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# Sub-Regional Planning in Yukon



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by

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## Executive Summary

This paper seeks to clarify if the Parties to the land claim agreements are interested in having sub-regional plans completed under the terms of Chapter 11 of the UFA and Yukon First Nation Final Agreements. Increasing resource and land use pressures, combined with an increased desire to initiate regional specific, sub regional or medium scale land use planning processes without clear linkages to Chapter 11 of the UFA may result in the inability to maintain a consistent planning approach throughout the Yukon.

The Final Agreements provide an agreed upon approach to regional and sub-regional land use planning. Being consistent in planning approaches across regions can ensure consistency, reduce complexity, and encourage more planning efforts have the support they need to succeed.

Escalating land use is occurring in the absence of approved regional land use plans and many land use initiatives are being developed for local or sub-regional areas that will bear on regional plans in the future. This paper examines some scenarios on how sub-regional planning could occur and their link to Chapter 11. Three scenarios: The Regional Umbrella, Sub-Regional- Phased, and the Independent Sub-Region are discussed regarding Chapter 11.

Chapter 11 references sub-regional planning minimally and provides even less guidance for the application of a sub-regional planning process. This document puts forward the idea that much of Chapter 11 can be applied to a sub-regional process, with a few exceptions. It is unlikely that regional planning commissions would be involved in the development of a sub-regional plan, but there may be the need for a locally appointed committee or board to oversee the planning. The role of the Yukon Land Use Planning Council also needs to be described in greater detail for these processes.

Because sub-regional planning is done at a smaller scale than regional planning, there is a higher chance that the planning direction will be more prescriptive. This provides a unique opportunity to use a variety of other land claim and legislative tools (e.g. Chapter 10, *Environment Act*, *Wildlife Act*, *Placer and Quartz Mining Acts*, etc.)

## Introduction

The objective of this document is to bring Yukon's sub-regional planning conversation back to Chapter 11 and demonstrate that a straightforward and feasible approach is possible. The intent of the document is to stimulate an agreement amongst the Parties about the scope and fit of sub-regional plans in the broader planning context in the Yukon.

Chapter 11 of the Umbrella Final Agreement (UFA) provides a mandate for regional land use planning (11.2.0). It also refers to the development of sub-regional and district (11.8.0) level plans, which until recently, has not been explored to a large extent. Without a planning framework or planning legislation, there is nowhere that provides a point of reference for distinguishing sub-regional from district plans. For the purpose of this discussion paper, the two will not be separated out.

We are now seeing an increased interest in pursuing sub-regional planning in Yukon for various reasons, but without a clear understanding of how to approach the process. As a result, planning bodies are turning to processes outside of the land claims, or planning in a way that was not envisioned in the land claims. Without foundational grounding in Chapter 11, Yukon is at risk of a patchwork approach to land use planning with products that do not necessarily link with each other across a landscape. It could arguably create increased land management uncertainty and complexity for First Nations, Yukoners and industry, as well as create logistical challenges for implementation and review cycles. More importantly, by straying away from Chapter 11, Parties are giving up the legal certainty provided by the land claim agreements.

### Planning Framework (Planning at Different Scales)

The need for sub-regional planning comes from the disparity between tools available for regional issues and tools available for more local rural and urban issues. There is a unique planning space where regional tools are too generic and broad to deal with more specific land use problems, but local tools are too fine-scale to address broader land use and resource issues. This is where sub-regional land use planning lives. Table 1 illustrates Yukon's planning hierarchy and highlights the sub-regional planning scale.

At the finest level, local area plans are developed under the *Area Development Act* (Table 1). They are usually more useful at a rural residential level. They don't typically address significant resource management issues, but instead focus more on agriculture, green space, recreational use, heritage sites, environmental reserves, community growth, community economic potential, traditional uses, access to services, etc. Examples of typical local area plans include Carcross, Mt. Lorne, and the Ibex Valley.

Sub-regional or medium scale plans, would typically address resource management and land use interests at a finer scale than regional planning, and would help inform further detailed planning or not include the rural residential or community perspective seen at a local area level. Although no sub-regional plans have been done to date, possible examples of issues or regions that may have been dealt with at this level include the Dempster Highway Corridor, the lower MacMillan River watershed, or the Whitefish Wetlands Habitat Protection Area.

At the next management scale are regional plans. These are not typically single issue-driven and they normally involve a variety of interests. To date, this has been the most common approach to broad-scale planning. Yukon has one complete regional land use plan in North Yukon, and efforts have been undertaken in a variety of other places including the Peel Watershed, Dawson and Teslin regions.

## Why Sub-Regional Planning

There are many examples of why Parties may want to initiate a sub-regional planning process. To list a few:

- There is a need to address a specific resource issue or sub-regional concern.
- There may be an urgency to plan for a sub-region that does not allow for a lengthier regional process.
- In regions with multiple First Nation traditional territories, one or more First Nations are ready to begin planning, but at least one of the First Nations or Yukon Government does not have the capacity or interest to engage.
- A regional land use plan may identify a sub-region to be planned for in greater detail.
- The need for a sub-regional plan may be discovered during implementation of a regional plan.

These potential drivers for sub-regional planning can be categorized into three possible approaches to land use planning in Yukon: The Regional Umbrella, Sub-Regional - Phased and the Independent Sub-Region.

### Scenario 1: Regional Umbrella

The priority and focus in a Regional Umbrella scenario is the development of a regional land use plan first, followed by the need for sub-regional plans if more detailed planning is needed. This is likely to be the case in regions where there are fewer Parties or where the Parties approach regional planning in a more coordinated and unified way.

Table 1. A simplified Yukon planning framework or hierarchy.

Plan Type	Scale	Producing Agency	Foundational Legislation	Key Land Claim Provisions	Funding Source	Planning Process
<b>Territorial Strategy/ Framework</b>	1:2 000 000 or smaller	YG-YFN-CYFN based upon a recommendation from YLUPC	Umbrella Final Agreement (UFA), Territorial Leg.	11.3.0 (YLUPC)	Chapter 11 Funding: Schedule 1 Part 3 – UFA (2014) Yukon Gov. Budget	Territorial Government Processes
<b>Regional</b>	1:250 000 – 1: 2 000 000	Regional Planning Commissions under Chapter 11	Primarily UFA/FNFA Chapter 11- Additionally, Chapters 12,2,10,16,17,14	11.4.0 (RLUPC)	Land Claim: Sched. 1 Part 2	Terms of Reference, Sourcebook for Commission Members, Common Land Use Planning Process
<b>Sub-Regional / District</b>	1:100 000 – 1:250 000	Sub-regional or District Planning Body (regional populated, non-representatives)	UFA Chapter 11, and other legislation (e.g. Environment Act)	11.8.0, 11.9.4	No funding source identified	MOU (or equivalent) between parties. YLUPC provides administrative support and guidance if required to process
<b>Local Area Plan</b>	1:50 000 – 1:100 000	Local Area Advisory Bodies	Area Development Act	11.2.2.2, KDFN many relevant clauses	Territorial Government	Info Sheets 16, 18, 23 – Lands Branch YG

Alternatively, through the implementation of the plan it may become evident that there is a need for sub-regional planning.

An example of the Regional Umbrella could be the Whitefish Wetlands Habitat Protection Area that was identified in the North Yukon Regional Land Use Plan. Although not specifically described as a sub-regional plan, in essence it is exactly what it was. Incorporating the sub-regional language in Chapter 11 in the development of regional plans could go a long way towards increasing clarity and understanding of sub-regional planning processes.

This approach may be a great way to ensure sub-regional plans are consistent with regional plans, but it is much slower and does not have the ability to respond quickly to emerging land use issues.

### Scenario 2: Sub-Regional Phased

Although possibly a less likely approach to land use planning, the priority and focus of this scenario is the development of sub-regional plans first, followed by a regional land use plan that ties all the pieces together. This is more likely to be the case where multiple First Nations do not have the ability or capacity to engage in a regional process at the same time together. Alternatively, the Parties may agree together that a sub-regional phased approach is more appropriate for the region.

To date, there are no examples of this approach being used in Yukon, but is entirely possible within the context of Chapter 11 (see KDFN agreement 11.4.1.1)

### Scenario 3: The Independent Sub-Region

This scenario is similar to Scenario 2 in that a regional land-use plan is not in place at the onset of sub-regional land-use planning. The difference is that the focus is largely on sub-regional planning, independent of an overall objective to develop a regional land use plan.

This may be the more common scenario of the three and will be more issue or interest driven. It is unlikely that all interests in a region will be ignored until a land use plan is in place, and thus decisions must be made regarding activities on the landscape. A sub-regional planning process might be the best path forward because it would provide guidance on the landscape in advance of a regional land use plan.

One substantive challenge with this scenario is how to address the potential for third party vested interests. For example, if mineral claim rights or protected area establishment are driving a sub-regional planning process, there may be the risk of a biased and non-objective approach.

## Chapter 11 Provisions Applied to Sub-Regional Planning

Although Chapter 11 references sub-regional planning infrequently and vaguely, much of what is in Chapter 11 can be applied to both regional and sub-regional processes. The Final Agreements indicate that sub-regional plans are to be developed in accordance with provision of this chapter (s. 11.4.8). Chapter 11 does not clearly state which provisions are to be followed, and so an interpretation of sub-regional planning within the context of the agreements could be thought of as a spectrum from very close adherence to very loose adherence. A discussion of each of the main sections in Chapter 11 is described below, followed by a summary of options (close adherence versus loose adherence to Chapter 11).

### Objectives (s. 11.1.0)

The objectives of Chapter 11 are perhaps the most significant section to link to sub-regional planning processes because they are independent of regional or sub-regional planning scales. They set the foundation for a common approach to land use planning outside of community boundaries, require planning to recognize and promote First Nations' cultural values, and require the incorporation of Yukon First Nation knowledge and experience. The objectives speak to First Nation's responsibilities to use and manage Settlement Land and address the minimization of land use conflicts within and between Settlement and Non-Settlement Land. As with most land use planning efforts, the objectives also speak to sustainable development and the protection of social, cultural, economic, and environmental values.

It is recommended that at a minimum, the objectives stated in any sub-regional planning process include the objectives already laid out in Chapter 11. Any other objectives should provide further clarity or direction, but should not contradict what has already been agreed to in Chapter 11.

### Scope and Process (s. 11.2.0)

The same scope applied to regional planning would also be applied to sub-regional planning. For example, planning would apply to both Settlement and Non-Settlement Land throughout the Yukon, but would not include land within community boundaries, land already planned through local area planning, and national parks or heritage sites designated before the Final Agreements.

Through Chapter 11, sub-regional plans would also be required to reduce overlap and redundancy with other planning efforts in the sub-region. Sub-regional plans would also have to provide for and address monitoring and compliance with the approved plan, periodic review, procedures to amend, and non-conforming uses as specified in Chapter 12.

The same principles regarding work-planning, public participation, and consensus decision-making would also apply to sub-regional planning processes, as it already does to regional processes. Sub-regional processes would also have the ability to apply to the establishment of protected areas as in 11.2.1.12.

Section 11.2.1.10 discusses planning region boundaries. There would be a little more flexibility around the delineation of sub-regional boundaries in that the land being planned for will likely be smaller than a traditional territory. It is recommended however, that some foresight be applied regarding these boundaries so that regional planning processes will best be able to integrate within the larger region.

Regarding community boundaries in Chapter 11, if a community boundary is altered to include land subject to an approved sub-regional plan, the sub-regional plan would apply until the time that a community plan is approved.

#### **Yukon Land Use Planning Council (s. 11.3.0)**

As it is mandated to oversee and facilitate the implementation of Chapter 11, the Yukon Land Use Planning Council (YLUPC) is equally committed to making recommendations regarding regional and sub-regional planning policies, goals, and priorities. It can also assist in the identification of sub-regional boundaries, but as mentioned earlier, there is a little more flexibility here. It is likely that the Parties will have boundaries in mind already, but it is recommended that the Parties engage with the YLUPC for assistance.

The YLUPC would provide administrative support to sub-regional planning bodies as it would to regional planning commissions. Pursuant to 11.3.5, any annual meeting with the regional planning commission chairpersons would also include the chairpersons of any sub-regional planning body.

The role of the YLUPC could range from minimal involvement in a sub-regional planning process, to a much more supportive role. It will be critical for the YLUPC to ensure that sub-regional plans are developed consistently so as to provide a seamless approach to regional planning while also providing the flexibility for planning bodies to address the unique issues in their respective sub-regions. The YLUPC could also provide staff support to assist with capacity issues.

#### **Regional Land Use Planning Commissions (s. 11.4.0)**

This section can be looked at in two ways in the context of sub-regional land use planning: whether there is a need for a sub-regional planning commission, and whether a regional planning commission would be involved in a sub-regional process.

Chapter 11 does not specifically mention the establishment of sub-regional planning commissions, but agreement between the Parties in the form of a memorandum of understanding or multi-party agreement could simply identify the establishment of a steering committee or planning team, with members nominated by the parties. This would provide simplicity and expediency. Any established planning body would ideally be comprised of members that reside within or are familiar with the sub-region being planned for. It is unknown at this point whether and how the YLUPC would be brought in (i.e. would a General Terms of Reference be provided to the Parties before they develop a MOU, or would the Council be brought in afterwards).

In the case of the Regional Umbrella scenario, a regional planning commission may recommend that a sub-regional plan be developed. The development of the sub-regional plan would occur during implementation of the regional land use plan, thus there would not be a requirement for the regional planning commission to oversee the work of the sub-regional planning body.

If the goal is to build a regional plan using the sub-regional phased scenario, one could argue that there may be a need for a regional planning commission to be established to work in collaboration with the sub-regional planning bodies. This would only be effective if the sub-regional plans were being developed concurrently or within a short period of each other. It might be advantageous to have this type of collaborative approach, but it could also work that a regional commission be established only at the point when the phased plans are ready to be incorporated into a larger regional context. Either way, stop/starts and a staggered development of sub-regional plans might be challenging.

Like a regional planning commission, sub-regional planning bodies would be responsible for adhering to timelines and budgets, developing work plans, and producing maps, materials and draft/final land use plan documents. There would be the same requirement for public engagement, the use of traditional knowledge and experience of First Nations' people, and the consideration of all values.

### **Regional Land Use Plans (s. 11.5.0)**

The generic scope provided for content of a regional land use plan (provide recommendations for the use of land, water and other renewable and non-renewable resources) would also apply to a sub-regional plan. For clarity, recommendations on the same renewable and non-renewable resources described in 11.5.1 would need to be provided in a sub-regional land use plan.

### Approval Process for Land Use Plans (s. 11.6.0)

The approval process described in this section would apply to both regional and sub-regional land use plans. The Parties and the sub-regional planning body would follow the same approval process as would be followed in a regional process. Any additions to this process that might be described in an agreement between the Parties to the sub-regional planning process, would be for the purpose of providing clarity or further detail.

### Implementation (s. 11.7.0)

As with a regional land use plan, a sub-regional plan would be implemented in much the same way according to Chapter 11. Both Government of Yukon and the affected First Nations would exercise discretion in granting land interests primarily via Chapter 12 and the functioning of the Yukon Environmental and Socioeconomic Assessment Board's assessment processes. Also, implementation of a sub-regional plan could not require the Parties to enact or amend legislation.

### Sub-Regional and District Plans (s. 11.8.0)

Section 11.8.1 states that sub-regional land use plans must conform to a pre-existing approved regional land use plan. This does not mean that a regional land use plan has to be in place before sub-regional planning can occur. It simply speaks to the Regional Umbrella scenario and requires that sub-regional plans do not contradict the umbrella regional plan. Even loose adherence to Chapter 11 would recognise this provision as a significant requirement of maintaining a common land use planning process in Yukon within a planning framework.

Although an approved regional land use plan would prevail over pre-existing sub-regional plans given an inconsistency (section 11.8.2), regional planning commissions are required by 11.2.1.2 to incorporate and consider all existing land and water planning processes in the region, including sub-regional land use plans. It is unlikely that without significant consultation on the matter of a sub-regional plan that there would be notable inconsistencies, especially if the sub-regional plan was developed jointly by Government of Yukon and the affected First Nation(s).

As with a regional land use plan, a First Nation may develop a sub-regional land use plan for Settlement Land and Government may develop a sub-regional plan for non-settlement land. It can be done jointly or not, but if not, then only 11.8.1 and 11.8.2, as described in the previous paragraph, of Chapter 11 would apply.

The Kwanlin Dün First Nation provides a detailed look at sub-regional planning in their specific Chapter 11 provisions. These are provided for reference in Appendix 1.

### Funding (s. 11.9.0)

Only section 11.9.4 would apply to a sub-regional planning process. If Government of Yukon initiates the development of a sub-regional plan by a planning body, the planning body will prepare a budget and Government will review and pay the expenses that it approves. It might be assumed that this would also apply to a joint sub-regional process with Government of Yukon, but initiated by a First Nation.

There are no provisions in Chapter 11 that specify a funding source for a sub-regional land use planning process that will be initiated and developed solely by one or more First Nations and excludes Government of Yukon.

### Options for Adhering to Chapter 11

The relative lack of direction regarding sub-regional planning in Chapter 11 could arguably be viewed as an opportunity for flexible interpretation. There is a lot of room for parties to create their own process while still remaining within the context of Chapter 11. Table 2 highlights options that consider both a close and a loose adherence to the provisions of Chapter 11.

Table 2. Summary Analysis of potential options for sub-regional planning.

	Option 1: Close Adherence	Option 2: Loose Adherence
<b>General Comments</b>	Would essentially follow CLUPP at a smaller scale. Sub-regional Planning Committee established until plan completed. Implementation would be at a sub-regional level, then integrated later with other sub-regional plans in same region. Gap: Funding source. It is unlikely that funds would be taken from regional budgets.	Could follow the spirit of Chapter 11, but with a model more similar to smaller level Special Management Area planning (Chapter 10). Instead of a planning commission, a smaller steering committee or technical working group could be established (perhaps similar to the Old Crow Flats SMA model). Could consider integrating and utilizing legislation from Environment Act (i.e. section 69) regarding sub-regional or Resource Management Plans. If it was structured under the framework of other legislation, perhaps non-Final Agreement funding would be available through YG or partnership arrangements.
<b>Planning Boundaries</b>	Planned for and delineated in a purposeful manner. All sub-regional boundaries could be established before sub-regional planning even begins for a sub-region. Proactive and forward-thinking. Established by the Parties.	Could be reactive or proactive.

<b>Start-up</b>	Parties tell YLUPC they're ready to begin a sub-regional plan. Ideally, they come to the table prepared with issues and interests outlined and available information and knowledge described in some format, such as a resource assessment report. Members are appointed to commission. Terms of reference developed with assistance from YLUPC.	Agreement between parties via a memorandum of understanding, bilateral agreement, or other form.
<b>Planning Body</b>	A regional commission guides a phased approach to regional plan development through sub-regions (KDFN Final Agreement). It shuts down when all sub-regions are completed. Alternatively, an arms-length sub-regional planning committee or board could be developed following the same appointment process identified for a regional commission. It shuts down after the sub-regional plan is completed.	A planning team or steering committee is established at the discretion of the Parties. Parties may even consider hiring a contractor to plan.
<b>Funding</b>	Could conceivably be taken from regional budget if a regional commission planned for the region using a phased sub-regional approach and all sub-regions were ready to go (parties prepared). Separate funding under Implementation Plans also possible.	Parties might source through revised implementation plans. Funding sources would likely be described in MOUs or bilateral agreements.
<b>YLUPC Role</b>	Same as role with a regional land use planning process. Could provide administrative support.	Would not have a commission to support but could provide guidance and support to parties and any contractors. Could even provide staff support to planning body.
<b>Planning Staff</b>	Plan developed and completed by a regional planning commission or similar sub-regional planning body and its staff if applicable.	Completed by staff, steering committees or contractors. Might include existing staff of the YLUPC if needed.
<b>Implementation</b>	Implementation plan completed by commission and approved by parties.	Implementation plan completed by contractor or Parties. Would discuss linkages to other sub-regional processes in the region and the overarching regional process.

<b>Regional Plan</b>	Regional plan would prevail unless sub-regional plans done separately. Sub-regional plans would conform to pre-existing regional land use plans.	Regional Plan would prevail unless sub-regional plan done separately. Sub-regional plans would also conform to pre-existing regional land use plans.
<b>Pros</b>	Includes provisions for objectives, set up of commission, approval process, and implementation. The process structure is set up and there is the benefit of uniformity in planning across Yukon.	Best of both worlds. Follow the spirit of Chapter 11 but could also incorporate additional planning tools if necessary (see next section). Lower potential operational costs. Would allow parties to react to polarizing land use issues more quickly.
<b>Cons</b>	Could be very expensive to develop multiple sub-regional plans and a regional plan within one region. Certain matters haven't been sorted at the regional level that would remain in question for a sub-regional level (i.e. role of a commission after a plan is developed, review, etc.). Would provide a process consistent with 11.1.1.1 – encouraging a common land use planning process in Yukon.	Could be logistically challenging to coordinate. Potential for confusion at the process level (i.e. who is in charge). Would need to be clear at start with a very detailed TOR or agreement.

## Using Other Tools in Conjunction with Chapter 11

At a sub-regional level, there is also an opportunity to incorporate other pieces of legislation and additional UFA chapters. Depending on the nature of the planning issue, Table 3 outlines various tools that can be incorporated into a sub-regional planning process. For clarity, these tools would be used in conjunction with Chapter 11, and not instead of Chapter 11. The key is rooting the process in the regional and sub-regional planning process for consistency across Yukon, but also opportunistically using tools as appropriate to best fit the issue or provide more structure in process. For example, in the case of the North Yukon Regional Land Use Plan, Whitefish Wetlands was identified as a Special Management Area under Chapter 10. A sub-regional plan could specify that sub-regional planning occur for area “X” using tool “Y”. As the scale of planning is smaller, it could be expected that the plan management direction would be more prescriptive.

Table 3. Territorial legislative and UFA tools that can apply to sub-regional planning.

Planning Tool	UFA or Legislation	Description
Special Management Area	Chapter 10, s. 10.6.1.1	States planning for Special Management Areas can be developed in accordance with Chapter 11.
Habitat Protection Areas	Wildlife Act, s. 187	An area with important habitat values for wildlife can be identified during regional or sub-regional planning. Areas must have a risk of disturbance to wildlife.
Wilderness Management Plan	Environment Act, s. 74(1)	For the purpose of preserving wilderness resources in Yukon. Wilderness is defined as having both intrinsic and economic value.
Sub-Regional Forest Management Plan	Environment Act, s. 71(1)	To maintain essential ecological and biodiversity values, Government of Yukon can establish a sub-regional forest management plan.
Water Management Plan	Environment Act, s. 70	Must be supplemental to a land use plan if already in place. Shall consider First Nation values related to water.
Territorial Park	Parks and Land Certainty Act, Chapter 10	A territorial park could be recommended or planned for out of a sub-regional plan. Typically, the area is identified as a Special Management Area with designation as a park.
Special Operating Area	Quartz Mining Act, s. 131.01(1) and Placer Mining Act, s. 101.01(1)	Operating conditions must be established for exploration programs within the special operating area that will protect the environmental, socio-economic, cultural and historical values of the special operating area.
Land Management Zone	Territorial Lands (Yukon) Act, s. 3	Where it is deemed necessary for the protection of the ecological balance or physical characteristics of an area, land may be set apart and appropriated as a land management zone.
Joint Development Plan	Municipal Act, s. 286	Enables a municipality to jointly plan with another government in an area within the municipal jurisdiction. This may be applicable in the case of important areas that cross municipal boundaries.
Cumulative Effects Assessment and Management	Yukon Environmental and Socio-economic Assessment Act, s. 42(1) (c-f)	Matters to be considered include environmental and socio-economic effects, adverse cumulative effects, and mitigative measures.

## Conclusion

Most of the principles that apply to regional land use planning in Chapter 11, also apply to sub-regional planning. Some discussion with the parties is required to clarify start-up processes, composition of members on planning bodies, the nature of initial agreements to begin sub-regional planning, funding sources, relationship with local area plans, and the role of the Yukon Land Use Planning Council. Further work is required to identify how streamlining the production of sub-regional plans could occur once the fundamental production framework of sub-regional planning in the territory is agreed upon.

Yukon has a viable mechanism for sub-regional land use planning. Using the processes already established in Chapter 11, even if used in conjunction with other policy tools, will reduce bureaucracy, provide clarity and certainty in process, and ensure the best tools are being used for the job. The values of Yukon First Nations and Yukoners will be best represented in a consistent, holistic, and objective approach across the territory.

## Appendix 1: Sub-regional Planning Provisions from the Kwanlin Dun First Nation Final Agreement.

### 11.8.0 Sub-Regional and District Land Use Plans

11.8.1 Sub-regional and district land use plans developed in a region which has an approved regional land use plan shall conform to the approved regional land use plan.

11.8.2 The provisions of an approved regional land use plan shall prevail over any existing sub-regional or district land use plan to the extent of any inconsistency.

11.8.3 Subject to 11.8.4 and 11.8.5, a Yukon First Nation may develop a sub-regional or district land use plan for Settlement Land and Government may develop a sub-regional or district land use plan for Non-Settlement Land.

#### **Specific Provision (Kwanlin Dun First Nation Final Agreement)**

11.8.3.1 Upon written request, Government and the Kwanlin Dun First Nation shall meet once a year to discuss Government and Kwanlin Dun First Nation land use planning initiatives, priorities and opportunities for joint sub-regional or district land use planning in the Traditional Territory of the Kwanlin Dun First Nation.

11.8.4 If Government and a Yukon First Nation agree to develop a sub-regional or district land use plan jointly, the plan shall be developed in accordance with the provisions of this chapter.

#### **Specific Provision (Kwanlin Dun First Nation Final Agreement)**

11.8.4.1 Where Government proposes to develop a sub-regional or district land use plan for a sub-region or district within the Traditional Territory of the Kwanlin Dun First Nation, Government shall, subject to 11.8.4.2, 11.8.4.3 and 11.8.4.6, develop that plan jointly with the Kwanlin Dun First Nation.

11.8.4.2 Where Government believes that reasonable grounds exist to not develop a proposed sub-regional or district land use plan jointly with the Kwanlin Dun First Nation, Government may, subject to 11.8.4.3, develop the proposed plan on its own.

11.8.4.3 Prior to developing a proposed sub-regional or district land use plan on its own pursuant to 11.8.4.2, Government shall meet with the Kwanlin Dun First Nation to discuss the circumstances underlying its belief that reasonable grounds exist for not developing a plan jointly with a view to resolving those circumstances in order that a plan can be developed jointly.

11.8.4.4 At least 30 days prior to commencing development of a proposed sub-regional or district land use plan, Government shall provide written notice to the Kwanlin Dun First Nation of either its intent to develop the proposed plan jointly with the Kwanlin Dun First Nation or its decision to develop the proposed plan on its own.

11.8.4.5 Within 14 days of receipt of a notice under 11.8.4.4 from Government that it intends to develop a proposed sub-regional or district land use plan jointly, the Kwanlin Dun First Nation shall provide written notice to Government of whether it wishes to participate in the development of a joint plan.

11.8.4.6 Where the Kwanlin Dun First Nation provides written notice to Government that it does not wish to develop a proposed sub-regional or district land use plan jointly or fails to

provide any notice to Government within the time specified in 11.8.4.5, Government may develop the proposed plan on its own.

11.8.4.7 For greater certainty, Government may also develop a proposed sub-regional or district land use plan on its own when circumstances identified pursuant to 11.8.4.3, have not been addressed.

11.8.4.8 Where Government decides in accordance with the provisions of 11.8.4.2 to develop a sub-regional or district land use plan on its own, the notice required pursuant to 11.8.4.4 shall include the following:

- a. the proposed sub-region or district of the Traditional Territory of the Kwanlin Dun First Nation to be planned;
- b. the nature of the planning in the proposed sub-region or district of the Traditional Territory of the Kwanlin Dun First Nation; and
- c. any other matter considered relevant by the party carrying out the planning.

11.8.4.9 Subsequent to provision of a notice under 11.8.4.4 and commencement of the sub-regional or district land use planning, Government shall, within 30 days of receipt of a written request by the Kwanlin Dun First Nation, provide the following information if such information is available at the time of the request:

- a. the planning terms of reference;
- b. the preliminary sub-regional or district land use plan;
- c. the final approved sub-regional or district land use plan; and
- d. the implementation of the sub-regional or district land use plan.

11.8.4.10 For greater certainty, if Government and the Kwanlin Dun First Nation agree to develop a sub-regional or district land use plan jointly, that plan shall be developed by a Regional Land Use Planning Commission established pursuant to 11.4.0, or a body similar in composition, and that plan shall be approved in accordance with the process set out in 11.6.0.

11.8.4.11 Where Government and the Kwanlin Dun First Nation agree to develop a sub-regional or district land use plan jointly, the need to involve other affected Yukon First Nations in the planning process shall be addressed.

11.8.5 If Government and a Yukon First Nation do not agree to develop a sub-regional or district land use plan jointly, only 11.8.1 and 11.8.2 of this chapter shall apply to the development of the plan.

11.9.4 If Government initiates the development of a sub-regional or district land use plan by a planning body, the planning body established to prepare that plan shall prepare a budget for the preparation of the plan which shall be subject to review by Government, and Government shall pay those expenses which it approves.