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Hon. John Streicker
Minister of Energy, Mines and Resources
Government of Yukon

Hon. Nils Clarke
Minister of Environment
Government of Yukon

Chief Peter Johnston
Grand Chief, CYFN

Robin Bradasch
Regional Director General, CIRNAC

October 29, 2024

Re: Recommendation for Ongoing Commissions

As per Section 11.3 of the *First Nation Final Agreements*, the Yukon Land Use Planning Council is mandated to make recommendations related to land use planning in the territory.

The Yukon Land Use Planning Council (the Council) is pleased to make a Recommendation to the Parties to the Umbrella Final Agreement that regional land use planning commissions remain in place once a plan has been approved for each region. Consistent with this recommendation, the Council recommends that the North Yukon Planning Commission and the Peel Watershed Planning Commission be re-established.

As set out in Section 12.17 of the *First Nation Final Agreements*, and subsequently under Section 44 of the *Yukon Environmental and Socio-Economic Assessment Act (Canada)*, regional planning commissions shall undertake conformity checks and make representations related to proposed development projects. These clauses make it clear that regional planning commissions are required to be in place to support plan implementation. To close down a commission and to deny funding to a commission would appear to be a breach of the Umbrella Final Agreement and First Nation Final Agreements as well as the federal legislation.

The First Nation Final Agreements and Implementation Plans do not provide specificity with respect to the size of ongoing commissions, budgets, and delegation authority. Therefore, the Council is proposing a couple of models to be considered by the Parties moving forward, with different levels of responsibility and budget implications.



In 2023, the Council included the following two approaches to meeting the requirement to keep regional planning commissions in place:

Model 1: Shared Services Approach

If this approach were chosen, the Council's secretariat would take on administrative functions in support of ongoing commissions. Commissions would be scaled down in size and would delegate administrative activities, plan monitoring and low threshold conformity checks to the secretariat.

Model 2: Independent Commissions

This approach involves commissions continuing to exist after plans have been approved. Commissions would share secretariat functions with each other, not with the Council.

Both models involve scaled down operations for Commissions. Depending upon the level of development activity in a region, a Commission would meet quarterly, semi-annually, or annually as well as any time a major conformity check is required, as set forth in a terms of reference.

As more plans are approved, a greater economy of scale would be achieved, resulting in greater efficiency.

Funding adequacy

There is currently adequate funding remaining in place from the original \$7.4 million Chapter 11 regional planning commission funding to implement these models over the next several years. This is contingent upon the Parties authorizing the release of those funds for approved land use plan implementation.

The Council understands that land claims implementation funding discussions for the current 10-year period are ongoing between the Parties. The Council feels that, regardless of the model chosen, the implementation funding discussion must address the future funding gap for ongoing commissions, once the original \$7.4 million is expended.



YLUPC
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The Council would like to offer a meeting with the Parties and implementation funding working group to discuss the preferred approach and the funding implications. Please contact our Director, Tim Sellars, at tim@planyukon.ca or at (867) 333-6095 if you are available to meet with the Council.

Thank you,

Al Foster, Interim Chair
Yukon Land Use Planning Council

cc. Yukon First Nations
Yukon Environmental and Socio-Economic Assessment Board