



## YUKON LAND USE PLANNING COUNCIL

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# Annual Report 2020-2021

## Report Introduction

This report summarizes the activities of the Yukon Land Use Planning Council (Council), as required by the Yukon Government in its Transfer Payment Funding Agreement. The annual activity report contains the following:

1. Role of the Council, Relationship to the Commissions, Relationship to the Planning Parties
2. Support to Planning Commissions
3. Other Council Activities
4. Council Meetings and Activities
5. Work Plan Variance
6. Successes and Challenges
7. Work plan Summary 2021-2022

## Members

Lois Craig, Member, Chair Reappointed May 28, 2020

Dennis Zimmermann, Member until December 7, 2020

Hammond Dick until May 4<sup>th</sup>, 2020

Tess McLeod, Member from October 15, 2020

**Staff:** Ron Cruikshank, Director

Joe Copper Jack, Senior Policy and Planning Coordinator

Sam Skinner, Senior Planner

Heidi Hansen, Senior Financial Administrator

# **1. Introduction: Roles and Responsibilities**

## **1.1 Role of the Council**

The Council makes recommendations to the Yukon Government and Yukon First Nations on regional land use planning in the Yukon and assists regional planning commissions. The Council makes recommendations relating to:

- Policies, processes, goals and priorities;
- Planning regions, boundaries and priority planning areas;
- Terms of Reference for the planning commissions; and
- Such other matters as Government and each affected Yukon First Nation may agree upon.

The Council works collaboratively with the Parties on regional land use planning related initiatives and facilitates issue delineation and resolution.

The Council also reviews the annual budgets and work plans prepared by the planning commissions, organizes an annual meeting of commission Chairs, and advises YESAA based reviews and the Yukon Government's Minerals Branch as to whether a project is consistent with the North Yukon and Peel Regional Land Use Plans.

## **1.2 Relationship to Commissions**

This relationship is characterized as an assisting role to commissions, with a focus on regional plan preparation and production in accordance with a Terms of Reference (ToR) agreed to by the Parties. This assistance includes:

- Commission start-up activities and orientation;
- Providing assistance to the commission as identified in the Final Agreements through consultation with the Parties and/or by the commission;
- Providing ongoing support: technical, financial and office administration, planning and communication;
- Providing opportunities for discussing land use planning related topics, facilitating problem solving via annual meeting of the Chairs, at regular Council meetings and other meetings between the Council and the commissions.

To help define this relationship, the Council enters into Transfer Payment Funding Agreements (jointly with the Yukon Government) that define the standards and expectations of the commissions and a Memorandums of Understanding that define the assistance the Council will provide. Both these were entered into with the Dawson Regional Planning Commission for 2020-21.

## **1.3 Council to Parties**

The Council is an advisory body to the Parties on regional planning matters. The Council recommends the work plans and budgets of the commissions to the Yukon Government and jointly administers the associated funding agreements. The Council also provides

recommendations to the Parties on land use planning related issues that could contribute to timely resolution of matters pertaining to land planning.

To assist with this relationship, the Council has worked with the Leads committee that was created through the Yukon Forum as an avenue for communications and issue resolution between the Council and the Parties. This has proven to be an effective engagement strategy. YLUPC and Leads have also considered how RLUP in Yukon could be more timely and effective, building upon experience and directions from the Yukon Forum.

## **1.4 Council Members**

The Council operated with at least two members throughout the year, with Dennis Zimmermann's appointment ending December 7 and Tess McLeod's starting Dec. 11, 2021.

## **2. Support to Planning Commissions**

### **2.1 Status of Commissions by Region**

Although the Parties have yet to determine what planning regions in Yukon will have regional land use plans, the following is a summary of the status of planning in the seven initial planning regions (status as of March 31, 2021):

- North Yukon Planning Region: no active commission. The plan is approved and being implemented by the Yukon and Vuntut Gwitchin governments, with extensive assistance from the Council. This includes conformity checks, technical work related to cumulative effects assessment and management (historical linear and surface disturbance levels and regeneration rates);
- Peel Watershed Planning Region: Commission is no longer operational. The Plan was approved August 22, 2019. The Parties' have developed an implementation plan and Council began conducting conformity checks (including Class 1 Mineral staking);
- Dawson Planning Region: In 2017, the Parties requested that the Council begin the process of re-establishing the commission. A Terms of Reference was developed by the Senior Liaison Committee based upon issues identified by the Council. The Council recommended a Terms of Reference in July 2018, with minor modifications to the work of the Senior Liaison Committee. The Commission was appointed in December 2018 and training and orientation occurred April 8-10<sup>th</sup>, 2019 in Dawson City, with Commission working on the production of its Draft Plan since that time (with a goal for draft plan completion by Spring 2021);
- Teslin Planning Region: no active commission: RLUP requested by Teslin Tlingit Council in August 2019 and bilateral meetings are in progress
- Kluane Planning Region: no active commission;
- Whitehorse Planning Region: no active commission;
- Northern Tutchone Region: no active commission.

## **2.2 Overview of Support Provided by the Council to the Commissions Dawson Regional Planning Commission**

The support the Council provides the Dawson Regional Planning Commission is defined in a Memorandum of Understanding between the two agencies. This agreement was updated and co-signed on April 27, 2020.

Work involving Council members included Chair to Chair meetings, with topics covered including the need for a clear understanding of the planning issues the Commission is facing, interim measures, YLUPC's work with the Yukon Forum Leads, the YLUPC/DPRC MOU and staffing, conflict of interest management, meeting facilitation, a possible joint submission to the Mineral Development Strategy Panel, preparing for the resolution of significant issues during the planning process and the challenges of working during the Covid19 pandemic. A Council member also assisted the Commission by facilitating a series of Zoom meetings that occurred as a result of the operational restrictions associated with Covid19.

The YLUPC staff worked with DRPC staff as they prepared the drafts of the "*What You Said*" Report, the final draft of the Resource Assessment Report (and associated summary documents) plus components of the Draft Plan, including Module 1 that was sent to the Parties. The YLUPC staff focussed much of its effort on supporting the Commission with the Council's Geographic Information System, engagement work and involvement in the Commission's considerations of cumulative effects management in the Dawson region. The Director attended five meetings of the Commission over the course of the year. The topics addressed included the public nature of the meetings the Commission is required to have and meeting this challenge during Covid19 restrictions, the role of interim measures in regional planning and the changing staffing needs of the Commission.

The Council assisted with the DRPC's Annual Report production and getting the commission's Financial Payment Transfer Agreement signed. The Council continued to provide financial and administrative support for the commission, with the Senior Financial Administrator maintaining the commission's finances and administration and led the commission through its auditing process. The staff and Council also reviewed the Commission's 2021-22 final workplan and budget and recommended these to Yukon.

### **North Yukon Planning Region**

Upon the request of the Parties, the Yukon Land Use Planning Council completed four conformity and Class 1 conformity checks in the North Yukon planning region. YLUPC staff also produced an estimate of the linear disturbance and surface disturbance levels in region and provided these to Yukon and the Vuntut Gwich'in governments. The methodology associated

with this work was summarized in a document entitled *A Pilot Study of Surface Disturbance in Eagle Plains*, Version 2021-01-09.

## **Peel Planning Region**

As part of the implementation of the approved Peel Watershed Land Use Plan, the Parties requested that YLUPC conduct conformity check on YESAA based projects and on Class 1 mineral developments originating from the Yukon Government's Minerals Branch. The Council agreed to undertake this work and one Class 1 project was reviewed.

## **Information Storage and Maintenance**

The Council maintains the information and records of the Teslin, Peel Watershed, North Yukon and Dawson regional planning commissions.

## **3. Other Council Activities**

### **3.1 Summary of Major Activities, Results**

The Council's workplan in 2020/21 identified five priority work themes for the Council:

- assisting the Dawson Regional Planning Commission;
- work collaboratively with the Parties regarding the Yukon Forum's Chapter 11 implementation recommendations;
- participate in the Chapter 11 Adequacy of Funding Review;
- working with the Yukon Government and the Teslin Tlingit Council, develop a Terms of Reference for the Teslin Regional Planning Commission;
- outreach, education and engagement work with the Parties, planning partners and the public.

### **Priority Work Theme #1 Assisting the Dawson Regional Planning Commission**

See section 2.2 Overview of Support Provided to Commissions

### **Priority Work theme # 2: Working collaboratively with Parties: Advancing Chapter 11**

The Council presented the Yukon Forum's Leads committee with a proposal that would advance regional land use planning both within and outside of Chapter 11, re-evaluate process and data requirements for regional land use planning, supporting several land use planning processes concurrently and evaluating a full range of process options. The Council presented the committee with the concept that an improved process could be created through a series of strategic workshops with topics identified after interviews with the Leads members.

The strategic workshops occurred December 15<sup>th</sup>, 17<sup>th</sup> and January 17<sup>th</sup> and 18<sup>th</sup> and involved staff from Yukon First Nations, Yukon Government, the Dawson Commission and YLUPC staff with regional land use planning experience. With help from a contractor, these facilitated workshop generated a series of recommendations for improving regional planning in the territory (draft report completed ``*Advancing Yukon Land Use Planning: Report on Workshops to address Yukon Forum Strategic Report Recommendations, Winter 2020-21*).

### **Priority Work Theme # 3: Adequacy of Funding Review**

The Council did not participate in any meetings during this period regarding the adequacy of funding for Chapter 11 but work was done in preparation of such a request. The Director did provide Canada with a sample of planning process expenses assessments that are done after the commission completes its process. The Secretariat also provided Yukon with an estimate of the cost of regional planning for the next five years however this submission was not part of Adequacy of Funding Review.

### **Priority Work Theme # 4: Teslin Planning Commission**

To begin the process of creating the Teslin Regional Planning Commission, the Council's staff met with the staff of the Teslin Tlingit Council. Topics covered in the meeting included the context for the planning process, membership on the Technical Working Group and the Senior Liaison Committee, the boundary of the planning region, membership composition, the role of adjacent First Nations in the planning process, joint planning with British Columbia, the content of a Memorandum of Understanding between the Parties prior to the commission starting its work and the Commission's process and budget. Follow-up correspondence occurred but with no additional meetings.

### **Priority Work Theme # 5: Outreach, Education and Advocacy work with the Parties, Planning Partners and the Public**

The Council's ability to engage on the new regional planning processes was hampered by the COVID19 pandemic, as travel to communities across the territory was limited and visitation to First Nation General Assemblies was not possible. In addition, many events that YLUPC would normally have a presence at did not occur. Agencies through this period had limited communication ability, as traditional office structures were altered (employees working at home.) In addition, ideas for advancing regional planning are still under development through its work with the Yukon Forums Leads committee and not ready to be released publicly. The Council's Secretariat reviewed its core documents (*Frequently Ask Questions, First Nation's Role in Regional Planning, Council's Public Relations brochure, Planning Commission Nominations, Becoming a Commission Member*) with the goal of updating and bringing consistency to them.

The Council met with the Mineral Development Strategy Panel early in 2020, and following this meeting, the Council developed and submitted its recommendations to the Panel (letter September 3, 2020). The Council's recommendations addressed regional land use planning, integrated resource management, First Nations relations and cumulative effects and climate change. Many of these recommendations were used in the Panel's final report.

The Council's continued its effort to improved the integration of Chapter 11 and YESSA based processes. This work included correspondence, following a bilateral meeting earlier in the year, between the YESAB and YLUPC, with a letter from YESAB dated June 03, 2020 indicating the need to explore the analytical capabilities of YESAB's Online registry and interactive project-mapping tool (staff level meetings occurred June 10, 2020), Section 44 (Conformity Checks) of the YESAA legislation and the need to advance Cumulative Effects management in the territory. The Council's Chair (jointly with the Chair of YESAB) and the Director presented at the YESAA sponsored forum *Cumulative Effects, Assessment, Management and Monitoring* (January 26, 2021).

### **Annual Regional Planning Gathering: Indigenous Planning Concepts and Traditional Knowledge in Regional Planning**

To help advance a recommendation from the Council to the Leads regarding how to incorporate Indigenous Planning Concepts and Traditional Knowledge in its planning process, the Council formed a steering committee comprised of First Nations individuals knowledgeable about the topic. The committee met five times and developed a vision and agenda for an event. It recommended that the event take place in an outdoor setting, however Covid19 restrictions hampered the effort to stage the event. However, a report was completed by a contractor that examined the use of traditional knowledge in regional planning across northern Canada entitled: *A Review of the Presence/Use of Traditional Knowledge in Regional Land Use Planning*, prepared for YLUPC, January 2021. This report and summary document indicated that Yukon lags behind the other territories with respect the use of traditional knowledge in its planning processes. Work is ongoing.

### **Annual Report and Audited Financial Statements**

The annual report and audited financial statements were completed. There was no management letter associated with the audit.

### **3.2 Attendances at Conferences and Workshops**

#### **Geoscience Forum, Whitehorse, Yukon (Zoom) November 24, 2020**

The Council's Director supported a joint presentation with Senior Planner for the DRPC at the Geoscience Forum on November 24, 2020.

#### **YESAB's Cumulative Effects Assessment, Management and Monitoring, January 26, 2021**

The Council's Chair (jointly with the Chair of YESAB) and the Director presented at the YESAA sponsored forum *Cumulative Effects, Assessment, Management and Monitoring* (January 26, 2021).

## **4. Council Meeting and Activities**

Council member's activities included:

- attending four regular Council meetings (July 30<sup>th</sup>, 2020, September 29<sup>th</sup>, 2020, December 11, 2020, February 12, 2021);
- seven working sessions (focussed upon a limited number of specific issues);
- other special assignments (presentations by members, administrative and human resource matters, meetings with representatives of other organizations and working meetings, preparing submissions, posting achievements and upcoming priorities) totaling 41.6 days for all members.

### **Significant Variance from the 2020-2021 Work plan**

As noted in the previous sections, the Council addressed most key priorities in its work plan.

Variances included:

- The Council was not able to organize or sponsor an annual gathering, as indicated in its workplan, as Covid 19 prevented large physical gatherings. The Council's sub-committee which acted as a steering committee for the gathering ("Indigenous Planning and Traditional Knowledge or IPTK") produced a draft agenda but struggled to identify an appropriate venue and opportunity to host the event;
- The Council's work with the Yukon Forum Leads regarding ways of advancing land use planning in the territory was slowed when a territorial election was announced in the final quarter of the fiscal year, preventing participation by Yukon Government members. Consequently communication work was also delayed as result;
- In addition, demands on the Council's Secretariat with respect of the Dawson Regional Planning Commission was substantive, as significant changes in staff in the final quarter



of the year required more human resourcing work than expected to ensure a smooth transition of staff;

- Finally, the Covid19 pandemic existed throughout the year, cause a disruption of normal office functions (staff working from home, no office visitors, staff away on Covid related responsibilities) and many of the communications and engagement opportunities normally available (i.e. First Nation General Assemblies) were negatively affected.

## *Successes*

### **Ongoing Working Relationship with Yukon Forum ``Leads``**

The Council has developed a good working relationship with Yukon Forum Leads. Following interviews with the Leads, a series of successful workshops aimed at advancing regional planning in the territory were convened and a report prepared for YLUPC and Leads. This work is expected to continue and result in improvements to the process followed by regional planning commissions, enabling plans that are more strategic in focus and timelier.

### **Support for the Dawson Regional Planning Commission**

The work associated with the Council supporting the Dawson Regional Planning Commission has been more extensive than previous commissions, with YLUPC providing Geographic Information Systems analysis and mapping, Cumulative Effects Modelling, computer network and support, human resources and financial responsibilities (all identified in a MOU). This has proven as a successful model for reducing the non-planning work of the planning commission members.

### **“A Pilot Study of Surface Disturbance in Eagle Plains” (draft), Version 2021-01-09**

The represents an important milestone in the cumulative effects assessment aspects of the implementations of the North Yukon Regional Land Use Plan as it provides a benchmark to measure future change.

## *Challenges*

### **Indigenous Planning and Traditional Knowledge Workshop**

The Council had anticipated sponsoring and participating in a gathering that focussed upon Indigenous Planning and Traditional Knowledge. The original concept for the gathering was a culturally appropriate “on the land” gathering. However, Covid19 restrictions regarding social distancing and gathering size resulted in the postponement of this gathering.

### **Parties and Public Communication and Engagement**

The Council’s plans for the development and implementation of an engagement strategy were hamper by the Covid19 restrictions that applied in territory throughout the year. This limited the number of engagement opportunities normally available (i.e. First Nation General Assemblies). In addition, the territorial election delayed the work of the Yukon Forum Leads group that would be the basis for much of the communication work.

## 7.0 Work plan Summary for 2021 – 2022

The Council's work in 2021-22 will focus upon:

### Priorities:

- assist the Dawson Regional Planning Commission in drafting its land use plans, address planning problems that arise during the process and providing the human resources for the production of the Draft and Recommended Regional Land Use Plan;
- working with the Yukon Government and the Teslin Tlingit Council, develop a Terms of Reference for the Teslin Regional Planning Commission and agreed upon preplanning initiatives. Assist with the creation and start-up of the Commission and develop a Memorandum of Understanding with the Commission regarding the assistance the Council will provide;
- based upon collaborative work with the Yukon Forum Parties and appointed Leads and the outcome of the Council's work regarding indigenous planning and traditional knowledge and any Yukon Forum decisions, revise Yukon's regional land use planning process and continue to affect positive changes to relationships, products and outcomes;
- prepare funding/resourcing estimates for the future resource needs of the Council and the Commissions;
- outreach, education and engagement work with the Parties, planning partners and the public about the new approaches to the implementation of Chapter 11 and the Council's role.

### Other work:

- hosting a regional planning workshop focussed upon Indigenous Planning and Traditional Knowledge;
- consider additional requests for regional planning commissions;
- linking and integrating Chapter 11 planning to other resource management work occurring in the territory, including the development assessment process (YESAA), Yukon First Nation and Yukon government planning efforts;
- assisting with the North Yukon and Peel Watershed Plan implementation work;
- prepare communication and education materials and messaging.