



March 8, 2019

Pearl Callaghan, Chair  
Yukon Land Use Planning Council  
201-207 Jarvis Street  
Whitehorse, YT Y1A 2H3

Dear Ms. Callaghan:

**Re: Yukon Forum – Land Use Planning Priority Objectives and Recommendations**

In accordance with the Joint Priority Action Plan, following the December 2018 meeting of the Yukon Forum, leaders of the Government of Yukon, Yukon First Nations and the Council of Yukon First Nations reviewed and endorsed a strategic approach to restarting and improving land use planning in Yukon.

As per the attached memorandum, the Parties have agreed to work together towards the implementation of four Priority Objectives and associated recommended actions to advance land use planning both within and outside of Chapter 11.

The Priority Objectives identified in the memorandum interrelate and will require joint and concurrent action from the Parties, the Yukon Land Use Planning Council (YLUPC), and Regional Planning Commissions for successful implementation. Notably, the recommendations envision a greater role for the YLUPC in providing administrative support to the Regional Commissions (e.g. provision of secretariat, hiring of staff and financial administration, subject to section 11.4.5 and other relevant provisions of Chapter 11), and in collaborating with the Parties to re-evaluate process and data requirements for regional land use planning.

The new approach also calls for the Parties to work together to support several land use planning processes concurrently, upon the request of affected First Nations. The approach involves evaluating a full range of process options, including Chapter 11 regional land use planning going forward with Settled First Nations. In areas of potential overlap with non-settled Yukon and transboundary First Nations, it is acknowledged that the Government of Yukon will be required to fulfill government-to-government consultation requirements with those non-settled Yukon and transboundary First Nations. For regional planning processes, the Parties will draft a terms of reference (and may seek assistance from YLUPC staff) and provide such terms of reference to

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the YLUPC for recommendation to the Parties as required under 11.3.3.3 of First Nation Final Agreements.

We look forward to working with the YLUPC in implementing the attached recommendations as we recommence regional land use planning in the Yukon with a renewed approach. Should you have any comments, questions or concerns about the enclosed memorandum, please feel free to contact one of the Yukon Forum Regional Land Use Planning Chapter 11 Leads identified in the attached memorandum.

Sincerely,



Ranj Pillai  
Minister of Energy, Mines and Resources



Grand Chief Peter Johnson  
Council for Yukon First Nations

Enclosure: Memorandum: Yukon Forum Regional Land Use Planning Chapter 11 – Strategic Recommendations

cc: Yukon Forum Chiefs

## MEMORANDUM

December 7, 2018

TO: Yukon Forum Members

FROM: Regional Land Use Planning Chapter 11 Leads;  
James MacDonald, Council for Yukon First Nations  
Manon Moreau, Government of Yukon  
Sherri Young, Government of Yukon

RE: **Yukon Forum Regional Land Use Planning Chapter 11 – Strategic Recommendations**

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As directed by the Yukon Forum, through the Joint Priority Action Plan, a regional land use planning workshop was held in June 2018, with over 40 attendees from the Government of Yukon, nine Yukon First Nation governments and the Yukon Land Use Planning Council. Participants reviewed aspects of land use planning, within and outside of Chapter 11, with the goal of making recommendations to advance land use planning in Yukon.

Yukon and First Nations governments have reviewed the results of the land use planning workshop, and have affirmed their commitment to regional land use planning by endorsing the four priority objectives detailed in an August 30, 2018 memo. We, the Chapter 11 leads, have since undertaken an analysis of the four priority objectives and have developed series of strategic recommendations to work towards their implementation.

### **1. Objective One – Set up Commissions for success:**

- 1a. Examining the roles of the Yukon Land Use Planning Council, Planning Commissions and the Parties.*
- 1b. Reviewing and agreeing on a broadly applicable process for regional land use planning*
- 1c. Reviewing the information requirements of regional land use planning*

## **STRATEGIC RECOMMENDATIONS:**

- Yukon Land Use Planning Council provides increased administrative support to the Commissions (secretariat, hiring, financial processes);
- Commissions focus primarily on planning and providing regional expertise;
- Commissions build relationships with public and key stakeholders through engagement and other communications;
- First Nations develop an engagement framework, which reflects First Nations' needs;
- Parties participate more directly in planning processes through communication of priority issues and providing technical expertise (beyond data contribution);
- Parties seek opportunities to build trust, to collaborate and to build relationships;
- Parties and Yukon Land Use Planning Council explore ways to reduce time and resources required for planning, by improving and streamlining planning processes, tools and products, including
  - consideration of whether the current products are all required, or whether there is an opportunity to merge or streamline interim products (i.e. Resource Assessment Report, Issues and Interests Report, Plan Scenarios and Alternatives);
  - developing a First Nation knowledge and data governance protocol;
  - exploring ways to support Affected First Nations in research and identification of issues and interests, and in gathering information;
- Parties enhance internal communication with respective leadership, and make better use of internal working groups (Technical Working Group /Senior Liaison Committee);
- Terms of Reference is used to formalize agreed-upon changes to roles, processes and tools;
- Communicate to Yukon Land Use Planning Council, per attached draft letter.

## **2. Objective Two – Support Several Land Use Planning Processes Concurrently Inside and Outside of Chapter 11**

### **STRATEGIC RECOMMENDATIONS:**

**It is recommended that** the Chapter 11 leads seek a mandate from leadership to initiate the remaining regional land use planning processes, upon request by affected First Nations. Recommended subsequent actions include:

- Affected First Nations contact Yukon government Assistant Deputy Ministers (Energy, Mines and Resources and Environment) to discuss regional land use planning interest;
- Parties consider alternate planning processes, such as sub-regional or district land use planning, particularly where issues could be addressed through other processes, or where Chapter 11 funding may be inadequate;

- Parties consider alternate ways to support First Nations in creating their vision, gathering knowledge, and identifying issues and interests ;
- If pursuing Regional Land Use Planning, develop Terms of Reference together with affected First Nations;
- Submit proposed region to Yukon Land Use Planning Council for consideration, and for Yukon Land Use Planning Council to recommend;
- Parties support the completion of current/existing planning processes underway (e.g. Forest Resources Management Plan / Local Area Plan / Habitat Protection Area).

### **3. Objective Three – Legislative Review of First Nation and Government of Yukon Regulations**

The Chapter 11 leads are taking additional time to develop strategic recommendations for undertaking a legislative review to support the implementation of regional land use planning. At question are the identification of priority legislative changes needed to improve implementation of regional land use plans, and clarifying process linkages with other Yukon Forum working groups which are engaged in similar discussions, such as the Mining Memorandum of Understanding table.

We look forward to presenting our strategic recommendations for priority objective three at the March 2019 meeting of the Yukon Forum.

### **4. Objective Four – Lead the 2019-2020 Review of Funding Adequacy for Regional Land Use Planning under Chapter 11**

#### **STRATEGIC RECCOMENDATIONS:**

**It is recommended that** the Chapter 11 lead officials support a coordinated funding analysis by the Parties by:

- forecasting regional land use planning financial costs until 2024, while acknowledging that existing funds are likely sufficient in the interim;
- aligning key assumptions around costs to develop, implement and review both existing and anticipated regional land use plans;
- considering additional budget requirements for regional land use planning -related processes, which are not currently funded under the Umbrella Final Agreement Implementation Plan (sub-regional planning, plan review, plan amendment);
- collecting additional data to support the 2024 implementation funding adequacy review.

We recommend that the Yukon Forum endorse the strategic recommendations outlined above, and direct the Chapter 11 lead officials to undertake actions towards their

implementation. With your support, next steps involve updating the Yukon Forum Action Plan to include strategic actions and providing ongoing updates to the Yukon Forum upon request.

Enclosed: Yukon Forum Draft Letter to the Yukon Land Use Planning Council