



Photo: John Meikle: Rose Lake

## Yukon Land Use Planning Council

Strategic Plan, 2018 - 2021



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## LIST OF ACRONYMS

<b>CLUPP</b>	Common Land Use Planning Process
<b>DRPC</b>	Dawson Regional Planning Commission
<b>IWG</b>	Implementation Working Group
<b>NYPC</b>	North Yukon Planning Commission
<b>RLUPC</b>	Regional Land Use Planning Commission
<b>YLUPC</b>	Yukon Land Use Planning Council
<b>UFA</b>	Umbrella Final Agreement
<b>YG</b>	Yukon government
<b>YESAB</b>	Yukon Environmental and Socio-Economic Assessment Board

# 1. BACKGROUND AND CONTEXT

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The Yukon Land Use Planning Council (YLUPC - “the Council”) held two strategic planning sessions with Council members and staff in October and November 2017. These sessions provided an opportunity to take stock of the current situation, to scope out issues of relevance, and to set some strategic goals and related objectives for the next three years. This report captures the key discussion points and outcomes of those sessions.

Land use planning in the Yukon has been put on hold for the past three years during a legal dispute between Yukon government (YG) and Yukon First Nations about the recommended Peel Watershed Land Use Plan. A decision from the Supreme Court of Canada occurred on December 1, 2017 and expected to a re-start of the planning process.

The first land claims Final Agreements in Yukon came into effect in 1995, including Ch.11 on Land Use Planning. Since then, only one regional land use plan has been brought to completion and implemented (for the North Yukon region). The Council intends that the goals and objectives in this strategic plan support all the core participants<sup>1</sup> in Yukon land use planning to make meaningful progress once the process resumes.

The planning experience to date has illustrated a number of challenges and opportunities for attention at all levels of the planning process:

- Foundations around roles, responsibilities and relationships;
- regional planning commission operations; and
- Post-planning implementation processes

This plan is intended as high-level strategic document that charts a course for YLUPC to work with its partners to address these challenges over the next three years.

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<sup>1</sup> The “core participants” in the Yukon land use planning process are those with a substantive role in designing and implementing the planning process itself. These include the Parties to the UFA (First Nations, Yukon and Canada), the YLUPC, and regional planning commission members.

## 2. ISSUES SCOPING

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These issues are the basis of the goals and objectives in Section 4, which are oriented towards making progress in each of these areas over the next three years.

### **Planning Foundations - Roles, Responsibilities & Relationships**

#### *YLUPC's Relationship to Regional Commissions*

The UFA provides general guidance to the YLUPC in regards to its relationships to the RLUPCs. The Council:

1. Assists the Commissions in the planning process (through the Council's secretariat)
2. Reviews and recommends Commission's budgets to Yukon government
3. Convenes an annual meeting of RLUPC chairs

This broad guidance does not address all details of the relationship between the Council and Commissions. It is clear that the Commissions are intended to create the content of the regional land use plans, and to make the major decisions involved. However, it is not clear to what degree the Parties to the UFA intended the Council to act in an oversight role for the Commissions and as a safety net when Commissions struggle. In practice, the Council:

- Supports the Commissions in the early start-up phase with staff capacity and expertise
- Provides orientation materials and training for Commission members
- Provides consensus-building support among Commission members when necessary
- Reviews and recommends budgets as per the UFA, and also reviews work plans as per the Commissions' current financial agreements

This suite of practices has led to the incorrect impression by some that the YLUPC is somehow the "boss" of the RLUPCs. Still, it is unclear to what degree YLUPC is responsible for managing overall land use planning in the Territory and ensuring the smooth operations of the regional Commissions. The financial agreements with the Commissions have so far been structured with a high degree of oversight (and implied responsibility/liability) for YLUPC.

Experience to date has illustrated a number of situations where more clarity could improve the efficiency and quality of the planning process and plan implementation. Experiences to date include considerable time involving the Commission's staff and YLUPC staff clarifying roles as the Commission becomes operational, particularly the decision-making powers of both organizations. Delays in planning processes have occurred as these roles are defined. The Parties have had to invest time and effort when they have been asked for their interpretation of the relationship envisioned between the Council and Commission's staff.

The issues with role clarity also relate to the long-term implementation and monitoring process of regional land use plans, including the lifespan of the RLUPCs (which is addressed later in this section).

### *Financial Responsibility and Oversight*

As per 11.9.2 of the UFA, the YLUPC is clearly responsible for reviewing the RLUPCs' proposed budgets and submitting an overall annual budget to YG for Yukon-wide land use planning (including YLUPC operations). However, the UFA is not clear about whether YLUPC also oversees RLUPCs' spending. Under current practice, YLUPC is held accountable for cost overruns by RLUPCs, but does not have authority to manage or limit the Commissions' spending practices. Future financial agreements for the Commissions must align liability with responsibility by assuring that whatever body is responsible for Commission's cost overruns also has the authority to regulate their spending.

### *Council Recommendations and Consultations*

While the UFA clearly mandates YLUPC to make broad recommendations to the Parties about the Yukon land use planning process, it does not provide direction on how the Parties respond to or ratify those recommendations. This limits the Council's ability to have meaningful influence on planning in the Yukon. YLUPC has made many recommendations over the years with limited or no response from the Parties.

Further, the UFA indicates that YLUPC should consult with the Parties when developing its recommendations, but provides no direction on this process. In theory, good consultation will lead to recommendations from the Council that the Parties are willing to accept. So, it is important that the Council and Parties discuss and agree on the key elements of this consultation process.

## **Planning Process - Commission Operations**

### *Structure of Regional Commissions*

So far, two RLUPCs have completed the process of developing a recommended plan (North Yukon and Peel). The DRPC also carried out substantial work before being held in abeyance pending the Peel decision. The experience to date has provided a wealth of valuable knowledge and lessons learned in regard to effective operations of the regional commissions, which needs to be harvested for the benefit of future processes. This includes key competencies associated with commissions and their staff.

### *Support for Consensus Building*

Success in regional land use planning relies on ability of Commission members to achieve consensus on key decisions. When this proves difficult, it is important for YLUPC to provide support to the Commissions as soon as possible. In the past, YLUPC has provided resources for mediation support when such challenges arise.

## Post-Planning Implementation

### *Commission Lifespan, Plan Monitoring & Review*

The lifespan on the RLUPCs is a critical factor that affects both the planning process itself, as well as post-plan implementation processes. The practice to date has been that Commissions disband once their final recommended plan is complete. This has two general effects and implications:

1. The regional planning process is undertaken with more of a short-term project-based approach rather than a long-term governance based-approach. The Commission in effect plans to end, and pass the baton to others.
2. YLUPC ends up to some degree filling the vacuum left by the absence a non-gov't agency in plan monitoring, assessment and compliance checks.

Generally, it needs to be clearly understood whether YLUPC is intended to have an on-going role in plan implementation, or whether Commissions should in fact be resources to exist after the recommended plan. If the former, then YLUPC's role needs to be clearly understood among the Parties and YLUPC.

### *Cumulative Effects Assessment*

Ultimately, decisions about land development in Yukon are intended to be guided in part by an assessment of their cumulative effects. At present, YESAB attempts to consider these factors using best practices and evolving understandings among the international assessor community. This can be very challenging in the absence of agreed upon thresholds for a given area, which regional LUPs are intended to provide. It is important that all the players involved in development assessment understand the critical role of LUPs in cumulative effects assessment, and that planners and Commissions ensure that regional plans provide such guidance.

### 3. FRAMEWORK & MECHANISMS FOR ACTION

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The issues outlined in the previous section paint a picture of the opportunities that YLUPC has to support the improvement of the Yukon land use planning process. The section following this one lists the goals and objectives that YLUPC will work to achieve over the next three years in order to do this. This section provides an overall framework for action on these goals and objectives, and addresses the mechanisms by which progress can be made on the identified issues.

Overall, the framework for action is comprised of three elements:



#### Mechanisms for Engagement and Dialogue

##### *Yukon Forum Action Plan Discussions*

The Yukon Forum is an on-going collaborative discussion between political leaders of Yukon First Nations and YG. With a focus on reconciliation and improved relationships, the current iteration of the Forum has created an action plan to advance important files, including the Yukon land use planning process.

The Yukon Forum Action Plan commits the Parties to “*Convene a workshop to carry out a review of land use planning generally in Yukon and Chapter 11 of the Final Agreements in particular. Generate a report with recommendations to provide to the Parties*”. Such a workshop could be an important step on engagement and dialogue about the issues identified in the previous section.

##### *Regular Bi/Multi-Lateral Meetings*

In addition to the Yukon Forum, Council members have identified the need to connect with the Parties at various levels on a more regular basis. This is particularly important with the impending re-start of the land use planning process following the Peel decision. Options identified included:

- Scheduling regular meetings (~ quarterly or twice annual) with the Minister and/or First Nations Leadership group, especially following YLUPC meetings that address key matters



- Reviving the concept of an overall Yukon LUP oversight group, including senior officials from the Parties (which was previously recommended by YLUPC)

## **Mechanisms for Guidelines and Agreements**

### *Yukon Land Use Planning Strategy & Framework*

In recent years, YLUPC has identified the need for an overall strategy and framework to guide land use planning in the Yukon. In reviewing Yukon's Common Land Use Planning Process (CLUPP), consultants Leslie Cabott & Associates suggested such a strategy/framework and a series of guiding documents for the planning process.

YLUPC recently retained Ryder Communications to conduct a survey of land use planning strategy/framework documents in other jurisdictions. The resulting report provides points to the key elements that could be addressed in such a strategy/framework, including:

- Relationship of different levels of plans - regional, sub-regional, local area, official community, etc.
- Organizational structures, roles & responsibilities of players in the planning process
- Consistency in basic content and format of regional and sub-regional land use plans
- Implementation and review of land use plans - roles, processes, timing, etc.
- Overall planning objectives and principles

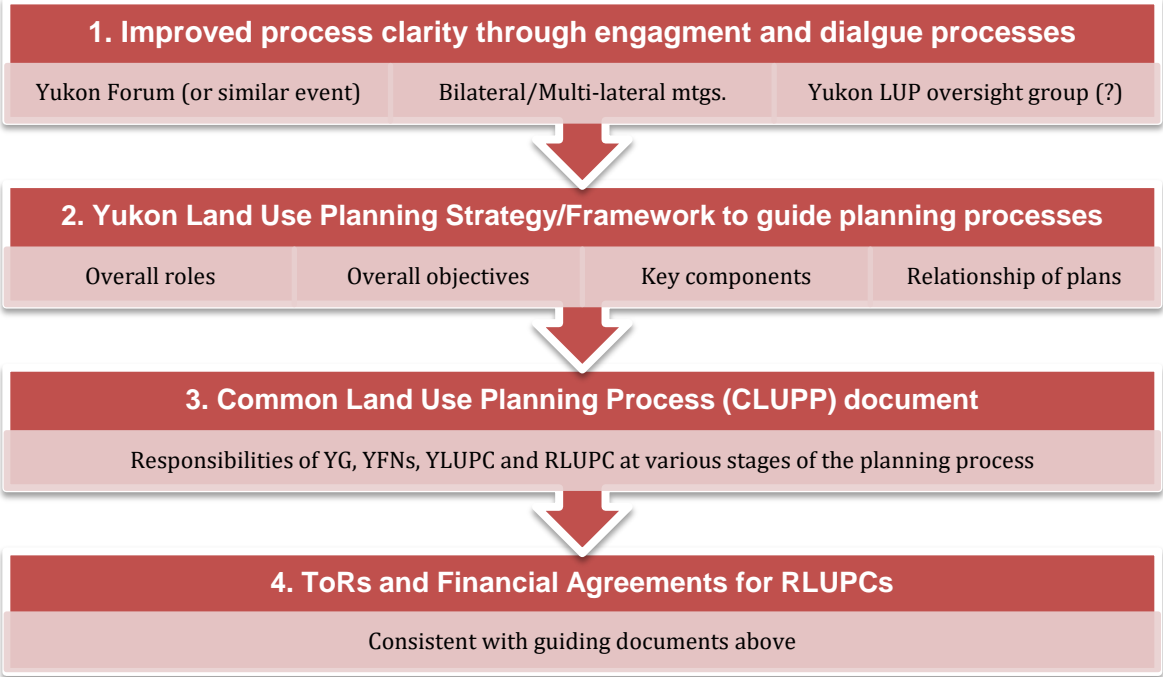
### *Common Land Use Planning Process (CLUPP)*

This document was developed in 2008 as per Chapter 11 of the UFA. It is laid out in a table format that lists the roles and responsibilities of the Council, Commissions, First Nations and Yukon government at each stage of the land use planning process. This document will need to be revised to reflect new understandings that arise through the dialogue process.

### *RLUPC Financial Agreements and ToRs*

These agreements put into action the common vision for the planning process. It is critical that these operational-level agreements reflect the consensus on roles, responsibilities and relationships among the core participants in the Yukon land use planning process. Timing is especially important right now, with the imminent re-start of the Dawson Regional Land Use Planning Process and other regions eager to begin planning.

Putting this framework for action into practice and using the mechanisms identified looks like:



## 4. GOALS & OBJECTIVES FOR YLUPC, 2018 - 2021

### Implementation of Objectives

The goals in the table below are the broad targets that YLUPC has identified to ensure effective land use planning in the Yukon. The objectives are the concrete actions to be taken in order to reach the stated goals. In some cases, these objectives are fully within YLUPC's internal ability to implement. In most cases, the Council will need to work in partnership with the Parties and/or regional planning Commissions to attain the objectives.

<i>Goal &amp; Objective Details</i>		<i>Implementation</i>
<b><i>Planning Foundations - Roles, Responsibilities &amp; Relationships</i></b>		
<b>Goal 1</b>	<b>Core participants in the Yukon land use planning process have clarity on their roles, responsibilities, and relationships.</b>	
Objectives	<ul style="list-style-type: none"> <li>Address level of Commission oversight with the Parties through engagement and dialogue processes</li> </ul>	<i>Partnership</i>
	<ul style="list-style-type: none"> <li>Create financial mgmt. agreements for upcoming regional commissions that align financial liability with authority</li> </ul>	<i>Partnership</i>
	<ul style="list-style-type: none"> <li>Ensure that guiding documents clearly reflect the roles of the Council, Commissions, and Parties, as well as Senior Liaison Committees and Technical Working Groups</li> </ul>	<i>Partnership</i>
	<ul style="list-style-type: none"> <li>Connect regularly with the Parties through various avenues in order to strengthen relationships - Yukon Forum, meetings w/Ministers and/or Chiefs, IWG, etc.</li> </ul>	<i>YLUPC</i>
	<ul style="list-style-type: none"> <li>Action: Develop a three-year communications strategy to guide awareness and education outreach about the regional planning process and the roles of the players involved</li> </ul>	<i>YLUPC</i>
	<ul style="list-style-type: none"> <li>Action: Publish summary of review report by Cabbott &amp; Associates about overall Yukon LUP process</li> </ul>	<i>YLUPC</i>
<b>Goal 2</b>	<b>YLUPC's recommendations have valuable and meaningful effects on Yukon land use planning.</b>	
Objectives	<ul style="list-style-type: none"> <li>Engage with the Parties to develop and approve a process for responding to and ratifying/amending recommendations from YLUPC; review practices from other jurisdictions</li> </ul>	<i>Partnership</i>
	<ul style="list-style-type: none"> <li>Develop a draft process for YLUPC consultation with the Parties prior to making recommendations to them</li> </ul>	<i>Partnership</i>

<i>Goal &amp; Objective Details</i>		<i>Implementation</i>
	<ul style="list-style-type: none"> <li>• Make recommendations to the Parties as per 11.3.3.2 about planning priorities and regions for the next three years</li> </ul>	<i>YLUPC</i>
	<ul style="list-style-type: none"> <li>• Make recommendations to the Parties as per 11.3.1 about key policy gaps (e.g. socio-cultural, on-going development during planning process); to be preceded by info gathering &amp; analysis</li> </ul>	<i>YLUPC</i>
<b><i>Planning Process - RLUPC Operations</i></b>		
<b>Goal 3</b>	<b>Regional planning commissions are well structured and supported to do their work</b>	
Objectives	<ul style="list-style-type: none"> <li>• Engage expert(s) on organizational structures and procedures to review previous RLUPCs and advise on potential changes</li> </ul>	<i>YLUPC</i>
	<ul style="list-style-type: none"> <li>• Engage in a “lessons learned” dialogue with the Parties regarding previous RLUPCs</li> </ul>	<i>Partnership</i>
	<ul style="list-style-type: none"> <li>• Review and update the guidebook for RLUPCs in partnership with the Parties, to be jointly approved</li> </ul>	<i>Partnership</i>
	<ul style="list-style-type: none"> <li>• Provide consensus-building support to regional Commissions in early stages of planning, and any time divergence occurs</li> </ul>	<i>YLUPC</i>
<b>Goal 4</b>	<b>Regional Land Use Plans are consistent in their structure, content, and relation to other plans (sub-regional, local area)</b>	
Objectives	<ul style="list-style-type: none"> <li>• Engage the Parties to discuss need for overall LUP strategy/framework for the Yukon; draw upon background research by Ryder Communications about other jurisdictions</li> </ul>	<i>Partnership</i>
	<ul style="list-style-type: none"> <li>• Ensure that Commission ToRs reflect the content guidelines in the LUP Strategy/Framework</li> </ul>	<i>Partnership</i>
<b><i>Post Planning Implementation</i></b>		
<b>Goal 5</b>	<b>There is clarity among core participants in Yukon Land use planning on post-planning roles, processes and resourcing.</b>	
Objectives	<ul style="list-style-type: none"> <li>• Prepare YLUPC input for 2019/20 review of Yukon LUP funding adequacy as per Final Agrmt. Implementation Plans</li> </ul>	<i>YLUPC</i>
	<ul style="list-style-type: none"> <li>• Engage with the Parties to address the lifespan of RLUPCs and post-planning roles and resourcing.</li> </ul>	<i>Partnership</i>
	<ul style="list-style-type: none"> <li>• Ensure that the Yukon LUP Strategy document clearly lays out roles in monitoring, compliance checks, and plan reviews.</li> </ul>	<i>Partnership</i>

<i>Goal &amp; Objective Details</i>		<i>Implementation</i>
<b>Goal 6</b>	<b>Land use plans are effective tools for addressing cumulative effects in the region.</b>	
Objectives	• Engage with the Parties and advocate for regional LUPs as a key tool for addressing cumulative impacts	<i>Partnership</i>
	• Prepare a guideline on cumulative effects for the RLUPCs based on results on dialogue with the Parties	<i>YLUPC</i>
	• Ensure that cumulative effects are clearly addressed in the Yukon LUP Strategy and all regional LUPs	<i>Partnership</i>

### **Notes on Mandate, Vision, and Mission**

During the Council’s last strategic planning process, participants identified several aspects of YLUPC’s existing vision and mission statements for attention. For the 2017 sessions, the Council elected to focus more on issue scoping and goal setting, rather than giving explicit attention to vision and mission statements. However, the goals and objectives in this plan speak to what YLUPC will do (i.e. its mission) over the next three years in order to fulfill the mandate laid out under Chapter 11 of the UFA.

## 5. RISKS AND PITFALLS

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YLUPC members and staff explored various risks and pitfalls that could undermine success in achieving their goals, along with strategies to mitigate these risks.

### *Responsiveness of the Parties*

Every one of the goals in this plan, and most of the objectives, depend upon the collaboration, consensus and collective action of the Parties in order to achieve them. Lack of response and engagement from the Parties is therefore the most significant risk to success. It is hoped the commitments made in the Yukon Forum Action Plan will motivate action, though this may not alone result in resolution of the issues identified.

Addressing these issues will take time, energy, and resources from the Parties, all of which are in limited supply. The matters of YLUPC oversight and recommendations may be particularly challenging, as they do not directly affect the Parties. In bringing them forward, it will be important for YLUPC to illustrate and emphasize the benefits that will be gained by addressing them (and likewise, the detriments that will be avoided) in order to motivate action and sustain it through to resolution.

The impending re-start of the DLUPC provides YLUPC with a key opportunity to address oversight and financial management issues through the creation of the financial agreements for the Commission.

A further strategy for encouraging response is to table options for consideration, or even one preferred option, as opposed to simply asking for an opinion or a discussion. The Parties are more likely to engage if they have something to respond to. This strategy must be used with care, ensuring that the options tabled take into account the interests of all involved.

Representatives of the Parties may lack a mandate to make decisions on key topics, which usually flows from the political level. It will be important for YLUPC to engage with senior officials from the Parties as much as possible in order to foster mandate building.

### *Resistance to Recommendations*

Land use plans have major management implications for governments (Yukon, First Nations, and Federal). As such, the Parties may approach the process with a lot of caution and be slow to address the issues identified. While this is difficult to fully mitigate, it is important that the participants in planning can clearly see that their interests are understood, and how they will be addressed in the process.

### *Other Planning Processes*

Several First Nations have initiated their own land use planning processes outside of the regional process laid out in Chapter 11 of the UFA. These vary widely in scope and detail - some are for Settlement Lands only, while others cover the whole Traditional Territory.

Ideally, these processes will be valuable preparation for Chapter 11 regional land use planning when it takes place. In the worst case, the First Nations' processes end up using approaches and methodologies that are inconsistent with regional planning practices. As a neutral body, YLUPC can play an important liaison role by staying in contact with those First Nations, and advising them in regards to regional planning approaches.