



YUKON LAND USE PLANNING COUNCIL

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Minister Patrick Rouble
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Dear Minister Rouble and Southern Yukon First Nation Chiefs:

Re: Regional Planning in the Southern Yukon:

As per our mandate under the Umbrella Final Agreement, the Yukon Land Use Planning Council is to make recommendations regarding the identification of boundaries for planning regions and priority planning regions in the territory. The last recommendation of this nature occurred in 1998 and 8 planning regions were envisioned in the territory. However, with three First Nations not settling land claim agreements, and based upon recent dialogue with the Yukon and the affected First Nations, there is a need to alter the 1998 recommendation. Based upon work over the last one and a half years, the Council makes the following recommendations:

Recommendation # 1: The Core Area of the White River First Nation and the entire Traditional Territory of the Ross River Dena and Liard First Nation should be excluded from any regional planning done under Chapter 11. Any funding strategy for completing regional planning in the Yukon should not set aside funds for these unsettled areas (funding source reference: Schedule 1, Part 2 of the Umbrella Final Agreement Implementation Plan).

Rationale: These First Nations have not settled individual land claim agreements under the terms of the Umbrella Final Agreement. Indications are that they will not accept UFA based agreements. Without a land claim agreement, there is no document that would provide the necessary guidance and funding to allow for the implementation of regional planning based upon Chapter 11 of the UFA. This applies to the White River First Nation Core Area and the entire traditional territory of the Ross River Dena Council and Liard First Nation.

Recommendation # 2: There should be three planning regions in the southern Yukon: the Teslin Region, the Whitehorse Region and the Kluane Region.

Implementing this recommendation requires the modification of the current map of planning regions in the Southern Yukon (shown on Map #1) to the configuration shown on Map # 2 (attached). The Parties associated with each region are as follows:

1. The Whitehorse Region (Yukon Government, Kwanlin Dun First Nation, Little Salmon/Carmacks First Nation, Carcross/Tagish First Nation, Champagne/Aishihik First Nation, Teslin Tlingit Council, Ta'an Kwach'an Council);
2. The Teslin Planning Region (Yukon Government, Teslin Tlingit Council);
3. The Kluane Region (Yukon Government, Champagne/Aishihik First Nation, Kluane First Nation, Little Salmon/Carmacks First Nation and Carcross/Tagish First Nation).

Rationale:

- Regional planning occurs at a scale that requires large land areas. Dividing the Southern Yukon into more than three regions creates “sub-regional” areas and not the regional planning units envisioned by the land claim agreements.
- The land claim agreements state that “where practicable” the planning region boundaries are to follow the First Nations traditional territories. All the boundaries identified on Map # 2 generally follow traditional territories, with the exception of the provincial and international borders.
- To allow proper regional planning to occur, the Whitehorse Region should contain the majority of the land area that is impacted by the expansion of human settlement stemming from the growth of the City of Whitehorse and surrounding areas. Therefore, the Whitehorse Region includes an area approximate 75 kms out from city and it is crucial that this block of land be planned as a unit. Once the bounds of the Whitehorse Region

are identified, the configuration of the two other regions, Kluane and Teslin, becomes apparent.

Recommendation # 3: The next priority planning region should be the Teslin Planning Region, with the new Terms of Reference for the Commission developed by the Parties by March 31, 2012.

The boundary of the Teslin Planning Region would be the same as those identified in the Terms of Reference for the Teslin Regional Planning Commission (2001). This includes only the portion the Teslin Tlingit Council's traditional territory that is not overlapped with any other Yukon First Nation. The new Terms of Reference should be updated to include the "lessons learned" from the advancements in regional planning processes that have occurred elsewhere in the Yukon since 2001.

Rationale:

- Between 2001 and 2004, the Teslin Regional Planning Commission began a planning process within the Teslin Planning Region. The Commission completed much of the information gathering stage and a portion of the plan options stage of a regional planning process. While this work will require updating and improvements, the length of time and funding required to complete the exercise is much less than any other region under consideration.
- The detailed boundaries of the Teslin Planning Region are defined and no further work is required. Work could begin immediately on other aspects of the Terms of Reference and the Terms of Reference should be completed by March 31, 2012.
- The key components of a new Terms of Reference should now include: a work plan and budget for the completion of the plan within two years, provisions for the Commission to address planning issues that extend beyond the planning region, clarification of the roles and responsibilities of the Commission, Yukon Land Use Planning Council and the Parties and the identification of the expected products that would be produced through the planning exercise.

Recommendation # 4: For the Whitehorse and Kluane regions, the affected First Nations and the Yukon Government (with assistance from YLUPC) develop an agreement on the detailed planning boundaries and the associated issue of Commission membership. This work should be completed prior to the Council recommending either of these two regions as the next priority planning region after Teslin. Work on these challenges should begin immediately.

Rationale:

The Whitehorse and Kluane regions both require the resolution of detailed planning boundaries in two areas: the western and northern boundaries of the Whitehorse Region and the northern boundary of the Kluane Region. Once the detailed boundaries are identified and agreed upon, the membership of the commissions can be determined, and the nominating agencies brought together to develop the Terms of Reference.

It should be noted that at our February 03, 2011 workshop, participants acknowledged a number of broader issues that can only be properly addressed at a trans-regional scale. Thus it is proposed that these issues be identified in each of the southern planning region's individual Terms of Reference and a method for consultation be established to ensure appropriate pan regional solutions.

The Council looks forward to responses on these recommendations from all the Parties.

Sincerely,

Ian D. Robertson,
Chair, YLUPC

cc Ross River Dena Council, Liard First Nations, White River First Nation

Attachments:

Map # 1 Current Planning Regions, Yukon.

Map # 2 Proposed Planning Regions, Yukon.