



To: Yukon Government and Affected First Nations under Chapter 11

August 8, 2022

Re: Advancing Yukon Regional Land Use Planning

Yukon Land Use Planning Council (YLUPC) is working collaboratively with Yukon Forum appointed Leads to continue to make progress in the strategic approach identified by the Yukon Forum in December 2018.

The attached YLUPC 2022 Recommendations are being submitted to you as the Affected First Nations and Yukon Government per clause 11.3.3 of the First Nation Final Agreements, in your role as Parties to the Agreements. These recommendations are informed by the above and our work over recent years.

The Leads priority objectives set in 2019 were:

1. Set up Commissions for success
2. Support several land use planning processes concurrently
3. Legislative review of FN and Government regulations
4. Review of Funding Adequacy under Chapter 11

Of these four priority objectives, YLUPC has focussed on objectives 1 and 2, namely setting up commissions for success and supporting concurrent planning processes. While COVID has delayed progress, we have continued to advance work with the Leads to support commissions for success, as well as consider how to advance regional planning and be ready for future commissions.

Throughout 2020 and 2021, YLUPC hosted six workshops and subsequently produced a report entitled "*Advancing Land Use Planning in the Yukon*" (attached).

Further to our letter to you of February 2021 about advancing regional planning, late last year YLUPC hosted a First Nation Gathering to improve potential linkages



between indigenous planning, Traditional Knowledge, and regional land use planning.

Themes and Actions have been prepared and are attached. We are beginning to review the suggested actions with Council's advisory committee IPTK (Indigenous Planning and Traditional Knowledge) to consider which might be initiated and which will require decision or actions by others. Proceedings from the Gathering are posted to our website and we will discuss the Gathering outcomes with the Yukon Forum Regional Planning Leads.

We are available to further discuss these recommendations with you, with particular focus on prioritization and resourcing. We believe that action on the attached 2022 Recommendations will contribute to continued progress in effecting Chapter 11 land use planning in Yukon. The Council is prepared to make a presentation to the Yukon Forum on these Recommendations if desired; otherwise, we look forward to your response.

Thank you,

A handwritten signature in black ink, appearing to read "Lois Craig", is written over a horizontal line.

Lois Craig, Chair on behalf of
Yukon Land Use Planning Council

Attached: *YLUPC Regional Planning 2022 Recommendations*
Advancing Land Use Planning in the Yukon (Cambio Report)
Land Relationship Gathering November 2021 Proceedings
Land Relationship Planning Themes and Actions

cc. Shadelle Chambers, Council of Yukon First Nations
Ed Schultz, Council of Yukon First Nations
Shehnaz Ali, YG Environment
Heather Mills, YG Energy, Mines & Resources
Kathleen Zimmer, YG First Nation Relations



Regional Planning Recommendations for the Parties

July 2022

Regional land use planning is an important part of bringing the First Nation Final Agreements to life. With completion of Chapter 11 regional land use plans in North Yukon and Peel, as well as the recent recommended plan completion in the Dawson Region, Yukon Land Use Planning Council (YLUPC) looks forward to supporting the next planning regions.

The following recommendations from YLUPC are important to the further advancement of regional land use planning under Chapter 11 of the First Nation Final Agreements. These are to be considered as formal recommendations per Section 11.3.3 of the First Nation Final Agreements: *“The Yukon Land Use Planning Council shall make recommendations to Government and each affected Yukon First Nation...”*

Flowing from the Letter of Instruction, these recommendations were developed in collaboration with the Yukon Forum “Regional Planning Leads” group through a series of workshops in 2020 and 2021, as well as the Council’s work associated with preparation of the Dawson Regional LUP and other linked initiatives or UFA opportunities and requirements.

Our recommendations below focus on addressing the most pressing challenges that are currently faced by Chapter 11 land use planning.

Setting up for Success

The following recommendations are meant to set up planning commissions for success through a shift in our approaches to planning.

Indigenous Planning and Traditional Knowledge

Embrace Indigenous planning approaches and concepts in the pre-planning and planning phases of a regional land use plan, or earlier where this is desired by a First Nation. This work would then be fully incorporated into specific Yukon regional and sub-regional land use plans.



- The Parties should commit to indigenous planning approaches by seeking early support by Yukon Forum for Chapter 11 plans to embrace Indigenous planning approaches and concepts that support preparation of regional or sub-regional plans
- Support a shift of YLUPC's planning process under Chapter 11 to land relationship planning as a value-centered, collaborative process founded on relationships and with responsibilities for land, water, animals, and each other. This process would give full consideration to indigenous knowledge, values and planning concepts.

Interim Measures

Mineral staking and other types of land alienation during plan preparation have long been a concern of First Nations governments and planning commissions. Parties should agree upon strategic interim measures, ideally prior to appointment of a new commission.

- First Nations with completed regional land use plans should be invited to provide feedback to Parties or Leads regarding adequacy, timing and outcomes of agreed upon Interim Measures;
- Leads engage YLUPC to compile a short list of possible interim measures, informed by best practices in other northern jurisdictions and Yukon experience to date.

Pre-Planning

As additional plans are prepared, best practices from experience to date can inform the preparation of upcoming plans. The Parties may desire adaptable or alternate approaches to the status quo, while continuing to embrace Chapter 11 requirements. For example, government to government planning informed by Commission input with a specifically focussed mandate might enable plans to be prepared more expeditiously.

- First Nation engagement with citizens to identify community priorities, interests and key values prior to plan commencement;



- Undertake critical studies, inventories, and other key work prior to appointment of a planning commission (under the Dawson RLUP process, critically needed cumulative effects assessment was only made available at the back end of draft plan preparation). These steps would contribute to efficiencies and timeliness of Commissions, as well as enhance current inventories for planning, management and decision- making purposes by all levels of government.
- Governments should consider new approaches for government-to-government Chapter 11 planning: other planning process models exist within the UFA or other jurisdictions.

Better Collaboration and Coordination between Parties

Improved coordination between various planning initiatives may enable planning capacity to be used more effectively. This is especially important for small First Nation governments.

- The Parties should coordinate on various planning initiatives where possible to more efficiently use other planning resources and link to other initiatives (i.e., Southern Lakes Caribou Steering Committee, Community-Based Fish and Wildlife Work plans, Tagish River HPA Steering Committee etc.)

Support Multiple Processes

The following recommendations are being put forward in order to meet the priority of advancing regional planning in a timely manner.

What Triggers Planning

It is not clear how planning regions should be prioritized and what actually triggers the creation of a regional planning commission. Written requests by Yukon First Nations interested in initiating regional land use planning should



be a trigger. However, such requests often do not result in Chapter 11 planning.

The process needs to be clarified and we recommend it include:

- a letter from the First Nation to Yukon Government,
- a joint statement by Yukon Government and First Nations to clarify what constitutes agreement to initiate the Chapter 11 regional planning process;
- a Memorandum of Understanding between the Parties with respect to their relationship and expectations of each other during the regional planning process, and
- a Terms of Reference (TOR) that is based upon a recommendation by YLUPC: expectations should be set for the timing for completion of the TOR.

Timely Planning

Yukon Forum was clear about expectations for more timely outputs and focussed plans. In supporting the Dawson RLUP Commission, provision of dedicated supports by the YLUPC staff enabled the Commission to remain focussed on draft plan preparation, as well as dedicate resources to critical needs such as facilitation, consultation, and communications.

- As each plan is undertaken differently, feedback from planning commissions both during and post plan completion to gain perspectives on what has worked well and what could be improved should be obtained;
- During the pre-planning phase, Parties to a future planning process might form select technical working groups to collaboratively focus on identified priorities (e.g., wildlife, cumulative effects, policy or management plan gaps).

Sub-regional Plans

To date, Chapter 11 sub-regional plans have not been funded from Implementation funds dedicated to planning commissions or YLUPC. We



understand that the parties including Canada at one point may have agreed however Implementation funds have not been forthcoming.

- Request Canada fund Chapter 11 sub-regional plan development from within the regional planning commission envelope, as well as fund initiatives which support pre-planning for sub-regional and regional LUPS, prior to commission appointment.
- Develop a best practices guide pertaining to sub-regional planning that includes critical success factors for integration with other plans.

Resourcing

In order to expedite the completion of regional LUPs, additional resources are required to resource preparation of Chapter 11 regional and sub-regional land use plans after 2024: a suggested goal is for all remaining Chapter 11 Regional Land Use Plans to be completed by 2030 or another agreed upon completion date. YLUPC staff are fully utilised supporting one commission, thus concurrent planning would necessitate added resources for plan preparation, as well as current implementation responsibilities, should those continue.

This fast tracking for Yukon land use planning would necessitate: additional resources to governments, YLUPC and Commissions post 2024; an agreed upon timeline and action plan; and a willingness by the Parties to adapt current practices for timely outcomes (e.g. communications, problem solving, governance and up-front guidance to Commissions on key matters such as a draft joint planning Issues Statement, interests, priorities and desired goals).

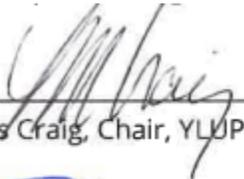
- Utilize a combination of instruments such as YLUPC budgets and workplan, current RLUP Review of Implementation Funding to 2024 and a request to Canada, informing the submission on costs, timelines and projected budgets.
- Leads, assisted by YLUPC and Yukon First Nations, prepare a ten-year strategy identifying planning regions and sub-regions, timelines, and



approximate boundaries for review by Yukon Forum so that appropriate resources can be secured.

- That effective immediately, costs associated with plan implementation, plan review and conformity checks be deemed approved costs and eligible for implementation funding.

Further to practically advancing regional planning, the Yukon Forum may consider the merits of having Leads and YLUPC prioritize the recommendations found in *Advancing Land Use Planning in the Yukon* (Report on workshops to address Yukon Forum Strategic Recommendations, Winter 2020-21). Other initiatives may further evolve and influence how regional planning occurs. This includes work of the IPTK (Indigenous Planning and Traditional Knowledge) advisory group which continues to meet and put forward new concepts on indigenous planning to YLUPC.



Lois Craig, Chair, YLUPC



Neil Salvin, Member, YLUPC



Tess McLeod, Member, YLUPC