the Commission
10. Budget/Work Plan Considerations
11. Relationships Between the Commission, Council, and the Parties
12. Public Participation and Engagement
13. Planning Process and Products
14. Data, Background and Research Information
15. Plan Approval
16. Amending and Monitoring the TOR



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ASSESSING PLANNING REGION - READINESS TO PLAN (GENERAL)	
KEY QUESTIONS	
BACKGROUND INFORMATION	Who are the affected First Nations associated with this planning region?
	When was formal request made by YGNs to establish Commission?
GOVERNANCE	What is the effective date of the Land Claim and Self-Government Agreements?
	Are there trans boundary issues that could affect planning?
	What is the status of the settlement of overlap areas between First Nations who have traditional territory in the region?
CAPACITY ASSESSMENT	What is the capacity of Yukon Government to participate in this planning exercise? What about the First Nations?
PLANNING CONTEXT	What are the major planning issues facing the region? Is there an immediate need for regional planning? What plans are already in place?
	What is the current status of other regional planning exercises in the territory? (NYPC, , PWPC, TRPC, NTC ?)
INFORMATION MANAGEMENT	Is there information sharing accords in place with respect to cultural and heritage information? (ie. traditional environmental knowledge)
	Is this information organized (ie. Digital files) and in what form?
	Is there an active adjacent planning commission that could supply information?
TOP ISSUES	What are the major issues that will require resolution in the Terms of Reference for this region?

Top 10 for Break-out Group Assessment

In your region/territory:

- How is the political support for planning?
- How is public and interest groups support?
- Is there land use conflict that require planning?
- Are there any issues so controversial, constitutional or vying for attention that they will prevent planning from proceeding?



- How well developed are policies relating to land use: Clear and in unison with other Governments?
- Are Human Resources Available and Committed?
- Is information about the Land and Resources readily available? What about land use impact information?



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- How are your relationships with Other Governments? Neighbouring Governments?
 - How are lines of communications between various land management governments?
 - Any other conditions affecting planning?
- If you answer “don’t know”, how would we find out?*



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Roles and Responsibilities in Regional Land Use Planning

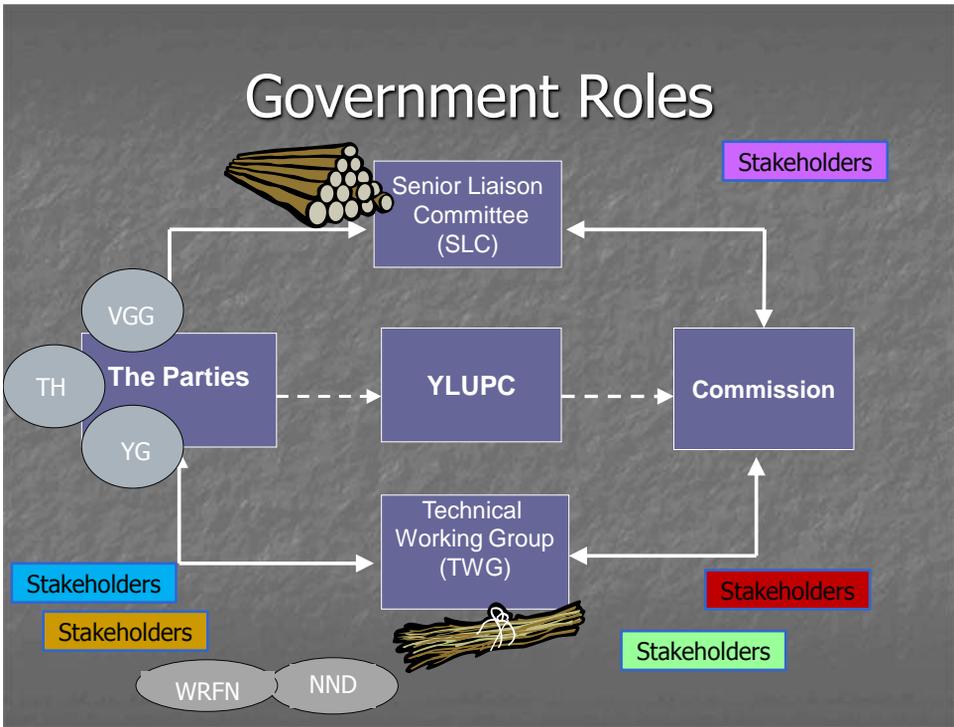
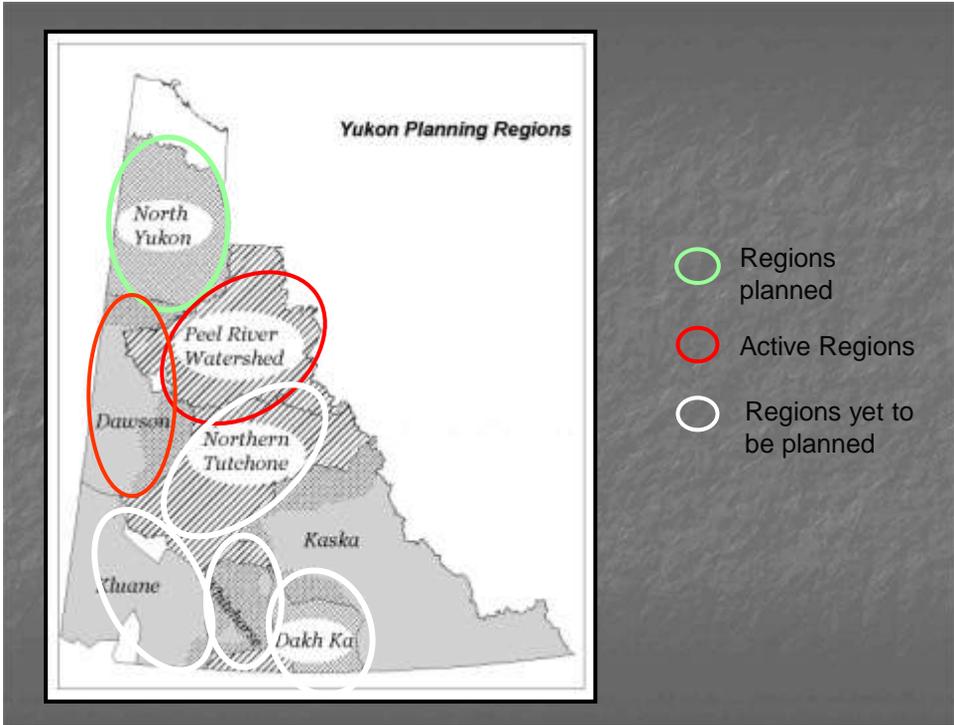
Presented to:
YLUPC Workshop
January, 2014
Whitehorse



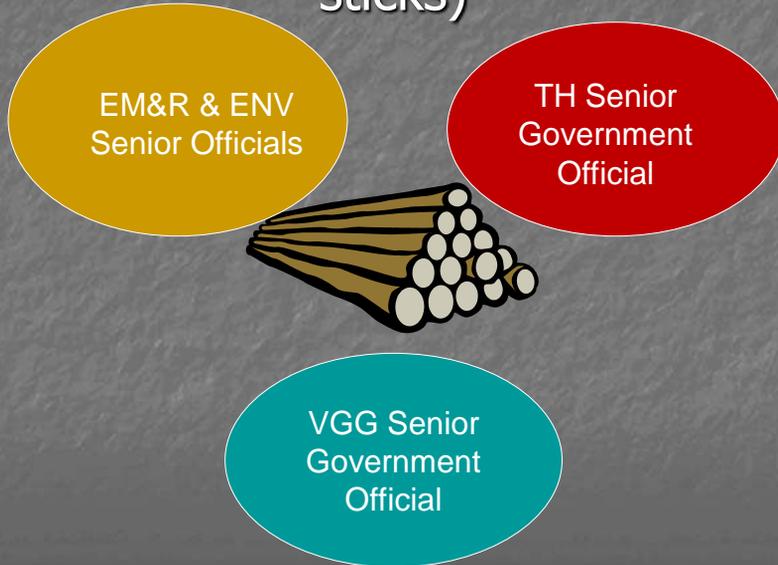
Outline

- Background
- Roles and Responsibilities
- Terms of Reference/MOU
- Processes to date

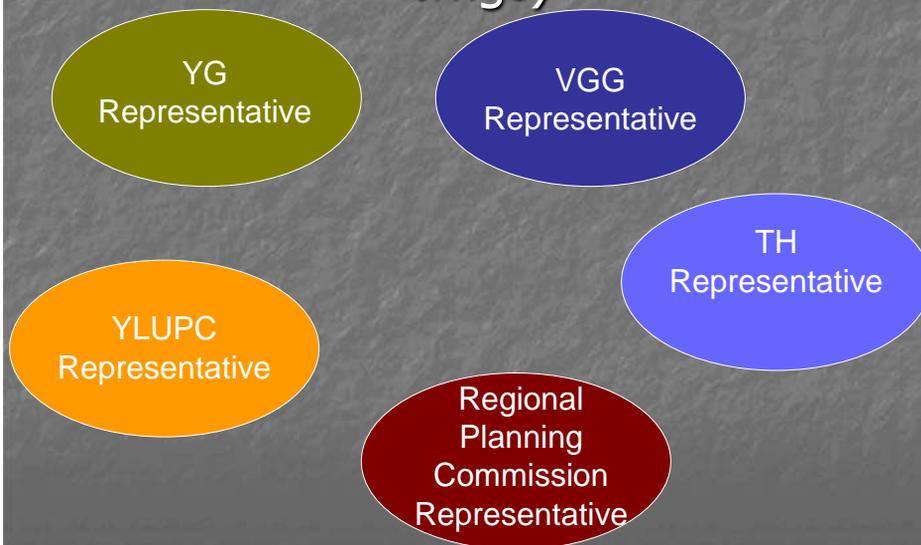




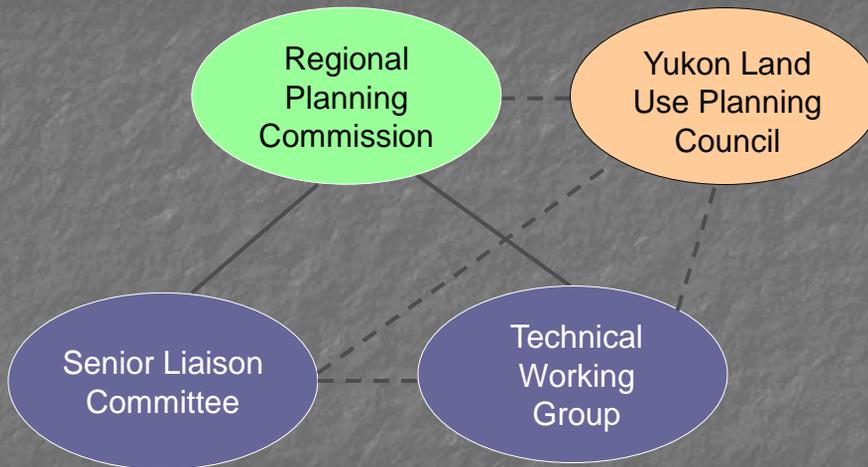
Senior Liaison Committee (SLC aka sticks)



Technical Working Group (TWG aka twigs)



Relationship of Committees



What is the Relationship Between the Commission and the Parties?

- The Commission is charged with creating a land use plan for the approval of Yukon and First Nations governments.
- As the Commission's "clients", what can we do to better support our contractor?

Prior to Agreeing to Plan

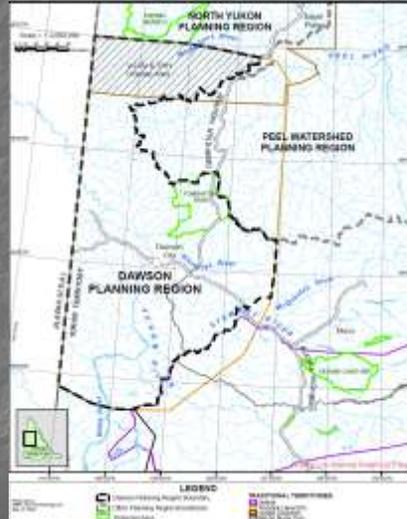
- YLUPC recommends to YG and First Nations that a region is ready to plan.
- First Nations and YG evaluate if they are ready to plan in that area.
- If yes, then Technical staff work together with YLUPC to develop a terms of reference (TOR) for the planning process.
- YLUPC recommends the TOR to the governments
- Once Governments approve the TOR, Commission members are nominated.
- YG appoints Commission members.

Terms of Reference

- Developed by the Parties and YLUPC
- Purpose
 - To provide direction to the Commission
 - Determine process and products
 - Clarify roles
 - Establish timelines (workplan)
 - Establish budget
 - And more....

Terms of Reference – con't

- Refines/Defines Boundary
 - Based either on Traditional Territory (North Yukon, Dawson and Teslin) or on other factors (Peel Watershed, Kluane, Whitehorse and Northern Tuchone)

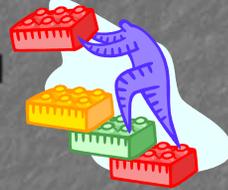


Terms of Reference – con't

- Membership:
 - North Yukon
 - Three nominated by VG, two nominated by YG, one VG citizen nominated by YG
 - Dawson
 - Three nominated by TH (VGG opted not to nominate one), three nominated by YG
 - Peel
 - One nominated by NND, one by TH (with YG), one by VGG, one by GTC (with YG), two by Yukon

Terms of Reference – con't

- Budget and Workplan
 - Overall budget/workplan developed by YLUPC and the Parties
 - Based on previous successful and unsuccessful Commissions
 - Funding disbursed for approved expenses (per budget)
 - More to be determined after this workshop



Terms of Reference, con't

- Operating Procedures
 - Basic rules for the operation of the Commission.
- Participation and Engagement
 - Guidance for the Commission about engaging the public and stakeholders and other groups
 - That development will continue while the planning happens and that the Commission may comment on YESAB projects

Terms of Reference, con't

- Planning Process
 - Planning start-up and information gathering stage (Resource Assessment Report and I&I Report)
 - This is a technical exercise and involves gathering and compiling technical information from a variety of sources.
 - Plan development stage
 - This is where the planning begins and involves comparing the various options that are revealed by looking at the products of the information gathered.

Terms of Reference, con't

- Plan Approval
 - The Commission's end product will be a final recommended plan that identifies values and recommends management goals and directions for each land management unit.
 - The government reject, modify or approve the plan as it applies to their areas of responsibility.
- Amending and Monitoring TOR
 - YLUPC and the Parties consult and reach consensus on any changes to the TOR
 - The Parties approve the changes and monitor compliance

Yukon Government Internal Working Group

Role:

To provide support and information through TWG that:

- is structured
- reflects the input of all affected departments
- is clear, coordinated and consistent
- adds value to the process



Issues

- Chapter 11 is the skeleton upon which regional land use planning is based.
- Does not include details about how to successfully plan for all of Yukon within the funding allocated.
- The first goal (11.1.1.1) addresses the need for a Common Land Use Planning Process for all regions in Yukon.

Where to from here?

- The process to date has been the subject of at least four analysis, each pointing out how the process could be improved.
- We have an opportunity to create the kind of support system that will give the Commissions a better chance to be successful.

The Yukon Government Perspective

A regional land use plan will:

- Provide a balanced approach
- Reflect a variety of interests
- Resolve issues
- Provide clear implementable recommendations
- Create a plan that can be supported and implemented by the Parties
- Be science based and defensible

A Regional land use plan is not:

- A local area development plan
- A detailed zoning map



Recap

- The Parties could do more work up front to prepare the Commission for planning
- The TOR could provide better guidance for the Commission
- The Commission operates per TOR, as agreed to by the Parties
- TWG is main communication conduit for exchange of information and products between the Parties and the Commission
- SLC is for senior level input, advice, and support to the Commission
- The Commission is neutral in its approach to creating the plan it recommends to the Parties

The End

Questions?

Comments?

Land and Resources Management in the Yukon

The Role of Regional Planning

Sam Skinner (Senior Planner, YLUPC)
Gillian McKee (Senior Planner, YG-EMR)



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PLANNING COUNCIL

Overview

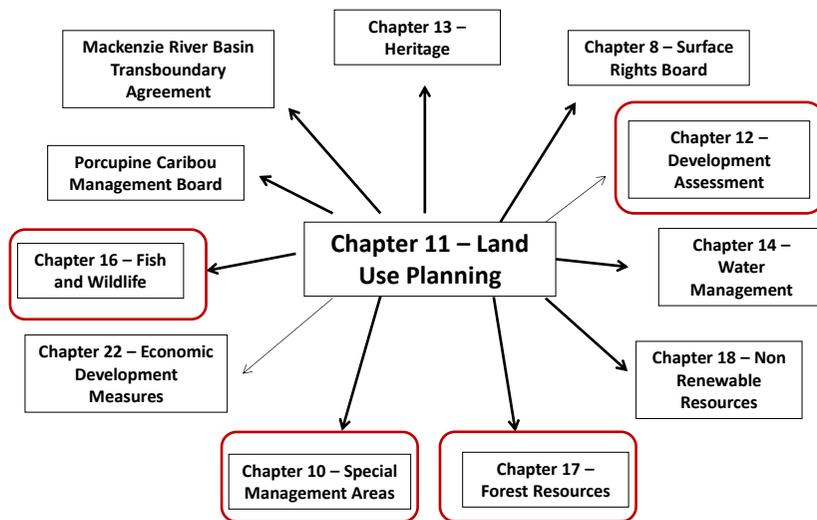
- Examples of linkages of Chapter 11 planning with other chapters (Sam)
- Overview of planning process products (Gillian)
- Case studies of plan implementation (Sam)

→ land and resource management



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Chapter 11, the UFA and Other Related Agreements



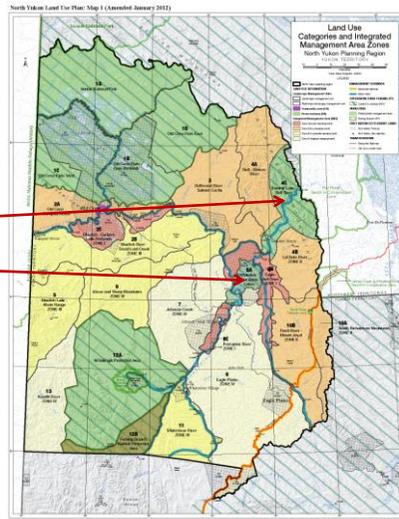
Ch10: Special Management Areas

- “Special Management Area” is an umbrella term for any area identified through a land claims process
 - Many types
 - Many rationales
- Land use planning is effectively the only mechanism for establishing new SMAs after Land Claims are settled



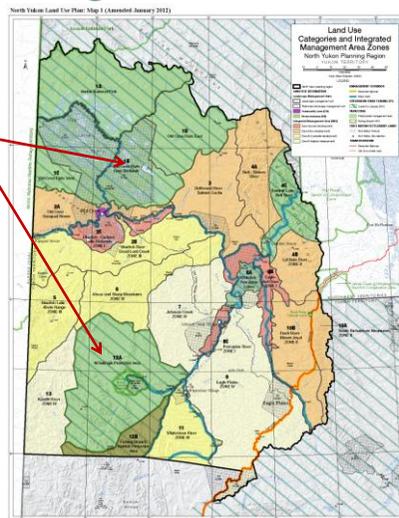
Ch10: Special Management Areas

- The North Yukon Plan recommended two new “Protected Areas”
 - Summit Lake – Bell River
 - Whitefish – Porcupine Lakes



Ch10: Special Management Areas

- Regional plans would have little influence on established SMAs
- Established SMAs fall within planning regions
(no doughnut holes!)



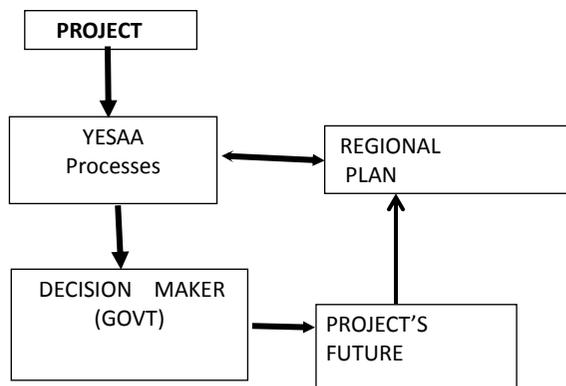
Chapter 12: Development Assessment

- **Final Agreements say*:**
YESAB refers project proposals to relevant Planning Commission to determine if the project conforms
- **The current arrangement:**
The YLUPC is determining project conformity on behalf of the North Yukon Planning Commission

*paraphrased



Regional Planning and Project Specific Review (YESAA)



Planning contributions to development assessment

- Compiling data and maps of important values



YUKON LAND USE
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Planning contributions to development assessment

- Prescribing acceptable uses for each zone

“...Oil and gas, mining and other industrial land uses are not allowed...”



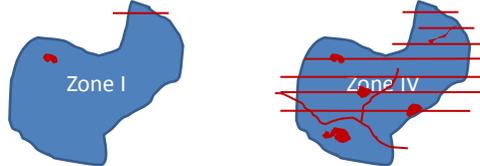
“...Higher levels of land use are consistent with Zone IV objectives.”



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Planning contributions to development assessment

- Describing disturbance or development limits for each zone
- E.g.,:
 - Surface Disturbance
 - Linear Density



IMA Zone	Management Intent	Cumulative Effects Indicators	Cautionary Level	Critical Level
Zone I ²	Lowest development	Surface disturbance	0.075%	0.1%
		Linear density	0.075 km/km ²	0.1 km/km ²
Zone II	Low development	Surface disturbance	0.15%	0.2%
		Linear density	0.15 km/km ²	0.2 km/km ²
Zone III	Moderate development	Surface disturbance	0.375%	0.5%
		Linear density	0.375 km/km ²	0.5 km/km ²
Zone IV	Highest development	Surface disturbance	0.75%	1.0%
		Linear density	0.75 km/km ²	1.0 km/km ²



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Planning contributions to development assessment

- Describing the vision or the management intent of each zone
 - “Lowest Development:
...Maintaining ecological integrity and protecting heritage and cultural resources is the priority...”
 - ↕
 - “...Highest Development:
Higher levels of land use are consistent...”



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Planning contributions to development assessment

- General strategies and management practices

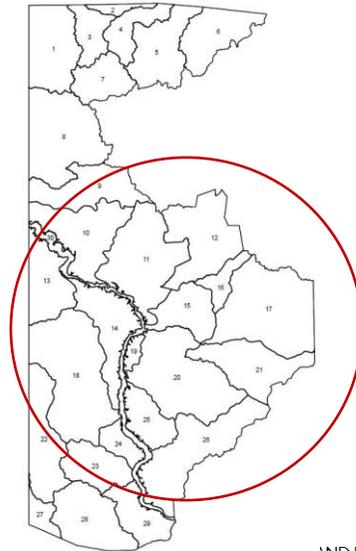
GOAL 2 – WILDLIFE	
Maintain terrestrial habitat in a condition required to sustain regional wildlife populations.	
...Coordinate, manage and minimize new road and trail access	
...Avoid or reduce activities	
...Where possible, direct new access routes through less significant wildlife habitats...	
INDICATORS	<ul style="list-style-type: none"> • Where possible, direct new access routes through less significant wildlife habitats. • Surface disturbance. • Linear density. • Other indicators to be determined through future research and plan implementation.



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Ch17: Forest Resources

- When a FRMP is in place before planning:
 - Often use same management units
 - Considers other plan directions
- When a regional plan is in place before a FRMP, the FRMP must be consistent with the regional plan.



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Ch16: Fish & Wildlife

- No direct linkage with planning
- Planning shall “take into account that the management of land, water and resources, including Fish, Wildlife and their habitats, is to be integrated;”



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How Can a Plan Fulfill this Purpose?

A Planners' Perspective



Vision and Goals

- Vision describes what future is wanted for the region
- Opportunity to look long term, big picture, consider trends, change and uncertainty
- About values – what is important
- Foundation for all other parts of the plan
- Examples



North Baffin Regional Land Use Plan: A Plan for Stability, Growth, and Change

- ◉ The renewable resource-based lifestyle of the residents will be maintained.
- ◉ Wildlife populations will be managed so that they continue to meet the needs of the young and growing population. The concept of sustainable development will be widely applied, through the conservation of the region's natural and cultural resources, the establishment of protected areas, and the promotion of self-reliant, long-term, sustainable economic growth in both the renewable and nonrenewable sectors.



Sahtu Land Use Plan: Sahtu Vision

- ◉ The ecological integrity of the region is maintained. The land, water and natural resources on which people depend are clean, healthy and abundant.
- ◉ The region has cultural integrity. People use the land as they always have for hunting, trapping, fishing, gathering, spiritual renewal and healing. Elders are respected and play a central role in passing down the language, traditional skills, knowledge, stories and importance of the land to community leaders and the youth, strengthening cultural and spiritual connections to the land.
- ◉ Long-term economic planning has resulted in strong renewable and non-renewable industries, providing economic self-sufficiency and stability, and employment diversity for the region. Residents are able to find work in their communities and on the land. Good access and infrastructure in the region reduces the cost of power, goods and services. A strong emphasis on training has created a skilled workforce to maximize employment and business opportunities.

Interests and Issues

- Plan examines the full range of interests that will be affected by a plan
- Plan examines the issues that come from overlapping land uses – potential conflicts and opportunities
- Regional in scope
- Define the set of issues this plan will address



Okanagan Regional Growth Strategy Issue Briefs

Environment, Recreation Space & Sensitive Areas
Regional Growth Strategy Information Brief | September 2012

The Regional Growth Strategy (RGS) is a strategic plan developed by regional districts and local governments to help in planning the future of their communities together to meet common goals, interests and environmental goals. It helps regional districts and affected communities understand and coordinate on needs and decisions that affect their government functioning. The RGS is intended to be a general guide to help the region set growth strategy and develop a local growth plan.

This issue brief information brief contains information from the regional discussion process and provides an insight into the current situation in the region. This brief also provides an overview of the current situation of environment, recreation space and sensitive areas in the region and highlights the importance of the issue as it relates to the future.

What is the current situation in the RGS?

The Regional District of Okanagan (RDO) has an excellent record of environmental stewardship and is a leader in the region. The RGS is intended to be a general guide to help the region set growth strategy and develop a local growth plan.

The RGS is intended to be a general guide to help the region set growth strategy and develop a local growth plan.

The RGS is intended to be a general guide to help the region set growth strategy and develop a local growth plan.

Why is the issue important to the RGS as we look into the future?

The RGS has established rapid population growth across one of the fastest growing regions in the province. This growth has placed an increased pressure on the region. The increased growth in the region is expected to be higher in the north. The increased growth will place a focus on the economy, recreation space and sensitive areas in the region.

RGS Population

Year	Population
2000	~100,000
2005	~120,000
2010	~140,000
2015	~160,000
2020	~180,000

It is important to recognize the economic value of the environment, recreation and sensitive areas. A greater understanding of the economic value of the environment and better land use decisions will allow us to avoid potential negative impacts to housing, agriculture and other important industries.

Communication and collaboration across all levels of public administration, non-governmental agencies and stakeholders regarding land use and other related to the environment, recreation space, and sensitive resources will play a key role in achieving the RGS goals and should be managed as such as possible.

The strategic effects of climate change, land use, and recreation habitat loss will further complicate our environmental protection objectives and create challenges for local governments to develop policies to ensure protection for thousands of years, recreation, parks, scenic, historical, and agricultural lands have been created, disturbed and altered throughout the region and will be needed to address environmental concerns. This brief aims to use this information to develop strategic, meaningful policies to guide current and future levels of growth and development in order to meet our collective environmental goals and environmental protection needs to ensure the Okanagan future is protected.

For a more detailed information on this brief, please visit the following website: www.okanagan.ca

Your feedback is welcome.

For more information, contact: info@okanagan.ca
 1-800-663-3333
 250-863-3333
 250-863-3333
 250-863-3333

Knowledge and Uncertainty

- ◉ relevant to understanding the issue
- ◉ scientific, traditional, local knowledge
- ◉ Uncertainty – will never know it all
- ◉ Plan has to address uncertainty about values, land uses, future, change



Options and Choices

- ◉ Plan examines range of ways to deal with issues that fulfill vision and goals
- ◉ Spatial (mapped) alternatives and non-mappable directions for how land use is carried out
- ◉ Plan presents a choice of land use direction for the future





To fulfill its purpose in land and resource management a plan:

- defines Vision and Goals - How to define what future we want for this region?
- examines Interests and Issues – How to identify who will be affected and the land use issues of concern?
- uses Knowledge and addresses Uncertainty – How to provide timely, relevant knowledge? What happens when we don't know everything?
- identifies Land Use Options and defines Choices – How do alternatives get defined? How to make choices that fulfill the Vision?

YESAB
Yukon Environmental and Socio-economic
Assessment Board

PUBLIC NOTICE

The Dawson Designated Office of the Yukon Environmental and Socio-economic Assessment Board (YESAB) has begun the evaluation of the following project proposal:

Project Name: Eagle Plains 3D Seismic Survey		Project Proponent: Northern Cross (Yukon) Limited
Project Number 2013-0067	Sector Energy - Petroleum	Deadline for Comments June 6, 2013

The Proponent, Northern Cross (Yukon) Limited, is proposing a 3D Seismic Survey program over a 700km² area to further delineate the extent of hydrocarbon prospectivity on oil and gas licences. In order to carry out the Project, the Proponent is seeking the right to access and conduct activities on Crown land. Project activities are proposed to occur between November 2013 and April 2014.

Use of existing access (Chance road, seismic lines)	Transportation of dynamite
Establishment of seismic survey lines	Overalls storage and use: 1 kg per source station

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Project Activities		



Written comments, information, and/or questions related to this project proposal can be submitted on the YESAB Online Registry (YOR) www.yesab.ca/registry or by contacting the Dawson Designated Office. Views and information submitted before the deadline will be given full and fair consideration in the evaluation. For more information about assessments under the Yukon Environmental and Socio-economic Assessment Act, visit our website at www.yesab.ca.

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Phone: 867-993-4040, Fax: 867-993-4048
Email: dpo@yesab.ca

CALL TOLL FREE 1-866-322-4040
or visit

www.yesab.ca/registry



NORTH YUKON REGIONAL LAND USE PLAN CONFORMITY CHECK

YESAB Project #	2013-0067 (066-1) June 24, 2013 information used		
Project Title:	Eagle Plains 3D Seismic Survey		
Date:	June 27, 2013	Completed by:	Ron Cruikshank
Submitted to:	YESAB Dawson Designated Office Box 5060 Dawson City, YT Y0B 1G0		

Project conforms to Regional Land Use Plan: (select one) **Yes**

Background Information and Conformity Check Analysis

Affected Landscape Management Unit(LMU)(s): (insert rows as needed for additional LMUs) Map 1 and Section 6							
LM Unit #	9	LMU Name:	Eagle Plains				
Zoning:	IMA - Zone IV	Land Owner:	YG & VGFN				
Landscape Disturbance Indicators:) Table 3.2, sections 3.3.1.1, 5.1.1 Surface Disturbance (ha):							
LMU	Cautionary Level	Critical Level	*Current est. Level	Project Estimate	Total Estimate	Notification Rqrd**	Parties Notified
9	4811	6415	1246	248***	1495***	No	No
Linear Disturbance (km/km ²):							
LMU	Cautionary Level	Critical Level	*Current est. Level	Project Estimate	Total Estimate	Notification Rqrd**	Parties Notified
9	4811	6415	1309	971***	2280***	No	No
*current estimated cumulative effects levels are to be provided by the Plan Parties **the YLUPC shall notify the Parties prior to submitting the conformity check to YESAB if they are concerned cautionary or critical levels may be reached ***estimates based upon the definition of Functional Disturbance, pg 3-2, North Yukon Regional Land Use Plan, June 2008.							



Issue

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Issue

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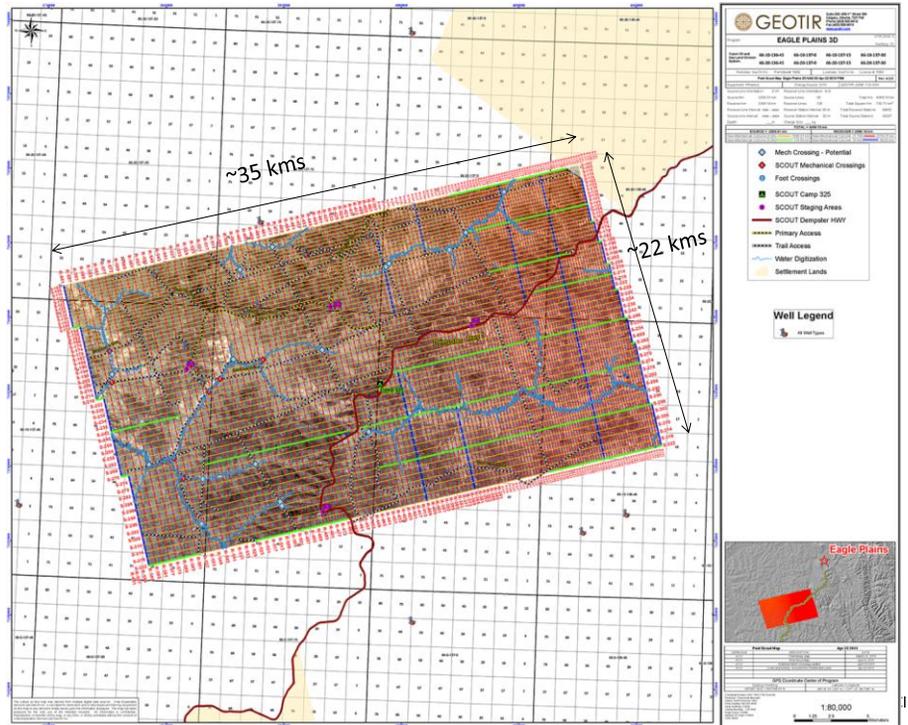
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Land Use



North Yukon Plan

IMA Zone	Management Intent	Cumulative Effects Indicators	Cautionary Level ¹	Critical Level
Zone I ²	Lowest development	Surface disturbance	0.075%	0.1%
		Linear density	0.075 km/km ²	0.1 km/km ²
Zone II	Low development	Surface disturbance	0.15%	0.2%
		Linear density	0.15 km/km ²	0.2 km/km ²
Zone III	Moderate development	Surface disturbance	0.375%	0.5%
		Linear density	0.375 km/km ²	0.5 km/km ²
Zone IV	Highest development	Surface disturbance	0.75%	1.0%
		Linear density	0.75 km/km ²	1.0 km/km²

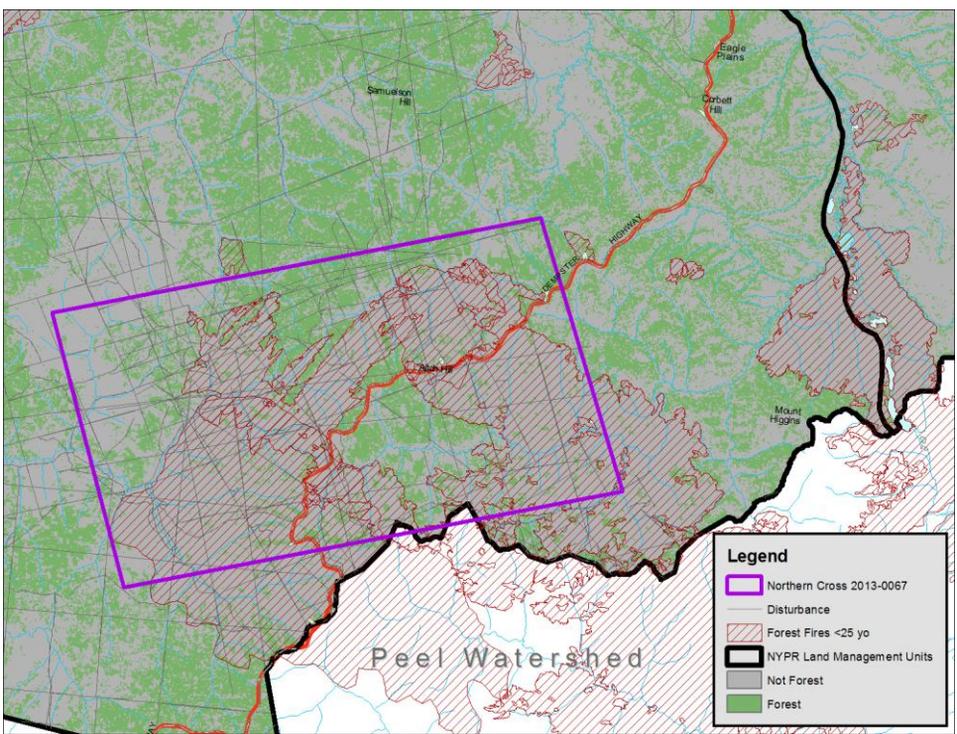
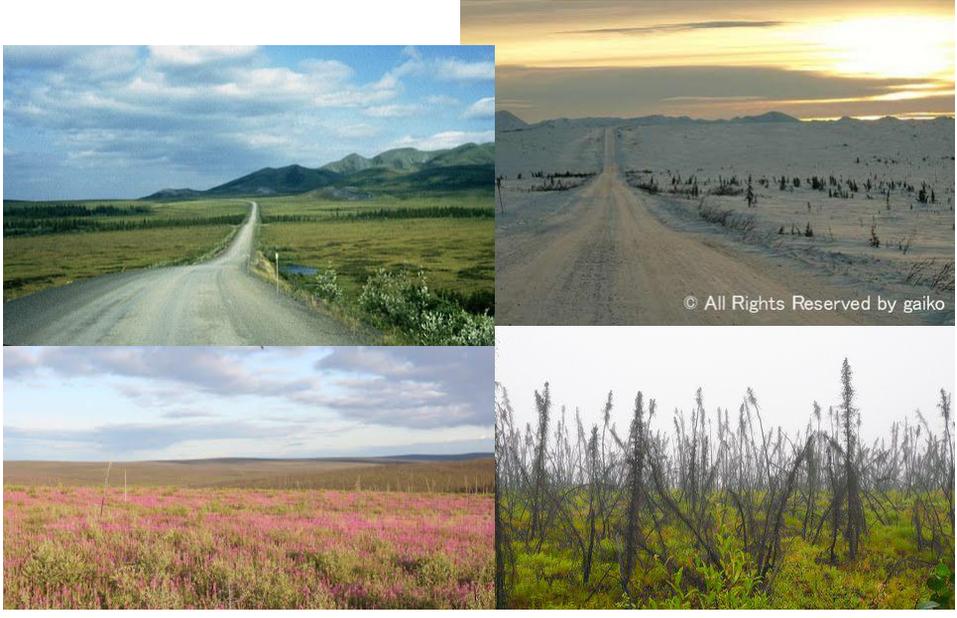


North Yukon Regional Land Use Plan:

Functional Disturbance

- Physical land use disruption that result in disruption of soil or hydrology or that requires the cutting of trees.
- Activities considered exempt from functional disturbance creation are:
 - 1) new linear features less than 1.5 m in width;
 - 2) land use activities that occur of frozen water-bodies;
 - 3) winter work with no required cutting of trees;
 - 4) winter work that utilizes existing disturbance and linear features

Images Near Project



LMU/ Zone	Indicator	Cautionary Level	Critical Level	Current	After Project Amount	% of Critical
9. Eagle Plains:	Surface Disturbance	4811 ha	6415 ha	1246 ha	1495 ha	23%
IMA IV	Linear Density	4811 km	6415 km	1309 km	2281 Km/km ²	35%

Assumptions:

- only 450 sq. kms will be subject to seismic work
- 26% of the area is currently forested
- 1.75 m receiver lines not 3 metres as in public notice
- Current level based by North Yukon Commission's work in the absence of # from the Parties



North Yukon Regional Plan Implementation Plan

- YG will track existing, new and recovered disturbance levels
- Parties (VFGN, YG) will provide Cumulative Effects reporting to Council



Process Questions

- What happens if there is inconsistency in the information provided by the Proponent?
- What is the formal process by which YLUPC informs YESAA seeking clarification on the project? (difficult in a time sensitive process)
- Should YLUPC work directly with the proponent or always through YESAA?



Process Questions

- Can we improve our defn. of functional disturbance and its link to Surface disturbance and Linear Density? (What is a tree?)
- When will we get the “baseline” and “regeneration” rates from the Parties?
- What is the long term strategy for permitting more such work within the thresholds of the plan?



Regional Planning Funding



Funding Basic Information

- Land Claim Implementation Plans: Canada committed \$7.4 m to regional planning for plan production
- YLUPC was provided core funding \$447,000 annual to help commissions
- This money is “indexed” to take into account inflation
- There will be ~ \$4.6 million left after DRPC finishes its work, 4 more plan envisioned



Funding Basic Information

- Devolution gave the Yukon control of this funding
- YLUPC recommends both overall budgets (3 year planning processes) for the Commissions and reviews and recommends annual budgets and any changes throughout the year
- Annual Financial Agreements are currently joint agreements: YLUPC, YG and Commission

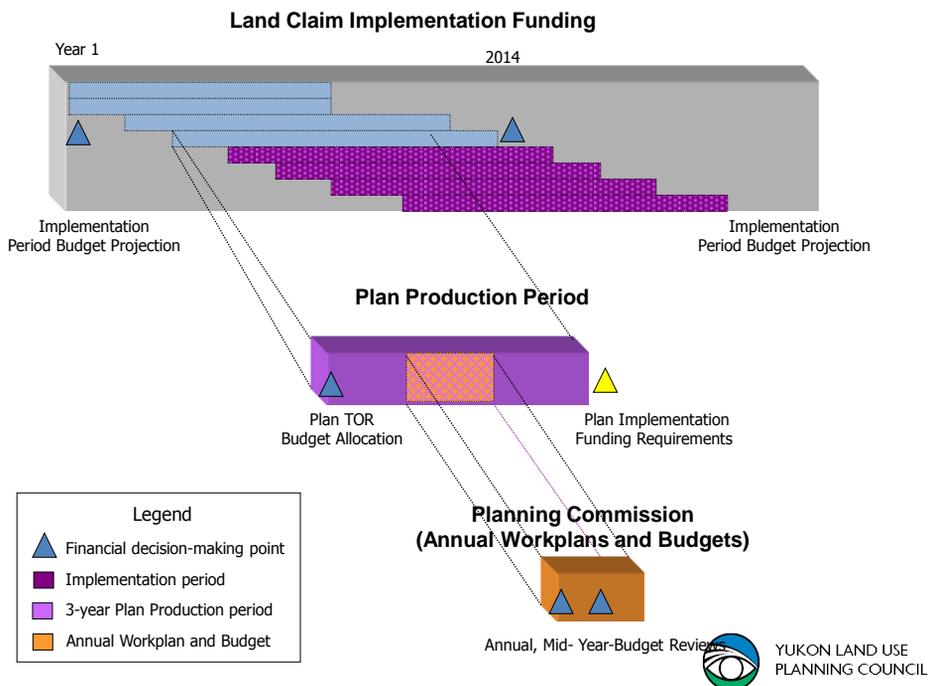


Table 3: Factors Contributing To Variability in Planning Cost		
Factor	Comment	Effect
Lack of Access to Information	The absence of current, accurate, scientific or traditional knowledge may result in higher costs for data gathering.	Increase
	The absence of development assessment criteria may increase costs for data collection.	Increase
Complexity of Issues	In regions with greater developed or recognized potential for resource use or access, more extensive consultation may be required.	Increase
	Where other Boards or organizations are engaged in resource planning within the region, additional consultation may be necessary to establish the required linkages.	Increase
Regional Geography	Large planning regions may incur higher travel costs and increased data collection costs	Increase
	Regions farther from Whitehorse may incur greater communication and travel costs.	Increase
	Regions with greater landscape variability may require more data collection.	Increase
	Regions with large single resource allocations are already being managed and don't to be as comprehensively planned (e.g. forestry, oil & gas, parks)	Decrease



Time is \$ Issues

- Commissions have been taking (much) longer than 3 years to complete the plans
- The information collections stage has been a major reason for this, financial adm. another
- The length of time for Options, Draft Plan, Recommended Plan, Final Recommended Plan is also very time consuming
- It is very difficult to do all of this in ~3 years, ~ \$1 million dollars



Time is \$ Issue

- The commissions point to the slowness of the Parties in providing information or being timely and clear in their response



Break-out Session Set-up

- If the Parties agree to a 3 year process, how can the Commission be kept accountable to that timeframe? How can the Parties help?
- How can the Council best assist the Commission to meet its timeframe and stay on budget?



Ideas that Might Help Reduce RLUPC costs

- YLUPC provide financial administration for all future commissions
- Parties provide (prepare?) the basic Resource Assessment Report information
- YLUPC provide meeting facilitation services when needed by a Commission
- YLUPC provide core technical services: GIS modelling etc.



Ideas that Might Help Reduce RLUPC costs

- YLUPC provide financial administration for all future commissions
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Ideas that Might Help Reduce RLUPC costs

- YLUPC take on more human resource related work (coordinate hiring processes, staff evaluations, contracting, other tasks)
- Parties/YLUPC produce templates for typical products required of the Commissions
- YLUPC sponsors workshops that relate to specific regional planning regions planning problem



Ideas that Might Be Worth Exploring

- Provide funds on a “staged” basis based up planning product
- What encouraging a contractor vs a staff model? (Staffing model costs roughly \$350,000 per year: would a contractor be cheaper?)



CLUPP Improvement Ideas

- Plan Process Principles and Plan Principles in Terms of Reference
- Parties state the Issues they want the Commission to Address (in ToR or afterwards? Make these binding?)
- Government Policy/direction needs to be made clearer and earlier (and some binding?)
- YLUPC does all Commission financial adm. (in ToR)



CLUPP Improvement

- A Memorandum of Agreement is Made at the Start of the Planning Process between YG/FNs
- Some Fundamental Land Policies/Direction are provided in the Terms of Reference (or at another time early in the process).
- Separate Agreement with the FNs without Settle is created
- The Commission is ask for detailed Plan Direction After Issues/Information



CLUPP Improvement Ideas

- Information needs to be prepared in advance (handed to Commission by Parties at a fixed point)
- Product expectation made through template (appended to ToR?)
- Secretary/Treasurer made mandatory



Lastly

- Commit to helping us with this! Can we count on you to review a New CLUPP?



Notes for the Break-outs

Breakout 1: Assessing the conditions that exist in their regions.

1. Conditions for successful planning:

a. *Group 1 (Mal Maloch):*

– None noted –

b. *Group 2 (Andre Gagne):*

- Conflicts do not preclude planning
- Political support from the Parties (capacity)
- White River First Nation (unsigned) Status Indian Band, under Indian Act
- (benefits of regional land use planning information needs to be conveyed to Chief/Council. Land use planning objectives, under Chapter 11 are completely different from the use of lands set aside or reserved for the sole use of the Indian Band and its status members)
- Support from governments to provide LUP information to interest /stakeholder groups
- Policies and politics require discussion
- Determine YFN's conservation priorities
- Determine YG's area development plans interest (Area Development Ordinance vs Land Claim Agreements)
- Identify conservation areas which are deemed untrammelled lands (protected/no development, likely polarize natural resource progression)
- Identify conflicts from the outset
- Commission to identify issues/conflicts, build relationships, improve communications, notify Senior Liaison of contention with land/boundary overlaps with 5 YFN's, YG, Feds
- Address oral history lost through translation (ie) Han language vs English language

c. *Group 3: Nick Gryzbowski:*

- There are planning (resource management) issues that need to be addressed;
- The issues are not so controversial that relationships have broken down;
- There are no unresolved constitutional issues or court cases with implications to the planning process;
- The issues are not emergency issues of public health, military, safety;
- Key players (managers and government) can be identified and decision making structures are in place;
- Key players are willing to commit to an inclusive, open and time-limited process;
- Sufficient factual information exists to address the issue;
- No one agency or organization has complete jurisdiction over solving the problem;
- Relevant government policy goals and parameters have been defined and the public (or FN members) supports them
- Boundaries of the planning region

d. *Group 4: Lou Villeneuve:*

- Governments to provide more funding
- Encourage/foster more Gov't to Gov't discussions
- Reinforce more positive and productive communication
- By increasing collaboration along with display of positive attitudes
- Explore more proactive than reactive avenues
- Celebrate success along the land use planning process

e. *Group 5: Mark Nelson:*

- Avoid assumptions as they are viewed as the “mother of all screw-ups”
- Consider land use designations within plan region
- Consider consistent language in Resource Assessment Reports
- Give thought to human resource needs related to availability and commitment

2. Which of the 10 conditions does the group think are most important?

a. *Group 1 (Mal Maloch):*

- line of communications
- land use conflict
- information about the land and resources
- any issues controversial
- relationships with other governments
- human resources available and committed

b. *Group 2 (Andre Gagne):*

- Need Information about the land & resources
- Need well developed policies relating to land use
- Need clear line of communications between respective governments

c. *Group 3: Nick Gryzbowski:*

- Political Support
- Public and Interest Group Support
- Land Use Conflict in the Region (A reason to plan)
- Need well developed policies relating to land use
- HR enough people available to get the job done
- Sufficient factual information exists to address the problem
- Relevant government policy goals and parameters have been defined and the public (or FN members) supports them
- Boundaries of the planning region (need agreement with FN without Final Agreements)

d. *Group 4: Lou Villeneuve:*

- Political support
- Public interest & group support
- Land use conflict in the region
- Controversial issues (may prevent planning)
- Established relationships with other governments
- Lines of communications between governments

e. *Group 5: Mark Nelson:*

1. Political Support

- Begins & ends the plans
- Political will is effecting existing/future plans
- “May” clause → need support to start
- Long process- need support all the way through
- Support is visibly high from all Yukon First Nations participants involved in “Planning for Success Workshop (January 21/22, 2014)
- Need to justify case for plans, benefits, with overall clarity related to intents, goals, objectives, interests, etc.

2. Issues

- Overlap with WRFN in Kluane region cannot be resolved through Chapter 11 process
- How do plans address common law obligations to consult and accommodate YFN’s
- with Final Agreements and without Final Agreements?

- Issues that go beyond the plan process (ie) free staking & Privy Council Withdrawal Orders

3. Policies

- Can't make plan contingent upon system, legislative regime changes
- Plan can't please everyone and can't accommodate many uses but can use tools like area protection designations to accomplish the ends (ie) Muskwa-Kecheeka Plan, Ft. Nelson/Kaska
- Let Protected areas be addressed through the planning processes and let the process provoke changes required
- Don't need all policies in unison in order to start but emphasize clarity in the process
- (Don't think Public will accept policy silence again (ie) Peel regional Watershed)

4. Land Use Conflicts

- Most areas have different uses
- Want to see plans build on each other (i.e.) Burwash area, Kluane Park, Kluane regions
- Rural residential and agricultural dispositions need policy applications (where and how)
- Land use plan templates used as guides but not necessarily the way to go

5. Human Resources Committed

- Regional Commission alone is \$1M of work plus additional costs involving YFNs, YLUPC and respective Governments
- Build on existing plans to supplement Forest Management Plans, Special Management Area Plans, Habitant Area and Area Development Plans. Their integration will improve the overall plan efficiencies
- The Parties had already established the Teslin Regional Planning Commission (2004); unfortunately, it did not complete a draft plan. *Note: The TRPC is about to be resurrected. * (only subject to the whims of the Parties: consider new approved Terms of Reference, membership nomination/appointment, office set up, hire staff, prepare budget/work plan, complete draft LUP)
- NND also initiated building capacity retention issue
- CAFN/KFN appear ready but will be stretched due to WRFN outstanding overlap and capacity issues

3. Additional Conditions identified but not on the list
 - a. *Group 1 (Mal Maloch):*
 - – None noted –
 - b. *Group 2 (Andre Gagne):*
 - “Free Entry: staking system predetermine LUP as resource planning and causes LUP to become unfairly directed, cause conflicts between conservation vs mineral interests
 - Planning: results in geographically delimited policy, regionalizing policies (unclear point?)
 - c. *Group 3: Nick Gryzbowski:*
 - Enough Resources available to First Nations Governments to participate, respond to the Commission and to implement a Regional land use plan
 - Commission needs a wide range of knowledge and expertise
 - Need to have lots of stakeholder and public input, need the public coalescing behind a plan
 - d. *Group 4: Lou Villeneuve:*
 - Clear land use planning process until final approval stage?
 - e. *Group 5: Mark Nelson:*
 - – None noted –

4. How many of these conditions are met or not met by your region (or territory)?
 - a. *Group 1 (Mal Maloch):*
 - – None noted –
 - b. *Group 2 (Andre Gagne):*
 - – None noted –
 - c. *Group 3: Nick Gryzbowski:*
 - NND – lots of Conflict plenty of reason to plan; Plenty of public and interest support
 - CTFN – Political Support/interest group support
 - SFN – Planning boundary not clear
 - d. *Group 4: Lou Villeneuve:*
 - None unanimous
 - Grey areas
 - Unclear
 - Some organizations can't answer
 - e. *Group 5: Mark Nelson:*
 - – None noted –

5. Discuss ways of creating the conditions that are needed for successful planning if conditions are not currently present in your region (or territory)?
 - a. *Group 1 (Mal Maloch):*
 - – None noted –
 - b. *Group 2 (Andre Gagne):*
 - *Need policy framework (without it, leads to polarization)*
 - *Traditional ecological knowledge needs to be addressed and to have Elders input and produced before planning begins, viewed as key YFN's product*
 - *Need on-going relationship building (takes time)*
 - c. *Group 3: Nick Gryzbowski:*
 - *Figure out a way to include FN without final Agreements into the planning process*
 - *Create many opportunities for Stakeholders to become involved*
 - d. *Group 4: Lou Villeneuve:*
 - – None noted –
 - e. *Group 5: Mark Nelson:*
 - – None noted –

Breakout 2: Develop strategies to clarify roles and responsibilities

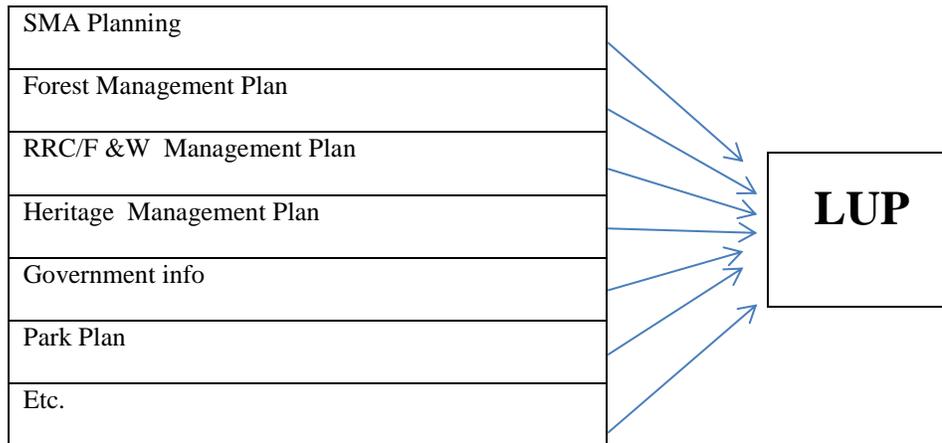
1. How can the relationships between the Parties be strengthened before the Commission begins its work?

a. *Group 1 (Mal Maloch):*

- YLUPC could provide assistance
- Parties open: government to government basis
- Parties to meet regularly
- Parties commit to approve TOR contents collectively
- Parties conduct regular, open, honest communications between Senior Liaison Committee (SLC) and Regional Land Use Planning Commission (RLUPC)

b. *Group 2 (Andre Gagne):*

EFFICIENCIES & TIMELINES



*Public input: completed already *to LUP pre-Commission

- There is absence of working relationship between the Parties
- Good working relationship at technical staff level
- Variations of views at the political level related to YFN's vs YG and UFA interpretations
- YFN'S land use plans based upon conservation priorities
- (More multi-pronged, fundamentally different mandates)
- YG land use plans based upon pro- development priorities
- Send individuals with experience in government (YFN's and/or YG)
- Send key players to the meeting from the outlet

c. *Group 3: Nick Gryzbowski:*

- Parties clearly state planning principles up front agreeing on the planning process, their responsibility throughout the process, i.e. providing information and reviewing Commission products. (This can happen before or during the TOR).
- Know all -Best Alternatives to a Negotiated Agreement. (If some parties have a better alternative to reaching an agreement through the CLUPP, it needs to be discussed, high BATNAs not good for good faith participation)
- Establish working groups, these can work before the Commission gets rolling (this can form useful networks and sources of information for the Commission)
- Ensure that the parties have the resources available to produce equal data sets, information. When parties are bringing info to the Commissions not equitable if one party has access to more resources to produce more extensive information.

d. *Group 4: Lou Villeneuve:*

- Append instruments such as: Memorandum of Understanding (MOU); Letter of Understanding (LOU); terms of reference (TOR) Have all Parties on the same pages through these instruments
- Have clear contact information for each Party?
(Does this mean that each party must identify contact person or does it mean that party must be clear about contact, regional, departmental, branch information sources?)
- Get Parties together (organize regular meetings)
- Organize “Orientation/Training Sessions” for representatives of all the Parties including local politicians to remind them of the land Use Planning goals and objectives outlined in Chapter 11, Land Use Planning and to also provide a basic understanding of the relevant Land Claims Agreement chapters
- Send “the right people” to the decision makers within the YFN’s and YG with a mandate to address the matters brought forward.
- The Parties must be prepared to discuss ways and means to improve working relationship between each other.
- What kind of policy advice is expected of the Parties?
- Land management information is to be made available during the plan development. (i.e.) Provision of information regarding OIC regarding mineral resources staking withdrawals and or respective legislative changes to Acts or Regulations.
- TWG & SLC Terms of Reference, outlining the roles, responsibilities and frequency of meetings must be completed prior to establishing a regional commission.
- Develop open line of communications between the Commissions, TWG & SLC.

e. Group 5: Mark Nelson:

- Clearly state planning principles up front: agree on procedure, agendas, review times, plan principles (philosophy) before/during the Terms of Reference (TOR).
- Avoid political turn-over challenges, political will appears to be wavering and seems to be favoring one side???
- Best Alternative to a Negotiated Agreement (BATNA) should be considered and in place. This will provide a basis for different ways of dealing with the issues.
- Establish technical working groups (TWG)
- Equalize information sources and human resource capacities
- Know the players (turnover consideration)
- Net-working (Individual relations)
- Broader issues need Gov't to Gov't attention to improve better relationships (elements of trust, respect and good consultation)
- Encourage more regular meetings and engagement (at technical and political working levels)
- Need to develop a better mutual understanding of "Why" rationalization
- Parties that see the benefits of a good plan, will support the plan by committing the necessary resources
- Senior Liaison Committee need to commit to organizational challenges and busy schedules
- Internal levels of commitment: Technicians may understand land use planning values and process, more than political leadership (there is need to convince leadership of buy-in)

2. What should be made clear about the roles and responsibilities of the parties prior to beginning planning?

a. Group 1 (Mal Maloch):

- Provide on-going support, commitment, sufficient resources and keep to the time lines
- Be clear about the planning process and who has the authority over the final approval process?
- Parties at the political level must commit to see the plan process through (stay the course)

b. Group 2 (Andre Gagne):

- Parties to develop joint principles
- Conduct senior level meeting to define and design initial relationship

c. Group 3: Nick Gryzbowski:

- Clear mandate from the parties
- Need the parties to stick to what they agreed to
- Parties need to be open and honest and put their interests to the commission clearly (document the parties interests, provide interest statements)
- Parties to disclose what they are willing to accept at the outset of the planning process
- Parties have a responsibility to connect back to the UFA spirit and intent, connect back to why we are doing this.

d. Group 4: Lou Villeneuve:

- What kind of policy advice is expected of the Parties?
- Land management information is to be made available during the plan development. (i.e.) Provision of information regarding OIC regarding mineral resources staking withdrawals and or respective legislative changes to Acts or Regulations.
- TWG & SLC Terms of Reference, outlining the roles, responsibilities and frequency of meetings must be completed prior to establishing a regional commission.
- Develop open line of communications between the Commissions, TWG & SLC.
- (Same coverage for breakout #1)

e. Group 5: Mark Nelson:

- Parties to provide clear mandate
- Need consistency throughout
- Parties to be open & honest about interests brought to the table
- Parties to disclose acceptable plans and consultation
- Need to connect back to UFA spirit and intent (Why are we doing this?)
- Consider establishing “ Intergovernmental mechanism” to review: 1) consultation protocol (i.e.,) government to government relations (Outside of Chapter 11, Land use planning process)
- Land Use Planning Principles developed by the Parties based upon the respective Final Agreements.
- Try to reconcile different world view of the Parties: attempt at high level (Chiefs, Premier & Ministers). The different world views can be used to guide the Regional Planning Commissions.
- Clarify definition of “Sustainable Development” which may vary between the Parties.
- Senior Liaison Committee (SLC) can help “stick handle” issues before advancing to the Parties (improves buy-in potential)
- Technical Working Group (TWG) must remain neutral and balanced. Discussion outcomes may become biased by sheer volume and type of information provided.
- Analysis decisions should be left to the Commissions (“Lay out the menu”)
- Planners must dispel their bias and refrain from advocating positions

3. What strategies could assist the parties in maintaining a strong relationship? At what stages?
 - a. *Group 1 (Mal Maloch):*
 - Identify emerging problems and help to solve them
 - Foster dialogue upon interest basis
 - b. *Group 2 (Andre Gagne):*

The Commission can:

 - Work with all Parties together
 - Improve communications between themselves and the Parties
 - Facilitate meetings-frequent –at senior levels (include details in MOU or TOR)
 - Hire the right people for facilitation, tasks, events or activities
 - c. *Group 3: Nick Gryzbowski:*
 - Go back to plan principles
 - Have planning chair at more SLC meetings – Could play a mediating role, help work out disagreements.
 - Parties recognize and keep an open mind to the different world views and ways of viewing/handling problems.
 - Yearly LOUs
 - d. *Group 4: Lou Villeneuve:*
 - – None noted –
 - e. *Group 5: Mark Nelson:*
 - Go back to plan principles, if you have them
 - Have the plan Chair attend Senior Liaison Committee (SLC) meetings to work out disagreements and undefined & outstanding issues
 - Recognize different ways of viewing problem with an open mind
 - Letters of Understanding (LOU) should be considered on a yearly basis
4. How can Commissions work to help strengthen relationships between the Parties?
 - a. *Group 1 (Mal Maloch):*
 - Consensus Decision-Making Process should be well thought out, laid out, understood and practiced.
 - The Commission and representatives of the Parties should try “Breaking bread” together in order to build trust.
 - The Parties and the YLUPC should recognize important milestones when they are achieved and also recognize other successful progress on related fronts in a regular and systematic way.
 - It may take up to ten years to complete a plan...so need to keep an eye on what’s happening.

b. Group 2 (Andre Gagne):

- – None noted –

c. Group 3: Nick Gryzbowski:

- Ensure all voices are heard
- Equal opportunity for meeting and input
- Social event out in the planning region (Commission and parties)
- Identify policy gaps forward them to the TWG and SLC
- Commissions attend FN GA's explain the process to increase understanding
- Find out why relationships are deteriorating during the process – make sure you mend the relationship, go back to planning principles agreed to at the start, mediate conflict as it arises.

d. Group 4: Lou Villeneuve:

- Ask more questions
- Be more involved with the Parties
- Be at arm's length from the Parties
- Be the first place of contact for information
- Have information readily available
- Request Parties to meet more often with the commission.
- Respect commission's Terms of Reference
- Ensure full working commission members (all times) and that there is prompt and timely appointment and replacement of commission members as required.
- Encourage good working relationship through pursuit trust, respect and improved communications.
- Commissions have requested the presence of key individuals to attend their scheduled meetings dependent upon the importance of an agenda item.

e. Group 5: Mark Nelson:

- Ensuring all voices are heard
- Provide equal opportunity for meeting & input
- Provide for social event out on the land in the planning region for both the Commission and Party members
- Identify policy gaps that should be forwarded to TWG & SLC for input/advice
- Regional Commissions should make a conscious effort to attend YFN's Annual General Assemblies to explain the planning process and provide briefing updates on matters of interest
- Determine the basis of deteriorating relationships by going back to review of plan principles

Breakout 3: Improve information provided to the Commission

1. What information might the Parties provide the Commission to help the Commission fulfill the roles just identified? (SMA work, YESAB cumulative effects work, forestry, linkages to other management plans)
 - a. *Group 1 (Mal Maloch):*
 - All existing land use activities within the planning region should be identified (YFN's, YG, Private sector) so that their impact or benefits can be accommodated
 - The Commission will rely upon planning staff to secure important resource data, public land, resource and environmental interest in order to address their impacts and implications upon the planning process
 - Collection of traditional heritage sites and information will become part of the data gathering process
 - The Commission and the Parties should develop and have input into a planning vision or direction for the region
 - The Parties respective interpretation of words, hopes, dreams or aspirations should be conveyed to the Commission
 - Specific provisions from related Chapters from Yukon First Nation's Final Agreements should be reviewed for their implication upon draft plans
 - Important for Commissions to receive the Parties views on the significance of various land uses and their implications for land use planning
 - Preferred methods to establish thresholds must be explored and applied as required
 - Ideas that relate to plan timeframes, the nature or extent of land use activities and restorative measures should be brought by the Parties to the attention of the Commission
 - Existing baseline data, including wildlife surveys and radio-collared program information, water and soil sample records, mineral claim records should be provided and taken into consideration by the Commission
 - Traditional Ecological Knowledge information should also be taken into consideration to compliment the collection of scientific data
 - Representatives of the Parties are to express their views regarding balances between a variety of assorted land/resources interests and different and varied land uses

b. Group 2 (Andre Gagne):

- YFN's & YG have different starting points
- Oil & gas fracking has impact implications upon sub-surface rights
- Consider balance and diversity among Commission members
- Establish and maintain Parties relationships
- Clarify respective roles and responsibilities between the parties (ahead of time)
- Parties Planning Principles must be determined from the respective YFN's Final Agreements and should portray the Parties ideas of what is envisioned. This message or vision is to be conveyed to the Commission to assist them in developing a suitable "Vision Statement". It should include YFN's values related to spiritual, cultural, traditional and ecological interests (TEK)
- A resource and lands manual should be prepared up front for Commission's reference
- Information data that is shared must be provided by the Parties to the Commission on an equal basis (same playing field)
- Project information should be scoped (ensure correct information is given)

c. Group 3: Nick Gryzbowski:

- Traditional economy areas from First Nations i.e. Berry patches, harvesting areas, hunting and fishing zones.
- Mineral Maps base line information.
- Identify Contentious areas, conduct overlap analysis
- Identify what the parties don't know

d. Group 4: Lou Villeneuve:

- Clarity of terminology: (i.e.) sustainable development *each party to provide their definition (agreement) be clear with expectations up front (i.e.) 50% forest protection or road construction
- Interest statements: through consensus or individually, if no agreement
- Heritage information: understanding that it may be difficult to access due to
- Sensitivity and /or availability

e. *Group 5: Mark Nelson:*

- Land & resource management planning to encompass Site Specific land selections (burial grounds, heritage interests, traditional campsites, cultural grounds, etc.)
- Planning in the Northern Tutchone region would integrate interest in Minto Landing Village, Historic Site of Ft. Selkirk, all HPA/SMA work related to fish & wildlife conservation/protection, McArthur Hot Springs Site, Nash Creek Hot Springs Site, watershed protection.
- Above all, Commissions require cohesiveness/unity through giving due regard to respect, trust, good communications and commitment to their obligations and duty to complete a Draft Land Use Plan.
- In review of the past operations of the Teslin Regional Planning Commission activities and foreclosure, the following observations were brought to light: Numerous land use applications within the planning region, continued to alienate TTC's rights, titles and interests. A review of the land use application process was difficult, but confirmed land alienations and "piece-mealing" of the intent of CLUPP (cooperative planning). Trans-boundary use and occupancy information further compounded the process. Staff capacity was also problematic. It was determined that other relevant Chapters including Chapter 11, Land Use Planning can affect YFN's Final Agreement rights, titles and interests.
- Undoubtedly, all future Commissions will be affected by any court ruling on the Final Recommended Peel Watershed Regional Land Use Plan, July 22, 2011.
- In the decision-making process affecting the Peel watershed, YFN's relinquished a high percentage of the planning region in favour of the Commission's recommended plan. In the final analysis, it appears that the Yukon Government favoured its own plan in support of industry positions for resource development.

2. How much can be prepared in advance of Commission needing it? What types of information can be prepared in advance?

a. *Group 1 (Mal Maloch):*

- The Commission and the Parties must consider how to incorporate sensitive traditional ecological knowledge into draft plans
- Commission and Parties planning principles must also be developed, considered and integrated

b. Group 2 (Andre Gagne):

- Consider Memorandum of Understanding (MOU) at Commission start-up, ensure provisions for respective roles and responsibilities for Party's representatives, including their expectations, identify meeting schedules and project timelines, section for gathering and distributing existing technical, scientific, cultural and other relevant information
- Provide more up front discussions on topics of interest
- Prior to pre-planning stage, the Parties will provide more definitions conducive to preparing to plan
- Outstanding issues, related the land use plan, must be identified by the Commission with assistance from the Parties

c. Group 3: Nick Gryzbowski:

- Main resource data, i.e. forestry, minerals, etc. At the very least provide the Commission with your best guess.
- All wildlife and habitat data
- Identify the contentious areas, which will allow the Commission and the parties to focus efforts and resources to gathering information for the areas marked as potential conflict areas. I.e. overlap of oil and gas deposit and caribou calving area.
- Gather how the parties make decisions and determine how various First Nations gather and handle traditional knowledge. Planning processes often involve various First Nations. Commissions need to be aware of the different formats for collecting and portraying info to the Commissions. If it is all different it will create more work for the Commission

d. Group 4: Lou Villeneuve:

- The YLUPC and Commission can assess and determine what data or information is needed and can give heads-up to the Parties on what is required

e. Group 5: Mark Nelson:

- There are much relevant materials stored in boxes and in basements (files, papers, research, document, and oral history research -tape recordings requiring translations). All of this information will require intense energy before presenting to the Commission for their input and review.

3. What policy direction should be provided to the Commission regarding these topics and when should it be provided?
 - a. *Group 1 (Mal Maloch):*
 - A well- defined planning framework outline is to be provided by the Parties to the Commission
 - Commission is to plan ahead to provide plan process briefing sessions to help prepare new government officials and new commission members
 - Commissions may need to extend planning process
 - Representatives of the Parties, the Commission and the Yukon Land Use Planning Council must consider signing a Memorandum of Agreement (MOU) which will be appended to the Regional Planning Commission's Terms of Reference as a guarantee that political or policy changes will not affect its directions to complete a draft Land use plan
 - b. *Group 2 (Andre Gagne):*
 - Consider the development of a Traditional Knowledge Policy that will encompass definitions, address specific sensitivities in connection with confidentiality
 - Policy must be developed, approved, implemented and used in good faith
 - Policies which are relevant and developed for the planning region must be consistent in their application
 - Notion of scoping policy details is to ensure compliance to the plan
 - c. *Group 3: Nick Gryzbowski:*
 - First Nations put forward certain aspects of their Final Agreements. i.e. Forestry
 - First Nations Acts i.e. Wildlife
 - Policy on Communication between the various planning bodies
 - d. *Group 4: Lou Villeneuve:*
 - Any policies related to land use and the plan process should be provided asap
 - (i.e.) YFN's determination to keep subsurface developments frack-free
 - e. *Group 5: Mark Nelson:*
 - Yukon First Nations who have developed/approved Lands & Resources Act, Oil & Gas Acts, Land Titles Act, Heritage & Resources Act along with other pertinent Rules & Regulations or Policy documents related to programs and services should share/provide this information to the Commissions for their vision and guiding principles with consideration for eventual inclusion in the Draft Land Use Plans.
 - Policy documents which are reviewed and approved by the Parties will require transparency and trust worthiness.
 - Commissions need certainty about how work will lead to products or "rules of engagement"
 - Disagreement over policy content can end up in the courts

4. How can changes in political structure/policy change be incorporated or prepared for in the planning process?

a. *Group 1 (Mal Maloch):*

- Once the Terms of Reference is endorsed by the respective Yukon First Nation (s) and is recommended by YLUPC to the Minister of Energy Mines & Resources for approval, its contents will be binding upon the Commission and all of the Parties

b. *Group 2 (Andre Gagne):*

- Signed agreements, like LOU, MOU, TOR should have "staying power" that will be binding upon the Parties which will provide plan direction that is intended to maintain the planning course
- The Parties should have some guidance policies laid out in advance of change of government through the development of appropriate use of templates, protocols and standards which will support the need not to re-invent the wheel. Such guidance policies must also be adaptable and modifiable for each planning region

c. *Group 3: Nick Gryzbowski:*

- Agreement up front amongst the parties
- Yearly Meetings between the parties and the Commission
- Commission aware of political structures and election times
- Agreement up front with room for flexibility i.e. the Commission needs to be able to respond to changes but the commitment from the parties

d. *Group 4: Lou Villeneuve:*

- During interim reviews of completed plans
- A well-defined review process
- Through plan amendments and variance
- By having agreements that identifies the Parties roles and responsibilities which are legally binding upon the Parties
- Take into account Vision Statement contents
- Take into account Treaty obligations

e. *Group 5: Mark Nelson:*

- The Parties need to provide good will and commitment to begin and complete planning in the Teslin, Kluane and Northern Tutchone regions.

Breakout 4: What factors should influence funding decisions?

1. What strategies might be employed to have the commission complete the plans within the budgets/timeframes set by the Parties? (How do we increase efficiency in the process?).
 - a. *Group 1 (Mal Maloch):*
 - Commission needs to review Budgets and work plans approved by the Parties
 - (YG/YLUPC)
 - Efficiency can be increased by use of a standardized planning methodology (with some flex)
 - Add a “Prepare to plan component” at the front end, including provision of information gathering process
 - Build on existing Terms of Reference vs developing new TOR “start from scratch”
 - Office establishment needs good Finance and Administration component (staff)
 - Prepare:” Preliminary” Resource Assessment Report from collected data: Yes, to some extent
 - Provide facilitation services for internal/external meetings: Yes, but need the right skills
 - Consider core technical services (GIS, Finance/admin, HR)
 - Human resource management-needs to be well laid out with lots of communication
 - b. *Group 2 (Andre Gagne):*
 - Local Renewable Resource Councils can play a larger role in regional land use planning process. Their involvement could provide more information to the process but will require additional funding
 - Elders involvement in planning process will ensure meaningful inclusion of traditional knowledge application
 - c. *Group 3: Nick Gryzbowski:*
 - Constant communication between YLUPC, parties and the Commission
 - Parties flush out CLUPP timeline that is outlined in the TOR. The parties need to be aware of their roles and responsibilities throughout the CLUPP. They need to be accountable to the process.
 - Presentation to the Commission on lessons learned from past planning processes help prevent reoccurring issues from arising
 - Efficient mechanism for resolving conflict to prevent unmanaged conflict from tanking the process. Build a Conflict Resolution mechanism into CLUPP
 - Have a project manager to prime the parties. Help the commission manage risk as well as keep the process moving along smoothly.

d. Group 4: Lou Villeneuve:

- Create guidelines/best practices to guide commission's work based upon previous experience
- Review the commission's decision-making process to increase speed of decision making
- Provide info'/ prep work/data gathering/basic resource assessment prior to commencing strategic planning
- Direct "Sub-Committee" do basic resource assessment in advance
- Provide confidence to the Commission and the Parties by ensuring that Government will accept the plan through re-establishing trust relationship and that membership appointment will allow for demographic ratios.
- Start work on upcoming Commission prior to the end of current timeframe.
- MOU to define overlap boundaries of the traditional territories (YFN'S)
- Use technology (i.e.) video conference for number of people which will reduce travel and attendance costs
- Have people prepared/up to speed when conducting meetings

e. Group 5: Mark Nelson:

- Regional planning needs will differ and the use or application of different tools may be required to address the variable planning needs.
- Need to develop strategy to access additional funding once remaining 4.6 million dollars available for planning is expended

2. How can we improve the accountability to each other with respect to timeframes, product needs and expectations?

a. Group 1 (Mal Maloch):

- Use of templates (timeframes, budget/work plan, product format, etc. provide budget support on staged basis...progress payments. Need activity but also can't unduly constrain the work-need a plan linked to financial needs

b. Group 2 (Andre Gagne):

- Non-renewable data gaps can be addressed by the Yukon Government and respective Yukon First Nations. Data formatting could be standardized (take and use existing information - no re-jig)
- Technical Working Group (TWG) can be engaged by Commissions to aid in compilation of technical data or other information as required

c. *Group 3: Nick Gryzbowski:*

- Agreed upon template for how to cook a plan
- Project management
- Commission submit annual work plan and budget
- Deadlines
- Regular Communication between planning partners

d. *Group 4: Lou Villeneuve:*

- Set clear deadlines/more commitment to meeting deadlines
- Get the public involved (get their input) through open houses, newsletters and workshops
- YLUPC to provide facilitation and technical support
- Be open to new ideas, new technology utilized to keep in contact, distribute information (i.e.) conduct video conferencing vs in person meetings

e. *Group 5: Mark Nelson:*

- Plan ideas need to be taken back to community for input and exchange
- Different issues may be addressed from different places

3. The Council is tasked with assisting the Commission. How can we best do this to decrease the expenses of the Commission? (e.g. host workshops on topics the Commission needs to know more about)

a. *Group 1 (Mal Maloch):*

- Need direction and request from Commission
- YLUPC consider sponsorship of Commission workshops which are conducive to plan development
- Consider use of contract services vs staff support, assess on case by case basis
- No corporate memory –maintain experience staff at YLUPC vs contractors
- YLUPC provide financial/administrative support services
- YLUPC provide facilitator services to Commission meetings
- YLUPC provide technical services (GIS, computer service/repairs/advice)
- YLUPC provide human resources management (planner, technical, communications)

b. *Group 2 (Andre Gagne):*

- Pay heed to YLUPC's cost cutting ideas: share office, equipment, staff, travel costs, etc.
- Assign high level and technical level point person to address accountability questions affiliated with planning exercise.
- Commission's annual budget and work plans to reflect actual needs
- Lessons learned from production of Atlin-Taku Land Use Plan
- Lessons learned from approval and implementation of Sahtu Land Use Plan, NWT

c. *Group 3: Nick Gryzbowski:*

- Ron's list, particularly staff support, financial, GIS, Facilitation
- YLUPC help Commission with logistics and procedural issues they have a ton of institutional knowledge
- YLUPC play a Conflict Resolution role in the process and in the Commission
- YLUPC clear up potential conflicts TOR, MOUs, Training

d. *Group 4: Lou Villeneuve:*

- Maintaining consistency through the process by ensuring that participants are prepared and up to speed on matters discussed
- YLUPC support Commissions by provision of administrative and financial services
- Appoint Commission members who reside in the region of the planning area
- YG should reimburse the Chapter 11 pool of funds allocated for regional planning that they wasted on the peel watershed
- Cost sharing between the Parties for scheduled meetings
- Using the past experience of past commission members

e. *Group 5: Mark Nelson:*

- Provide Financial Administrative assistance
- Help prepare Resource Assessment Reports by provision of adequate warm up time, address issues, ensure Party engagement
- Provide neutral Facilitators with involvement of Commission, including agenda input/design
- Provide CORE technical services as necessary (GIS)
- Aid with Human resource services (contracts, staff reviews)
- Consider product templates (i.e.) Issues & Interest Report content –samples, not shackles
- Council to host hot issues workshop (commission input on approach and agenda preparation)
- Should funding be given to commission on stage basis? (contract / pay as you go?)
- Provide Facilitation when DRPC schedules meetings in Whitehorse (3 commission members live in Whitehorse, viewed as benefit in cost reduction)
- Regional Planning Commission office should be established in the regions.
- Regarding “Resource Assessment Reports”: The Parties are to provide quality information based upon diligent research and should not create their own final product as editing will be needed from the Regional Commission and the YLUPC.
- “Issues & Interest Reports, likewise, will need input from the Parties. Start-up cannot proceed at full speed because there are components related to learning curves, growing aspects, timeframes and contextual contents.
- Commission need to take lead on hiring Senior Planner (thru involvement on establishment of a Hiring Committee, YLUPC/ local Commission members included)

4. Is there a need for an agreed upon overall strategy for funding the remaining commissions (“a once and for all” agreement) or should we continue to do it on a case by case basis as Terms of References are agreed to?
- a. *Group 1 (Mal Maloch):*
- No. Carry on, update CLUPP make the process more efficient and get the job done.
 - Do we really need 4 stages of the output? Does this refer to four planning stages? (1. Establish Commission 2. Commission Office 3. Prepare Plan 4. Plan Approval and Implementation)
- b. *Group 2 (Andre Gagne):*
- No need for agreed upon strategy for funding remaining commissions. Just carry on.
 - Update CLUPP to make the process more efficient and to get the job done.
 - As the regional planning funds are depleted. The Parties must consider the development of a strategy for plan completion by respective contributions of funding through transfer agreements or funds provided for completing and implementing land claims agreements.
 - Continue on case by case basis as each case is highly conceptual, unique and should not be limited by lack of funding, otherwise scoping will be funds, not necessarily rigorous, justification for more dollars: planning needs dictate it!
 - Other region precedents (forestry) may not apply in similar ways.
- c. *Group 3: Nick Gryzbowski:*
- No carry on, update CLUPP make the process more efficient and get the job done.
- d. *Group 4: Lou Villeneuve:*
- No need for an agreed upon strategy for funding the remaining commissions. Just carry on.
 - Update CLUPP to make the process more efficient and to get the job done.
- e. *Group 5: Mark Nelson:*
- No. Carry on, update CLUPP make the process more efficient and get the job done.

Breakout 5: CLUPP Improvement Ideas

1 Top 10 rating List:

a. *Group 1 (Mal Maloch):*

Topics	Ratings
1 Plan Process Principles and Plan Principles in Terms of Reference	3
2 Parties state the issues they want the Commission to address in Terms of Reference or Memorandum of Understanding (appended)	4
3 Government policy/direction needs to be made clear (from the beginning)	1
4 Parties state the issues they want the Commission to address	1
5 A memorandum of Agreement is made at the start of the planning process YG/YFNs	5
6 Separate Agreement with Yukon First Nations without final agreements is to be created	1
7 Information needs to be prepared in advance (handed by Parties at fixed point)	2
8 Product expectation made through templates (appended to TOR)	1
9 Secretary/Treasurer made mandatory	0

(5 is high, 0 is low)

b. *Group 2 (Andre Gagne):*

1. Plan process principles & plan principles in TOR
 - Parties state issues they want commission to address (in TOR or afterwards: binding)
2. Government policy & direction needs to be made clearer, earlier
 - YLUPC does all communications/financial administration
3. Memorandum of agreement made at beginning between the Parties (plan agreement.)
 - Land policies/direction are provided in TOR
4. Separate agreement with YFN's without final agreements
 - Product expectation made through templates in TOR
5. Information prepared in advance
 - Provided by Parties to Commission

c. *Group 3: Nick Gryzbowski:*

1. MOU Agreement between YFN/YG at the outset – this should include how YFN without Final Agreement are to be involved
2. YLUPC provide Financial Administration and logistical support
3. Clear plan principles agreed at beginning

d. Group 4: Lou Villeneuve:

1. Political support
2. Public interest group support
3. Land use conflict
4. Controversial issues
5. Relationships with other governments
6. Lines of communications

*NOTE: The importance of each rated CLUPP question varies between each YFN's and depends upon their respective needs

e. Group 5: Mark Nelson:

- – None noted –

2. Which topics need more research or thought?

a. Group 1 (Mal Maloch):

- Minimum needs: Expedite the Commission member appointment process
- Appoint alternate Commission members-up front (include in OHS, etc.)
- Develop strategies to involve recognized Yukon First Nations without Final Agreements in the implementation of Chapter 11, Land Use Planning Process.

b. Group 2 (Andre Gagne):

- Parties to readily provide information on land & resources, human resources coupled with commitment and traditional knowledge
- Need clarity on LUP process and better reference to definitions
- Need improved lines of communications between Parties & Commission including improvement on working relationships
- Commission members should consider their roles in leadership (e.g., endorse rotating chairs)
- Other Commissions may consider “Structured Decision Making” application, similar to the Dawson Regional Planning Commission’s approach to the production of alternate plans.
- Conservation area to be completed before public review
- Concerns expressed over miss-use and abuse of traditional knowledge (if protected via interim land withdrawal from staking)
- Land Use Planning process is seen to cause staking rush!

c. Group 3: Nick Gryzbowski:

- How First Nations without Final Agreements can be involved (can force them, needs to be voluntary)
- Lessons learned from other planning processes, both in the Yukon and elsewhere

d. Group 4: Lou Villeneuve:

- Set specific time to finish a sub-agreement
- In event of necessary feedback or unforeseen event
- Have sub-agreement on how to do a particular phase of the planning process (i.e.) consultation phase

*NOTE: The group questioned the need for a sub-Agreement if the TOR is complete and the Parties have a good relationship

e. Group 5: Mark Nelson:

- Low priority planning projects have proven to be difficult to manage due to time constraints, monetary efficiency, failing deadlines, SLC meetings to address shortfalls, outstanding issues
- Area Development Projects require Yukon Government high level support
- Fox Lake Area Development Plans were funded in stages. Planners contracted to prepare plans.
- Public consultation managed by YG officials.

3. How much attention should CLUPP receive before moving forward? What should be given attention?

a. Group 1 (Mal Maloch):

- – None noted –

b. Group 2 (Andre Gagne):

- – None noted –

c. Group 3: Nick Gryzbowski:

- How to prevent parties from introducing policies in late
- How to include First Nations without Final Agreements
- How to rebuild trust and faith in the planning process, take stock with what happened in the Peel
- Degree of authority of MOUs might need to be binding

d. Group 4: Lou Villeneuve:

- Attention is on-going

e. Group 5: Mark Nelson:

- – None noted –