
A Review of the Peel Watershed Common Land Use Planning Process

MADR 598 Master's Project

Academic Supervisor: Dr. Thea Vakil

June 5th 2014

Prepared for:

Ron Cruikshank

Director of the Yukon Land Use Planning Council

Prepared by:

Nick Grzybowski

MADR Candidate

School of Public Administration

University of Victoria

EXECUTIVE SUMMARY

Introduction

Land claim agreements signed in the Yukon created the Common Land Use Planning Process (planning process) that envisioned the Yukon and First Nations governments working together to complete regional land use plans for the entire Yukon Territory. To date, the planning process has struggled in fulfilling this vision.

The client for this research project is the Yukon Land Use Planning Council (the Council). The Council is an independent agency that assists the planning process by making recommendations to the Yukon government, the respective affected First Nation(s) government(s) and regional Commissions as they conduct regional planning in the Yukon. The planning process is the method currently supported by the Council and used by regional Commissions to complete regional land use plans.

The objectives of this report are to capture the knowledge and experience of those involved in the Peel Watershed planning process that took place between 2002 and 2014. Gathering this knowledge will contribute to improving the planning process in the Yukon, where past successes and challenges inform improved future applications or applications in other jurisdictions.

In the short term, this report is intended to contribute to the successful completion of regional land use plans in the Yukon, which in the long run may provide greater certainty for a multitude of users and reduce the prevalence of land use conflicts. The study has been designed to assist the Council in reviewing the Peel Watershed planning process and addresses the following research questions:

How do participants of the Peel Watershed planning process describe their experiences during the planning process?

Sub questions include:

- *How do participants of the Peel Watershed planning process describe challenges they experienced during the planning process?*
- *What were some of the strategies experienced by participants that facilitated the planning process?*
- *What improvements did participants recommend for future planning processes?*

Background

The planning process in the Yukon was initiated because of land claims negotiations that began in 1973. After 20 years of discussions between the governments of Canada, Yukon and the Council of Yukon First Nations, a major agreement called the Umbrella Final Agreement was signed in 1993. By signing individual land claim agreements, both the Yukon government and the respective First Nation(s) government(s) agreed to work collaboratively towards developing regional land use plans.

While the Yukon Territory has few people for its size, roughly 33,900 people or 0.07 persons/sq. km, there are often conflicts between different land uses, and/or anticipated future conflicts between multiple users, for example, between tourism outfits and mining operations. In the Yukon, regional land use planning Commissions are called upon to balance and reach consensus on a common vision for a planning region.

The planning process involves: commission start up, information gathering, plan development and plan approval and implementation. Throughout the planning process, regional Commissions are required to consult with the public and ensure adequate opportunity for public participation, as well as solicit the knowledge and traditional experience of Yukon First Nations peoples and other residents of the planning region. The timeline given to the regional Commission (once established) to recommend a land use plan to the Yukon and First Nations government(s) is three years.

The Council was created under the provisions of Chapter 11 of the Umbrella Final Agreement. Their mandate is to act as a source of information and guidance for regional Commissions and both the Yukon government and the respective First Nations government(s) (the Parties) throughout the planning process. This project will assist the Council, the Parties and future regional Commissions to ensure that successful components and experiences from the Peel Watershed planning process are duplicated in future planning processes and alterations are made to components requiring improvement.

The Peel Watershed planning region encompasses 68,042 km² or roughly 14% of the Yukon Territory and is situated in the Northeast of the Yukon. The Peel Watershed is one of North America's largest ecosystems undisturbed by human development. There are no permanent communities within the planning region, and the majority of the region (97.3%) is crown owned or non settlement land. The remaining 2.7% is settlement land and is divided between four First Nations: the Tr'ondëk Hwëch'in First Nation, Na-Cho Nyak Dun First Nation and Vuntut Gwitchin First Nation of the Yukon, as well as the Tetlit Gwich'in Council based in the Northwest Territories. The Gwich'in Tribal Council is the democratically elected government of the Gwich'in and is in charge of managing the land controlled by the Gwich'in. The Government of Yukon, the First Nation of Na-Cho Nyak Dun, the Tr'ondëk Hwëch'in, the Vuntut Gwitchin First Nation, and the Gwich'in Tribal Council are the Parties involved in the Peel Watershed planning process.

Between 2004 and 2011, the Peel Watershed Planning Commission (the Commission) was responsible for developing and recommending a final regional land use plan for the Peel Watershed planning region. Once the regional Commission has completed a land use plan it recommends the plan to the Yukon government and affected First Nations for approval and then the Commission disbands. The Yukon government and First Nations governments have the option to accept, reject or modify the plan as it applies to their respective land bases. The Commission submitted the Final Recommended plan to the Parties in July of 2011. Since the submission of the Final Recommended plan in 2011, the Yukon government has modified the Final Recommended Plan and in January 2014 approved an alternative land use plan on crown owned land. The First Nation governments involved have approved the plan on their respective settlement lands released by the Commission.

For the purposes of this report the main focus of the review is on the planning process events from the production of the general terms of reference by the Parties starting in 2002 to the Commission's release of the Final Recommended Plan in 2011. By examining this critical time period this project aims to assist the Council, the Parties and future regional Commissions in ensuring that successful components and experiences from the Peel Watershed planning process are duplicated in future land use planning processes and alterations are made to components requiring improvement.

Literature Review

A literature review was conducted to identify the common challenges and barriers encountered by stakeholders undergoing regional land use planning initiatives, as well as strategies for overcoming these barriers. The sources of information used to inform this literature review include books, journal articles, an academic thesis and government publications. The review focused on collaborative planning

which is a leading paradigm for environmental planning and resource management in Canada, the United States and Australia.

While there is no universal definition of collaborative planning, the literature reveals several common characteristics. First, collaborative planning involves a range of stakeholders representing a cross section of organizations and interest groups. Second, collaborative planning engages the participants in face to face negotiations in an effort to achieve consensus on problems, goals, and proposed actions. Third, collaborative planning requires a sustained good faith effort to meet the interests of all stakeholders and a commitment to problem solving. Finally, collaborative planning utilizes alternative dispute resolution concepts such as principled negotiation and consensus building as a means to resolve issues amongst competing stakeholders.

The collaborative planning process can be broken down into three phases: pre-negotiation, negotiation and post negotiation. During pre-negotiation, stakeholders come together to agree on a process and collect information required for the process. In the negotiation phase, the interests of the stakeholders are identified, options are generated and a decision is reached through consensus. In the post-negotiation phase, the plan agreement is ratified and implementation begins.

Strengths and weaknesses of the collaborative planning model are discussed. The generation of social and intellectual capital were commonly cited benefits. Authors assert that systemic power imbalances, members or agencies not participating in good faith and conflicting epistemologies (particularly between Indigenous and western paradigms) pervade many collaborative planning processes and other co-management processes, rendering them ineffective.

A successful planning process relies on following key design and management principles, such as establishing clear policy direction, ensuring inclusive representation, providing sound process management and dispute resolution opportunities. Ten process considerations and strategies are outlined that can contribute to the effectiveness collaborative planning and other land use planning approaches.

Methodology

The research methodology for this study was qualitative and used key informant interviews to gather information on the challenges or barriers that participants experienced during the Peel Watershed planning process. The interviews were also used to determine factors that facilitated the planning process and to gather participant recommendations to improve the planning process.

A purposeful sampling strategy was employed for this study within four groups of key informants: The Commission (members and staff), the Council (members and staff), Yukon government representatives and First Nations government representatives. All participants were involved with the planning process to varying degrees and were well positioned to provide insights and knowledge on the challenges and facilitating factors of the planning process. Furthermore, these participants were able to provide useful recommendations to improve the overall planning process. A total of 28 participants were invited for an interview. Eighteen interviews were conducted for a response rate of 64%. Those who declined did so because of time constraints. A standardized open ended approach to the interviews was taken whereby participants were asked to describe challenges, facilitating factors they experienced during key stages of the planning process as well as recommendations to improve certain stages and the overall planning process. The responses were arranged and interpreted using a thematic analysis approach that entailed an iterative process of reading, coding, determining themes and patterns and categorizing the interview

data with the purpose of capturing the phenomenon of participants' experiences of the planning process.

Interview Findings and Discussion

Overall, participants indicated that factors posing challenges outweighed factors facilitating the planning process, leaving much room for improvement. Many interview participants felt that the lack of commitment by the Parties and the Commission to the general terms of reference made the ground rules and the roles and responsibilities for the planning process unclear. A lack of training and orientation for Commission members and others involved, uncertain policies and procedures, and a precise terms of reference that confused the planning process were other reported deficiencies that challenged the process during the Commission start up stage.

During the information gathering stage participants experienced a number of challenges. The most commonly cited issues were that the process took a long time and that governments were not being proactive in forwarding information to the Commission. Incorporating First Nations' knowledge and worldviews into the planning process as well as working with non-standardized information were also seen as challenges by many participants.

During the plan development stage a commonly cited challenge was that there were inadequate opportunities for the public, stakeholders and the Parties to become involved in the Commission's decision making and that there were not adequate opportunities for these groups to resolve issues and negotiate agreements. It was noted by many participants that throughout the plan development stages it was very difficult to create a land use plan that was mutually agreeable to the Parties, the stakeholders and the public. Fourteen interview participants felt that the Final Recommend plan reflected the issues and interests that were raised and two interviewees felt that it did not because the plan was not ratified by all Parties.

Throughout the planning process the Commission worked with stakeholders, the public and the Council through consultations, meetings, communication and other participatory means. During many of these events participants recounted positional based arguments being forwarded by the public and the stakeholders and that many of these events were not as productive as they could have been. Many Commission and Council members found it difficult to engage with the mining and oil and gas industry throughout the planning process and felt that their input was generally lacking. For the most part, the communication between those involved needed improvement. Many participants in this study were concerned that the Peel Watershed planning process has left the Parties, stakeholders and the public disillusioned with the planning process and anticipate that no one will readily initiate another planning process until outstanding issues are resolved and ground rules are determined and established for future planning processes.

Recommendations

The following nine recommendations could be implemented at the outset or during future planning processes in the Yukon. Some of the recommendations could be implemented for current regional planning exercises in the Yukon such as the Dawson planning process which is in the plan development stage. The findings from this project would suggest that these recommendations could address the components of the planning process that need the most improvement.

1. Modify the general terms of reference
2. Create additional training and orientation opportunities

3. Planning Commission develop a work plan
4. Governments proactive throughout the planning process
5. Modify information gathering workshops, consultations and public events
6. Modify incorporating First Nations' knowledge
7. Modify plan development stage
8. Include a comprehensive implementation section
9. Council champion the process

Conclusion

Participants in this project shared their experiences with the Peel Watershed planning process and provided a number of recommendations that echo the existing literature and can be utilised by the Council, regional Commissions and Yukon and First Nations government(s) to improve the planning process. This report emphasizes the need for the planning process to be updated in a number of key areas such as through building commitment and agreement amongst the Parties at the front end of the process by establishing a comprehensive general terms of reference; by introducing a mechanism for the Parties and stakeholders involved to negotiate, build consensus and resolve issues and by ensuring that the Council and Commissions reach a working relationship whereby the Council supports the work of the Commission throughout the planning process.

The Yukon has a long history of failed land use planning attempts if the Council, Commissions and the Parties can work towards adopting the recommendations in this project then perhaps they can look forward to a more coordinated, efficient and effective planning process.

Contents

1 INTRODUCTION	10
2 BACKGROUND	12
2.1 History of Land Claims in the Yukon and Origin of the Common Land Use Planning Process.....	12
2.2 Regional land use planning	12
2.3 Regional Planning Commissions	13
2.4 The Yukon Land Use Planning Council	15
2.5 The Peel Watershed Region.....	16
2.6 The Peel Watershed Regional Planning Process.....	16
3. LITERATURE REVIEW	19
3.1 Collaborative Planning	19
3.2 Evolution of the Planning Process.....	20
3.3 Collaborative Planning Model.....	21
3.4 Strengths and Weaknesses of Collaborative Planning.....	22
3.4.1 Strengths	22
3.4.2 Weaknesses	26
3.5 Designing Collaborative Planning Processes for Success.....	29
3.6 Evaluative Criteria	33
3.6.1 Process and Outcome Criteria	34
3.7 Summary	34
4 METHODOLOGY	36
4.1 Research Method.....	36
4.2 Sampling.....	36
4.3 Recruitment	37
4.4 Interviews.....	37
4.5 Data Collection and Analysis.....	38
4.6 Limitations.....	39
5 INTERVIEW FINDINGS AND DISCUSSION	41
5.1 Commission Start up Stage	42
5.1.1 General Terms of Reference	42
5.1.2 Training and Orientation.....	45
5.1.3 Policies and Procedures	48
5.1.4 Precise Terms of Reference	50
5.2 Commission Start up Stage Discussion	52
5.3 Information Gathering Stage	54

5.31 Information Gathering	54
5.32 Integrating First Nations' Knowledge	62
5.4 Information Gathering Stage Discussion	67
5.5 Plan Development Stage	69
5.51 Scenarios	69
5.52 Draft Land use Plan	72
5.53 Recommended Land use Plan	75
5.54 Final Recommended Land use Plan	78
5.6 Plan Development Stage Discussion	81
5.7 Plan Partners	83
5.71 Consultation	83
5.72 Involvement and Participation	86
5.73 Communication	89
5.731 Communication between the Commission and the Parties	89
5.732 Communication between the Commission and the Council	92
5.733 Communication between the Council and the Parties	94
5.74 Council Support	95
5.8 Plan Partner Discussion	97
5.9 Additional Comments	99
5.10 Summary	100
6 RECOMMENDATIONS	102
6.1 Recommendations	102
7 CONCLUSION	108
REFERENCES	109
APPENDICES	113
Appendix 1 First Nations Traditional Territories	113
Appendix 2 Yukon Planning Regions	114
Appendix 3 Yukon Land Use Planning Council Organizational Chart	115
Appendix 4 the Peel Watershed Region	116
Appendix 5 the Peel Watershed Planning Commission Organizational Chart	117
Appendix 6 the Peel Watershed planning Commissions statement of intent	118
Appendix 7 Key Recommendations of the Peel Final Recommended Plan	119
Appendix 8 Example of Collaborative Planning Table	120
Appendix 9 Process Criteria	121
Appendix 10 Outcome Criteria	122

Appendix 11 Interview Guide 123

Appendix 12 Peel Watershed Planning Process Recommendations 126

1 INTRODUCTION

There are very few places in the world left with areas approximately the size of New Brunswick with little or no industrial development. There are even fewer with a regional land use planning Commission (regional Commission) in charge of determining how best to use it. The Peel Watershed planning process embodies a range of social, environmental, economic and cultural interests. On one end of the spectrum are the interests of small First Nations communities with strong ties to the land and a traditional way of life. On the other end of the spectrum are the federal and territorial governments that are in line to receive significant tax royalties from resource development and large corporations that respond predominantly to competitive pressures in the global financial markets. In the Yukon, regional Commissions are formed to bring together these and other competing interests and to define a vision, objectives and policy direction for land and resource use within each planning region. This is a difficult task. To date the Common Land Use Planning Process (planning process) has struggled in producing regional land use plans that are approved and implemented by both the Yukon and the First Nations government(s).

The client for this research project is the Yukon Land use planning Council (the Council). The Council is an independent agency that assists the planning process by making recommendations to the Yukon government, the respective affected First Nation(s) government(s) and regional Commissions as they move through the planning process.

The planning process is the method currently supported by the Council and used by regional Commissions to complete regional land use plans. The objectives of this report are to capture the knowledge and experience of those involved in the Peel Watershed planning process. Gathering this knowledge will contribute to improving the planning process in the Yukon, where past successes and challenges inform improved future applications or applications in other jurisdictions. In the short term, this report is intended to contribute to the successful completion of regional land use plans in the Yukon, which in the long run may provide greater certainty for a multitude of users and reduce the prevalence of land use conflicts.

The central research question of this project is:

How do participants of the Peel Watershed planning process describe their experiences during the planning process?

Sub questions include:

- *How do participants of the Peel Watershed planning process describe challenges they experienced during the planning process?*
- *What were some of the strategies experienced by participants that facilitated the planning process?*
- *What improvements did participants recommend for future planning processes?*

Challenges are the factors which may inhibit meaningful participation of the planning process. Strategies are those things that facilitated the planning process. The research objectives are:

1. To identify the challenges and strategies experienced by participants of the Peel Watershed planning process.

2. To recommend strategies for overcoming the barriers faced in the planning process and assisting future planning processes reach approval and implementation.

Chapter 2 will provide necessary background information regarding the planning process and the role that the Council plays in the planning process. Chapter 3 will present relevant literature identifying common challenges encountered by planning bodies undergoing land use planning processes and other resource management initiatives as well as strategies that have been employed to work through these challenges. Chapter 4 provides a detailed description of the qualitative research methodology chosen for this project which used key informant interviews to gather data. Chapter 5 will present the findings from interviews with the Peel Watershed Commission, the Council, the Yukon government and First Nations government representatives and will include a discussion and synthesis of key research findings based on information obtained from both the literature review and the key informant interviews. Chapter 6 will provide nine recommendations for promoting successful regional land use planning processes in the Yukon, and Chapter 7 will conclude the report.

2 BACKGROUND

The purpose of this Chapter is to provide a brief history of the land claims process in the Yukon and to describe what regional land use planning is and how it is carried out. The Chapter will also describe the role of the client organization, the Yukon Land Use Planning Council (the Council) and provide more depth on the rationale for this project. Furthermore, it will describe the Peel Watershed region and discuss the events from the Peel Watershed land use planning process which is the focus of this project. Section 2.1 will discuss the history of land claims in the Yukon and the origin of the current regional planning process. Section 2.2 summarizes what regional planning is and its rationale. Section 2.3 discusses how regional land use planning is typically done in the Yukon and summarizes the planning processes to date. Section 2.4 discusses the client organization, the Council and the reasons for undertaking this project. Section 2.5 briefly describes the Peel Watershed region and Section 2.6 outlines the Peel Watershed planning process.

2.1 History of Land Claims in the Yukon and Origin of the Common Land Use Planning Process

The current Common Land Use Planning Process (planning process) in the Yukon was initiated because of a modern day process of land claims negotiations that began in 1973. After 20 years of discussions between the governments of Canada, Yukon and the Council of Yukon First Nations, a major agreement called the Umbrella Final Agreement was signed in 1993. Although not a legal document, the Umbrella Final Agreement provides the framework for completing land claim negotiations between three Parties (government of Canada, Yukon government and the 14 Yukon First Nations), on a wide range of issues, such as development assessment, wildlife, natural resources, economic development and regional land use planning.

The Umbrella Final Agreement led to the establishment of boards, committees and tribunals to ensure the joint management of a number of specific areas such as the Yukon Land Use Planning Council, the Fish and Wildlife Management Board and the Yukon Environmental and Socio-economic Assessment Board. The First Nations Final Agreements comprise the legal agreements made by the three Parties pursuant to the Umbrella Final Agreement. By signing individual land claim agreements, both the Yukon government and the respective First Nations government(s) agree to work collaboratively towards developing regional land use plans (Indian and Northern Affairs Canada, 1993). Since the Umbrella Final Agreement document was signed in 1993, the government of Yukon has taken over the land and resources management responsibilities once held by the government of Canada. This happened through a process known as devolution and occurred on April 1, 2003. To date, 11 of 14 Yukon First Nations have signed a Final Agreement. As a result about 8.5% (or 41,595 km²) of the Yukon land base is considered settlement land or land that is governed by First Nations with the exception of mineral and oil and gas rights under the surface of some of these lands.

2.2 Regional land use planning

Land refers to land, water, air, living organisms, natural resources both on the surface and subsurface. Land use is an activity which involves human interaction with the land (Frequently Asked Questions, Yukon Land Use Planning Council, n.d.) Some examples of land use activities in the Yukon include subsistence activities, such as hunting, trapping, fishing and traditional uses; industrial activities such as construction, mining and energy production and other human uses such as tourism, recreation and agriculture. Balancing economic, social, cultural and environmental needs is a difficult task because land uses in any region can differ widely. In the Yukon, regional land use planning Commissions (regional Commissions) are called upon to balance and reach consensus to the extent possible (both within the regional Commissions meetings and while dealing with the Parties (First Nations government(s) and the

Yukon government), stakeholders and the public throughout the planning process) on a common vision for a planning region.

While the Yukon Territory has few people for its size, roughly 33,900 people or 0.07 persons/sq. km (Statistics Canada, 2011), there are often conflicts between different land uses, and/or anticipated future conflicts between multiple users, for example, between tourism outfits and mining operations. Regional Commissions strive to mitigate land use conflicts by identifying incompatible land uses and by establishing rules that allow potentially competing interests to co-exist (Kennet, 2010). Chapter 11 (Land use planning) of each First Nation Final Agreement describes the organizational structure for land use planning, identifies the Parties and states the core principles that govern the process. The objectives of land use planning in Chapter 11 of the Umbrella Final Agreement are:

- to encourage the development of a common Yukon land use planning process outside community boundaries;
- to minimize actual or potential land use conflicts both within Settlement Land and Non-Settlement Land and between Settlement Land and Non-Settlement Land;
- to recognize and promote the cultural values of Yukon Indian people;
- to utilize the knowledge and experience of Yukon Indian people in order to achieve effective land use planning;
- to recognize Yukon First Nations' responsibilities pursuant to Settlement Agreements for the use and management of Settlement Land;
- to ensure that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in an integrated and coordinated manner so as to ensure sustainable development (Council of Yukon First Nations, Understanding the Yukon Umbrella Final Agreement, n.d.)

2.3 Regional Planning Commissions

The Yukon government and any First Nation government whose traditional territory is within a planning region may agree to establish a regional Commission to develop a regional land use plan (for a map of First Nations traditional territories see Appendix 1). Regional Commissions are made up of citizens one-third of whom are appointed by First Nations, one-third appointed by Yukon government, and one-third appointed based on the ratio of First Nation to non-First Nation citizens in the region. Members appointed to a regional Commission are typically Yukon residents with long term familiarity with the region being planned. Regional Commission members are not employees or agents of their nominating body and are paid honoraria for time spent developing a land use plan for the region. Regional Commission members nominate a member to act as Chair for the duration of the planning process.

Throughout the planning process, the regional Commission works with the public, stakeholders, the Yukon government, First Nations government(s) and the Council. The regional Commission also relies on the technical skills of the members of the Technical Working Group and the policy-oriented expertise of the Senior Liaison Committee which are established soon after the regional Commission is established and play a supporting role throughout the planning process. Regional Commissions typically are supported by a secretariat (including a Senior Land use Planner, a Land use Planner, a Geographic Information Systems (GIS) Specialist, a Resource Analyst and an Office Administrator) to assist them in developing a regional land use plan. The organization of a regional Commission is shown in Figure 1.

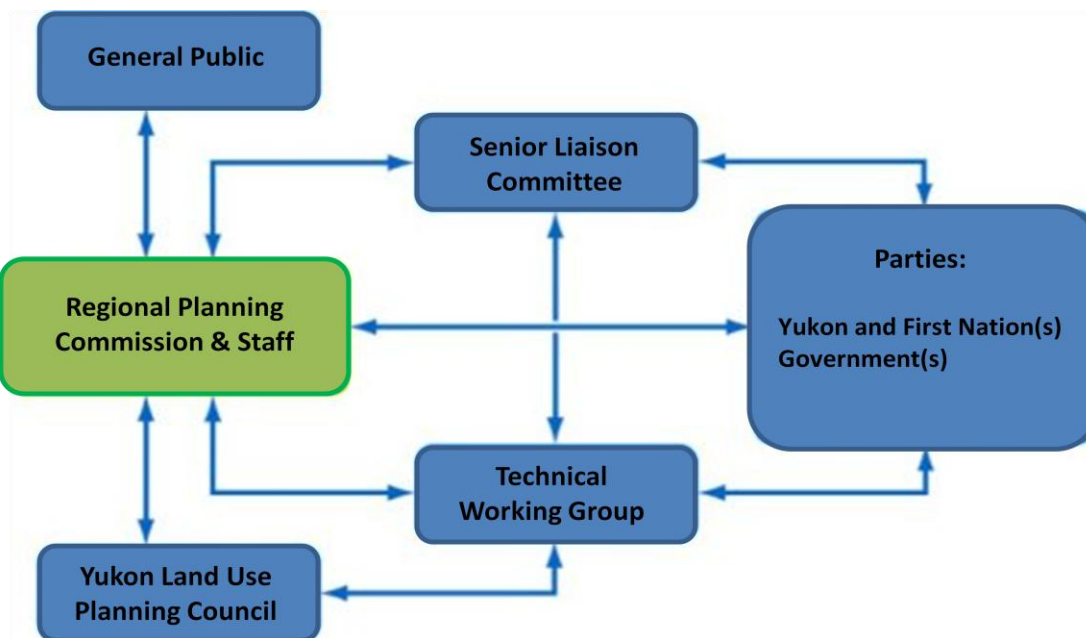


Figure 1. Regional Planning Commission Organizational Chart

Once the regional Commission has completed a land use plan it will recommend the plan to the Yukon government and affected First Nations for approval and then they will disband. The Yukon government and First Nation(s) government(s) have the option to accept, reject or modify the plan as it applies to their respective land bases (Indian and Northern Affairs Canada, 1993). Approved regional land use plans are intended to provide management direction for decision makers and a vision for the land uses in a region. They are not legal documents and do not replace existing legislation. In the Yukon, approved regional land use plans are typically reviewed every five years.

Regional Commissions have adopted a framework outlined in Table 1, consisting of key steps to complete a regional land use plan.

Table 1

Steps in the planning process

STEP 1: Establish regional Commission	
1.1.	Identify Planning Region
1.2.	Define Priorities, Process and Participants for Regional Planning
1.3.	Prepare Terms of Reference
STEP 2: Start-up of regional Commission	
2.1.	Regional Commission Appointment
2.2.	Regional Commission Start-up (Training and Orientation, Policies and Procedures)
STEP 3: Prepare Plan	
3.1.	Issues Identification
3.2.	Gather Information
3.3.	Plan Scenarios/Options
3.4.	Draft Plan

STEP 4: Plan Approval and Implementation	
4.1.	Recommended Plan, Final Recommended Plan
4.2.	Approval of Regional Land use Plan
4.3.	Implementation of Land use Plan
4.4.	Plan Review

Note. A Common Framework for Yukon Regional Land use Planning, 2012

Throughout the planning process, regional Commissions are required to consult with the public and ensure adequate opportunity for public participation, as well as solicit the knowledge and traditional experience of Yukon First Nations peoples and other residents of the planning region. The timeline given to the regional Commission (once established) to recommend a land use plan is 3 years. The Umbrella Final Agreement Implementation Plan provided roughly 7.4 million dollars for regional Commissions or roughly 1 million dollars per planning region.

Since the Umbrella Final Agreement was signed in 1993, seven planning regions have been delineated: North Yukon, Peel Watershed, Dawson, Northern Tutchone, Teslin, Whitehorse, and Kluane (For a map of planning regions see Appendix 2). Land use planning regions are based (to the extent possible) on the traditional territories of First Nations, or groups of First Nations or on distinctive landscape features. Five regional Commissions have attempted, or are currently engaged in, land use planning processes including: the Vuntut Planning Commission for the North Yukon (disbanded), the Teslin Planning Commission (disbanded), the North Yukon Planning Commission (process complete), the Dawson Planning Commission (in progress) and the Peel Watershed Planning Commission (process complete). To date, the North Yukon regional Commission has completed a regional land use plan that has been approved by both Parties. The North Yukon land use plan is currently being implemented.

2.4 The Yukon Land Use Planning Council

One source of information and guidance for regional Commissions and those involved in the planning process is the Council, which was created under the provisions of Chapter 11 of the Umbrella Final Agreement. The Council assists the Yukon and First Nations government(s) and regional Commissions to coordinate their efforts to conduct regional land use planning (for a Council organizational chart see Appendix 3). The Council makes recommendations on policies, goals, priorities, timeframes, and planning region boundaries throughout the planning process. In addition, the Council jointly administers with the Yukon government the 7.4 million dollars allocated to land use planning through the Umbrella Final Agreement. The Council receives an annual operating budget provided by the Federal government of roughly 450,000 dollars to carry out its responsibilities under the Umbrella Final Agreement. The Council advocates the planning process as a comprehensive means of addressing and balancing cultural, social, economic and environmental sustainability. The Council consists of three members, each nominated by one of the three Parties to the Umbrella Final Agreement: the Canadian federal government, the Yukon government and the Council of Yukon First Nations. Council members are not employees or agents of their nominating body and typically employ a full time staff including a Director, First Nations Policy Analyst, Administration Officer and a Senior Land use Planner.

Except for plan approval, the Umbrella Final Agreement and Chapter 11 is vague concerning the process for developing a land use plan. It specifies a number of items that the process should include, but does not define exactly what is required. Consequently, provisions dealing with public participation, timelines, linkages to other planning processes, plan substance, monitoring, and plan review, are left open to interpretation (Leach, 2011). This project will assist the Council, the Parties and future regional Commissions to ensure that successful components and experiences from the Peel Watershed planning

process are duplicated in future planning processes and alterations are made to components requiring improvement.

2.5 The Peel Watershed Region

The Peel Watershed planning region encompasses 68,042 km² or roughly 14% of the Yukon Territory. It is situated in the Northeast of the Yukon (see map of the Peel Watershed Region in Appendix 4). The Peel Watershed is one of North America's largest intact ecosystems; a region characterized by mountains, deep canyons, plateaus, wetlands and rolling hills laced by rivers (Canadian Parks and Wilderness Society, Yukon, n.d.). There are no permanent communities within the planning region and the majority of the region (97.3%) is crown owned or non settlement land (Final Recommended Peel plan, 2011). The remaining 2.7% is settlement land and is divided between four First Nations: the Tr'ondëk Hwëch'in First Nation, Na-Cho Nyak Dun First Nation, and Vuntut Gwitchin First Nation of the Yukon, as well as the Tetlit Gwich'in Council based in the Northwest Territories. The Tetlit Gwich'in Council are involved with regional land use planning in the Peel Watershed through their Yukon Transboundary Agreement outlined within the Gwich'in Comprehensive Land Claim Agreement. (Final Recommended Peel plan, 2011). The Gwich'in Tribal Council is the democratically elected government of the Gwich'in and is in charge of managing the land controlled by the Gwich'in (Gwich'in Tribal Council, n.d.). The Government of Yukon, the First Nation of Na-Cho Nyak Dun, the Tr'ondëk Hwëch'in, the Vuntut Gwitchin First Nation, and the Gwich'in Tribal Council are the Parties involved in the Peel Watershed planning process.

Current land use interests in the Peel Watershed planning region include subsistence harvesting, traditional and cultural land uses, trapping, commercial and private canoeing excursions, commercial hunting outfits, mineral exploration, oil and gas exploration, recreational snowmobiling and hiking and travel along the Dempster Highway. One of the main influences on the Peel Watershed planning process is the diversity of perspectives and values that have been expressed. In the context of the Peel Watershed, the range of interests being voiced have frequently been presented by media, politicians, organizations, and individuals as polarizing, with conservation on one end and development on the other (Staples, Chávez-Ortiz, Barrett, Clark, 2013).

2.6 The Peel Watershed Regional Planning Process

Between 2004 and 2011, the Peel Watershed Planning Commission (the Commission) was responsible for developing and recommending a final regional land use plan for the Peel Watershed planning region (For the Commission organizational chart see Appendix 5). The Commission was composed of six public members nominated by the Yukon government and the First Nation governments who have traditional territory in the Peel Watershed planning region. The Commission members, chairs, and staff changed numerous times throughout the seven year planning process. The Commission used the planning process as a framework to complete a land use plan. Table 2, below provides a chronological account of the Commission's activities.

Table 2

Peel Watershed planning process

Date	Planning Process Event	Description
2002-2005	1.3 Prepare General Terms of Reference	The general terms of reference for the Commission were jointly prepared by the Parties.

October 2004 – March 2005	2.1/2.2 Commission Appointment and Start up	The Commission was appointed in October 2004 and received a two day training and orientation in November from the Council. In March 2005 the Commission developed its statement of intent for the planning process (for the Commissions statement of intent see Appendix 6), policies and procedures and precise terms of reference which provided a work-plan and specified a timeline for the completion of major planning products.
May – November 2005	3.1 Issue and Interest Report	The Commission held public consultation sessions in various communities for the purposes of gathering interests and issues related to land use planning in the planning region. Over 30 formal presentations and numerous comments were made to the Commission during these sessions from various interest groups. Including Mineral exploration and development; Oil and Gas exploration and development; Fish, Wildlife and Habitat, Water; Culture and Heritage; Tourism and Outfitting and Transportation. The Commission released their Issues and Interests report in January 2006 which highlighted the various land use interests within the planning region.
May 2005 – September 2008	3.2 Information Gathering	Throughout a large part of the planning process, the Commission members learned and gathered information about the planning region with the help of scientists, resource specialists, elders, land users, and other people who knew the planning area well. These people described the Peel Watersheds: ecosystem processes, vegetation, animals, and fish; its landforms and waterways; its minerals and oil and gas; its historical and current human uses; and its heritage resources. The Commission members also learned about the current and potential future land use conflicts and the potential limits or sensitivities of the land. (Final Recommended Peel plan, 2011).
September 2008	3.2 Resource Assessment Report	The Resource Assessment report represented a major product of the planning process. The intent of the Resource Assessment Report is to provide a description of the natural, human and economic resources in the Peel Watershed planning region and to describe historical, current and potential future land uses and land use patterns in the region. The Resource Assessment Report is based on the Commission's current state of knowledge both scientific and traditional.
September 2008	3.2 Conservation Priorities Assessment	The purpose of the Conservation Priorities Assessment report is to integrate scientific, local and traditional information for the purpose of identifying high priority conservation areas in the planning region. It was developed through work with scientists and community experts to gather, map, and interpret information in order to assess ecosystem representation, areas where people harvest wildlife and plants, species distributions and habitats, and special features distributions.
November 2008-	3.3 Scenarios Development	The Commission examined various management scenarios for land uses within the planning region, each with different levels of

February 2009		development and conservation. After public consultations with the public, stakeholders, and the Parties on the various Scenarios, the Commission developed the Draft land use plan.
April 2009	3.4 Draft Plan	After the Draft plan was published, members of the Commission held further consultations by travelling to communities around the planning region and holding meetings and workshops with the Parties and the public, and by gathering feedback through online surveys and written submission.
December 2009	4.1 Recommended plan	The consultations from the Draft plan shaped the next version of the plan: the Recommended land use plan.
July 2011	4.1 Final Recommended Plan	The Commission considered the feedback on the Recommended land use plan provided by the Parties and many other groups, in the development of the Final Recommended land use plan. The Final Recommended land use plan was submitted to the Parties who have the option to accept, reject or modify the plan (for key recommendations from the Final Recommended Plan see Appendix 7).
October 2012	New Plan Concepts	The Yukon government released new planning concepts that introduced a different vision for the planning region.
January 2014	4.2 Approval	After consultation with the affected First Nations and communities The Yukon government released and approved their modifications of the Commission's Final Recommended land use plan.

The planning process aims to produce a land use plan that is approved and implemented by the Parties after the Commission releases its Final Recommended Plan. In the case of the Peel Watershed planning process, this did not happen. It was envisioned that the planning process would take three years to complete once the Commission was established and would cost \$1 million. The planning process for the Peel Watershed region has taken over twice as long (2004 – 2011) and went over its budget costing an estimated \$1.6 million (Pope, 2012, p.1). This was due to many factors which will be discussed later in the report.

For the purposes of this report the main focus of the review will be on the planning process events from the production of the general terms of reference by the Parties starting in 2002 to the Commission's release of the Final Recommended Plan in 2011. By examining this critical time period this project aims to assist the Council, the Parties and future regional Commissions in ensuring that successful components and experiences from the Peel Watershed planning process are duplicated in future land use planning processes and alterations are made to components requiring improvement.

3. LITERATURE REVIEW

The purpose of this literature review is to identify common challenges and barriers encountered by stakeholders undergoing regional land use planning initiatives, as well as strengths and strategies for overcoming these barriers. The sources of information used to inform this literature review include books, journal articles, an academic thesis, and government publications. The review focused on collaborative planning which is a leading paradigm for environmental planning and resource management in Canada, the United States, and Australia.

The literature review examined a number of cases which included a variety of collaborative planning initiatives including: watershed planning, land use planning, forestry, waste management, water management, and general land use. Researchers of these studies used different research methods, samples and different scales. Many of the sources used in this review are drawn from the consensus based planning literature of the 1990's and 2000's. The topic still has relevance, and a variety of more recent sources were also reviewed to gather new insights and determine how perspectives may have shifted over the years.

The literature review is organized in seven sections. Section 3.1 provides a description of collaborative planning and describes principled negotiation principles that have influenced the field of collaborative planning. Section 3.2 summarizes the evolution of planning models in North America. Section 3.3 provides an overview of the collaborative planning process. Section 3.4 assesses the strengths and weaknesses of collaborative planning based on empirical evidence from various case studies over the last 25 years. Section 3.5 outlines success criteria for designing collaborative planning processes. Section 3.6 discusses evaluative criteria that can be used to review collaborative planning processes and outcomes. Section 3.7 provides a summary of the literature review, highlighting the major findings.

3.1 Collaborative Planning

While there is no universal definition of collaborative planning (Innes & Booher, 1999), the literature reveals several common characteristics. First, collaborative planning involves a range of stakeholders representing a cross section of organizations and interest groups. Second, collaborative planning engages the participants in face to face negotiations in an effort to achieve consensus on problems, goals, and proposed actions. Third, collaborative planning requires a sustained good faith effort to meet the interests of all stakeholders and a commitment to problem solving. Finally, collaborative planning utilizes alternative dispute resolution concepts such as principled negotiation and consensus building as a means to resolve issues amongst competing stakeholders (Gunton & Day, 2003; Innes & Booher, 1999; Morton, Gunton, and Day 2012; Selin & Chavez, 1995; Wondolleck & Yaffee, 2000). Much of the literature uses collaborative planning and consensus building or consensus based decision making synonymously. For the purpose of this paper collaborative planning, will be the term used.

Collaborative planning is influenced by alternative dispute resolution concepts, particularly the theory of principled negotiation (Fisher & Ury, 1981). Principled negotiation has five key principles that can be used in negotiations in a variety of contexts. By using these principles, the authors argue that participants can focus on fair, durable, and creative solutions that meet the legitimate interests of all Parties. The principles are:

- Separate the people from the problem (Fisher & Ury, 1981, p. 17).
- Negotiations must focus on the underlying interests of participants instead of rigid positions (Fisher & Ury, 1981, p. 40).
- Participants must invent options for mutual gain (Fisher & Ury, 1981, p. 56).

- Participants must use objective criteria for evaluation (Fisher & Ury, 1981, p. 81).
- Negotiators should know their best alternative to a negotiated agreement. In interest based negotiation theory, the best alternative to a negotiated agreement is the course of action that will be taken by a participant (or group of participants) if the current negotiations fail and an agreement cannot be reached. (Fisher & Ury, 1981, p. 97).

Proponents assert that the advantages of this approach are that participants are encouraged to develop creative solutions to challenging issues instead of expending energy on defending positions (William, Penrose & Hawkes, 1998). Much of the subsequent work on alternative dispute resolution is based on Fisher and Ury's work. Alternative dispute resolution principles have become institutionalized in a variety of land use planning and resource management processes in several countries (Innes & Booher, 2010; Margerum, 2008).

3.2 Evolution of the Planning Process

Before the 1960s, land use planning processes in North America was largely a technical exercise carried out by independent experts who employed objective, scientific knowledge to address societal issues (Gunton, 1984; Sandercock, 1998). This model relied on the planners' role as an expert who would base decisions on scientific principles, without consulting the public or attempting to reconcile conflicting interests in a public forum (Gunton, 1984; Jackson & Curry, 2004). These planning processes were criticized because they did not take into account socioeconomic, environmental and political values and other interests that are often involved with land use planning efforts. Planners responded by adopting new models that aimed at mitigating these criticisms. The common factor among these new models was the recognition of the need for the integration of publicly determined interests into the planning process (Gunton & Day, 2003). Planners began to use various types of participatory methods alongside scientific analysis to identify public interests such as public meetings, workshops, advisory committees, and task forces (Beierle & Cayford, 2002; Susskind, Wansem, & Ciccarelli, 2003). Beginning in the early 1960's, the advocacy planning model emerged as a comprehensive alternative to the prevailing practice.

Advocacy planning aimed to reposition the top down approach of technical planning toward a model that empowered the voices of disenfranchised people. Advocacy planners recognized that various interests compete in land use decisions and asserted that under the technical approach, plans made for the common good of society often are solely beneficial to those in power (Sandercock 1998; Susskind et al., 2003). As a result, advocacy planners work on behalf of less powerful, marginalized stakeholder groups to empower them to pursue their interests throughout the planning process. Although, advocacy planning worked towards more inclusive planning processes, it did have shortfalls. Advocacy planners work with only a small fraction of their target constituency, often minority groups, resulting in plans that did not reflect the broader views of the region or neighborhood. As a result, critics declared that advocacy planning encouraged a continued win-lose competition among different, and often polarized, interest groups (Susskind et al., 2003). Furthermore, it was argued that traditional processes to resolve environmental issues such as litigation, set the Parties up for win-lose solutions to conflicts, failed to resolve fundamental issues at stake and created little opportunity for public participation (Gunton & Day, 2003; Susskind et al., 2003).

In response to these criticisms the mediation model arose in the 1970's. This model requires the participation of spokespeople for each stakeholder group and usually involves a professional mediator to facilitate the planning process. The mediator typically utilizes principled negotiation, to assist stakeholders to learn about the interests of the other stakeholders, to challenge previously held assumptions, and to collaborate with others to create mutually satisfying agreements. Since its first use

in 1970's, mediation has grown rapidly as a dispute resolution method and is institutionalized in environmental planning in a number of jurisdictional settings in Canada and other countries (Gunton & Day, 2003).

3.3 Collaborative Planning Model

Collaborative planning emerged out of the advocacy and mediation model. Like advocacy, collaborative planning recognizes the importance of empowering stakeholders and, like mediation, it seeks to provide stakeholders with a forum for discussing shared interests and resolving disputes through using the five principles outlined in principled negotiation. However, collaborative planning is distinguished from both the advocacy and mediation models by its use of a higher level of collaboration that is controlled by the delegates who work together in face to face intensive negotiations to reach consensus agreement (Gunton & Day, 2003).

The collaborative planning literature (Frame, Gunton & Day 2004; Selin & Chavez, 1995; Susskind et al., 2003) provides three recommended phases in the process: pre-negotiation, negotiation and post-negotiation. These phases are summarized below.

Pre-negotiation

- Pre-negotiation begins with background preparation, which consists of forming the professional team, identifying potential stakeholders, and completing a conflict assessment that evaluates the nature of the conflict and options for resolution.
- The second step is to identify the stakeholder groups that will participate in the collaborative planning process and appoint representatives for each group. The size of stakeholder groups (stakeholder tables) may vary from about six to 75 depending on the process and typically includes government, resource, environmental and community interests (for the structure of a collaborative planning table see Appendix 8). Training on the collaborative planning process is often provided to all participants.
- The third step is to prepare draft ground rules, or terms of reference that outline objectives, rules of procedure, roles and responsibilities, timelines, and logistics of the planning process. The terms of reference need to be reviewed and approved by stakeholders before they are implemented.
- The final step is to identify relevant facts and information required by the stakeholders for the planning process.

Negotiation

- The first step is to identify the interests of the stakeholders.
- The second step is to identify a broad range of options that meet the interests of the stakeholders.
- Third, negotiation techniques are utilised to choose among the various options to reach a final decision by consensus. Consensus is accomplished after every effort has been made to meet the interests of all stakeholders and when all members of the group agree that they can accept the decision. Plans may also be negotiated for monitoring and implementation strategies at this stage.

Post-negotiation

- The first step in this phase is to achieve required approvals (such as approval from Ministers, Chiefs and company leaders) of the agreement necessary to commence implementation.

- The next step is to create a monitoring process to evaluate implementation, and to renegotiate components (if necessary) of the agreement affected by changing circumstances.

Typically, collaborative planning processes use a process facilitator who employs various methods to ensure that all stakeholders are heard and respected and that discussions are based on stakeholders' interests and not on arguments about predetermined positions (Frame et al., 2004). Proponents assert that collaborative planning processes have the potential to break through many of the barriers created by addressing land use planning initiatives through litigation, technical planning, advocacy planning and other decision making processes (Frame et al., 2004; Gunton & Day, 2003; Innes & Booher, 1999).

3.4 Strengths and Weaknesses of Collaborative Planning

There is a growing body of evaluative literature about the relative success of collaborative planning processes (Andrew, 2001; Beierle & Cayford, 2002; Carr, Selin & Schuett., 1998; Frame et al., 2004; Gunton & Day., 2003; Innes & Booher, 1999; Innes & Booher, 2010; Leach, Pelkey & Sabatier, 2002; Margerum, 2002; Moote, McClaran & Chickering, 1997; Mascarnhas & Scarce, 2004; Morton et al., 2012; Selin, Schuett & Carr, 2000; Susskind et al., 2003; Takeda & Røpke, 2010; Wondolleck & Yaffee, 2000). Much of this literature includes empirical evidence that either supports or criticizes the use of collaborative planning in relation to other forms of land use planning and decision making processes. Authors also discuss the strengths and limitations of the model and highlight the factors necessary for an effective collaborative planning process.

3.4.1 Strengths

Strengths are listed below in the order of frequency with which they are emphasized in the literature. While several of these benefits are closely interrelated, they are discussed separately to give a sense of clarity for each strength.

A) Social Capital

Social capital is the anticipated output of productive social relationships such as networks and social trust that facilitate coordination and cooperation for mutual benefit (Putman, 2000). Over time, increased trust between stakeholders, the building of new relationships, the sharing of information and improved communication between stakeholders are catalyzed. In turn, this creates opportunities for participants to resolve ongoing issues and provide the capacity and the willingness to deal with conflicts as they arise (Carr et al., 1998; Frame et al., 2004; Gunton & Day, 2003; Innes & Booher, 1999; Leach et al., 2000; Morton et al., 2012; Selin et al., 2000; Susskind et al., 2003). The generation of social capital has powerful consequences in a regional planning context as subsequent processes tend to involve the same players.

In their study of collaborative policy making processes aimed at addressing water management in California and Washington, Leach et al. (2002) found that 100 percent of participants felt that their personal stores of social capital were increased due to their participation. In another study, Connick and Innes as cited in Susskind, McKearnan and Thomas-Larmer (1999) assessed a process used to devise a water management strategy for the San Francisco bay area, and found that stakeholders developed working relationships and communication networks with one another, as well as an understanding of each other's perspectives. Many of stakeholders used these new relationships and understandings to do their water quality work by contacting each other and connecting informally over issues before they became conflicts. As an illustration, in the San Francisco Estuary Project, the representative from the US Corps of Engineers (which is responsible for waterway development) said he routinely began to contact

the Sierra Club (an environmental organization) representative before finalizing new projects to decide if they needed to be modified to satisfy environmental concerns.

Frame et al. (2004) evaluated the completion of seventeen land and resource management plans covering three quarters of the land base of the province of British Columbia. The land and resource management plan process used a collaborative planning process in an effort to reach consensus on regional land use plans that included a plethora of interest groups. In this study 312 stakeholders who were part of these processes were surveyed. Many of the participants reported that achievement of social capital benefits was high, with 85 percent agreeing that relationships with other stakeholders were improved, and 92 percent agreeing that they gained a better understanding of other stakeholders' values and interests. In other studies, a range of collaborative planning processes in California were examined. In every process, participants contended that they established new or stronger personal and professional relationships and built up trust, which allowed genuine communication and joint problem solving (Innes, 1994; Innes, 1996; Innes & Booher, 1998). With this social capital they felt less hostile to others views and were more likely to share knowledge and negotiate other potential conflicting issues.

B) Intellectual Capital

The generation of Intellectual capital includes: agreement on data or analysis, clear definitions of a problem and stakeholders understanding each other's interests. Many authors agree that the generation of intellectual capital is a key component for reaching consensus on a range of issues (Frame et al., 2004; Innes & Booher, 1999; Moote et al.1997; Morton et al., 2012; Selin et al., 2000; Susskind et al., 2003).

In the case study by Moote et al. (1997) of a coordinated resource management participatory planning process that involved multiple stakeholders, participants listed the opportunity to communicate with other interests in the watershed as the most valuable aspect of their involvement. The results from participant surveys and interviews showed that over 70 percent of the participants agreed that the coordinated resource management process encouraged everyone to express their needs and provided a mechanism for improved communication. In addition, 78 percent of participants agreed that they had achieved a better understanding of natural resource issues and the administrative decision making process because of their involvement. Furthermore, many of the participants noted that the process allowed them to personally connect with different ideologies represented which in turn gave them a broader understanding of the issue from other perspectives. Frame et al. (2004) found that new knowledge, skills and understanding was developed in 90 percent of the land use planning cases that were analyzed.

The literature suggests that the generation of intellectual capital is powerful in collaborative planning processes because it allows stakeholders (over time and through ongoing communication) to develop a mutual understanding of each other's' interests, shared definitions of the problem and decision making criteria and agreement on data, models, projections, or other quantitative or scientific descriptions of the issues (Frame et al., 2004; Innes & Booher, 1999; Morton et al., 2012; Susskind et al., 2003). Innes (1999) contends that once participants internalize such knowledge, it can greatly enhance coordinated action, and reduce areas of conflict amongst stakeholders.

C) Inclusive Representation and Participation

Collaborative planning processes strive to include a broad range of stakeholders and interests into the process which ensures that multiple interests are incorporated into the decisions being made (Gunton & Day, 2003; Frame et al., 2004; Moote et al., 1997; Susskind et al., 2003; Selin et al., 2000). Many authors

assert that the success of collaborative planning is contingent on having all relevant stakeholder groups represented and participating in the planning process (Gunton & Day, 2003; Frame et al., 2004, Innes & Booher 1999).

Moote et al. (1997) found that the consensus based process achieved extremely broad representation with over four hundred people participating in the initial meetings representing urban residents, landowners, ranchers, farmers, natural resource agencies, private interest groups, town and country governments, local companies and all four government entities charged with managing and protecting land and water resources in the river basin being discussed (Natural resource conservation districts). Findings from this study indicated that 92 percent of respondents felt that this process encouraged broad participation.

Others have found that collaborative planning is more likely to develop a plan that is representative of the public interest because more alternatives are generated for consideration through dynamic interaction of stakeholders and the effort to reach a plan that everyone can live with ensures that mutual interests of all Parties are at least partially met in the final plan (Gunton & Day, 2003). Similarly, Frame et al. (2004) found that two-thirds of participants agreed that all appropriate interests and values and all government agencies were adequately represented in the land and resource management plan process. In response to open-ended questions about the process, respondents most frequently cited inclusion of multiple interests as a major strength.

D) High Satisfaction of Stakeholders

Many authors propose that collaborative planning creates high stakeholder satisfaction (Carr et al., 1998; Connick & Innes, 1999 as cited in Susskind et al., 1999; Morton et al., 2012; Susskind et al., 2003). In Susskind et al. (2003), the results from 400 Interviews with stakeholders involved in resource based alternative dispute resolution processes showed a high degree of stakeholder satisfaction, with 85 percent of those interviewed having a favourable view of the process. In Frame et al. (2004) study the authors found that 64 percent of participants agreed that the process was a success and 68 percent felt that the process was a positive experience. Andrew (2001) examined 54 cases of collaborative processes used to resolve waste management disputes in Ontario and Massachusetts. This study found that 75 percent of the processes were judged to be more efficient and satisfactory than the alternatives, which consisted of hearings or litigation. In Selin et al. (2000) the authors examined stakeholder perceptions of the performance of twenty collaborative planning initiatives throughout the United States. Results showed that respondents felt that the initiatives were contributing to better coordination and communication, enhanced resource sharing, and improved levels of trust among resource stakeholders, all of which contributed to high levels of satisfaction amongst participants.

E) High Quality Solutions

Many authors assert that agreements reached through a collaborative planning process are of high quality in that they strive to meet the interests of all stakeholders and resolve differences in ways that take advantage of opportunities for joint gain (Frame et al., 2003; Innes & Booher 1999; Susskind et al., 2003). Frame et al., 2004; Gunton and Day, 2003; Innes & Booher, 1999; Susskind et al., 2003 cite numerous reasons why collaborative planning processes can yield higher quality agreements outcomes that are fairer and more stable than traditional planning methods:

- The process incorporates a wide range of knowledge offered by each stakeholder, not only about their interests, but also about features of the problem that they understand better than anyone else;

- The shared base of knowledge and technical information allows stakeholders to resolve key areas of uncertainty and conflict and to formulate innovative, credible, and longer-lasting solutions;
- Collaborative planning involves dynamic group discussion where everyone has a chance to voice their interests and concerns. In turn, the process is more likely to provide opportunities for innovative ideas that meet the interests of all stakeholders;
- The process can resolve underlying issues for example, interpersonal conflicts between stakeholders through techniques such as principled negotiation.

Beierle and Cayford (2002) evaluated 172 case studies of public participation in the United States. They found that negotiation and mediation had much higher levels of success (68 percent) in improving the substantive quality of decisions than more traditional processes such as public meetings, hearings and advisory committees.

F) Success in Reaching Agreement

Collaborative planning processes have proven to be an effective means of reaching an agreement between multiple stakeholders. For example, Andrew (2001) found that the collaborative planning processes used to resolve waste management disputes were successful in reaching agreement in 81 percent of the disputes. Frame et al. (2004) found that the stakeholder table reached agreements in 14 of the 15 completed land and resource management plans. 12 of the 17 case studies analyzed reached full consensus amongst the various stakeholders. This is an impressive achievement given that British Columbia had a long history of natural resource conflicts which have been characterized as being extremely antagonistic and conflictive (Frame et al., 2004; Gunton & Day, 2003). The land and resource management plan process allowed stakeholders to shift from intense conflict to respectful negotiation, when previous processes utilizing traditional techniques such as public consultation, task forces and expert committees had failed (Frame et al., 2004).

Some authors caution that reaching agreement should not be used as a sole determinant of whether the collaborative planning process was successful or not (Innes & Booher, 1999). In some cases stakeholders may fail to reach a final agreement, but will have experienced many of benefits such as increased intellectual and social capital (Gunton & Day, 2003; Innes & Booher, 1999).

G) Implementable Plan

Many authors assert that participants are more committed to implementation concerns because they were part of the process that produced the agreement (Gunton & Day, 2003; Innes & Booher, 1999). In addition decisions reached are easy to implement because they have taken a wider range of interests into account and thus are less likely to produce unhappy stakeholders who may work against implementation efforts (Frame et al., 2004; Gunton & Day, 2003; Innes & Booher, 1999; Susskind et al., 2003).

Susskind et al. (2003) found that 69 percent of participants thought their settlement was more stable than what they could have reached through other processes such as litigation or administrative appeal. Furthermore, 75 percent thought their settlement was implemented very well. Ostrom (1990) has reported on a wide range of land use cases around the world where self-organizing local groups have reached consensus about the management of a shared, scarce resource and produced agreements that have been durable and served the interests of all stakeholders sometimes over decades or centuries.

H) Low Cost

Many argue that collaborative planning is lower cost than other approaches such as litigation, administrative appeals and public hearings (Frame et al., 2004; Gunton & Day, 2003; Susskind et al., 2003). Although the costs of bringing together multiple stakeholders over a sustained period of time may seem high, the costs of land use disputes ending up in courts and hearings can be staggering (Susskind et al., 2003). Andrew (2001) looked at 54 cases in Ontario and Massachusetts to determine whether alternative dispute resolution process saved time and money. Findings from this study indicated that in 15 cases cost saving for all of the Parties combined ranged from 100,000 dollars U.S. to 3.5 million dollars U.S. In three of the cases in Ontario savings could be attributed to resolving waste management issues using a collaborative forum rather than having to use costly alternatives such as the Environmental Assessment Board hearing which typically costs 14,000 dollars U.S. to 17,000 dollars U.S. per day. In Susskind et al. (2003), they found that 81 percent of participants said they finished the negotiation with the impression that it consumed both less time and less money.

The empirical evidence discussed shows how collaborative planning processes have many benefits when compared to non-alternative dispute resolution methods. Although collaborative planning is an effective means for addressing environmental conflicts, not all disputes are appropriate for collaborative planning and even advocates caution that collaborative planning is not a panacea or a cure-all for all situations (Amy, 1987; Gunton & Day, 2003; Moote et al., 1997; Wondolleck and Yaffe, 2000). Collaborative planning processes have many weaknesses which are discussed in detail below.

3.4.2 Weaknesses

There are a number of critical claims about collaborative planning backed up by empirical evidence. The most frequently cited weaknesses include power imbalances between stakeholders, lack of stakeholder representation and the assertion that some stakeholders are not negotiating in good faith. Each of these barriers or a combination of them has the capacity to stall or thwart a collaborative planning process if no efforts are made to address them. Weaknesses and barriers of collaborative planning type decision making structures will be discussed below in the order of frequency that they occur in the literature.

A) Power Imbalances

Issues of power imbalances between participants pervade planning processes, at times rendering them ineffective (Frame et al., 2004; Gunton & Day, 2003; Mascarnhas & Scarce, 2004; Morton et al., 2012; Takeda & Røpke, 2010; Margerum, 2002; Moote et al., 1997; Susskind et al., 2003; Umemoto, 2001).

Power imbalances can arise from a range of issues including: the presumption of a common worldview amongst participants whereby dominant stakeholders set the terms of the negotiation through harnessing technical language and ignoring alternative ways of viewing the issues at hand (Umemoto, 2001). For example, Takeda et al. (2010) examined a collaborative planning process in Haida Gwaii, British Columbia that brought together stakeholders from the Provincial government of British Columbia, representatives from the Council of the Haida Nation, industry and the public in a land use planning process that aimed to reach consensus on resource and land management for Haida Gwaii. The findings from this study indicated that although the agenda at the planning forum was open to input from all those involved, there were unspoken expectations around what the discussions should include or exclude. For example, topics such as how the land should be managed was a technical exercise in zoning left firmly in the hands of the Provincial government to be managed at a technical professional level, precluding Haida and other views.

Another potential source of power imbalance between stakeholders is unequal access to resources (capital, labor, information and technology) and negotiation experience. For example, Mascarnhas & Scarce (2004) found in a review of various forest planning processes throughout British Columbia, that many nongovernmental participants, felt that the lack of resources available to them made their contributions less effective in the planning process. Specifically, many participants from these groups were not getting paid while government and industry were which intensified the inequality between participants. Furthermore, according to respondents, many participants, particularly non-industry volunteers and nongovernmental participants did not possess the technical and negotiating skills necessary to fully participate in these collaborative planning processes. In such cases their role in the planning process was largely marginalized.

B) Lack of Adequate Stakeholder Representation

Critics assert the collaborative planning process may only include a narrow cross section of society (Wondolleck and Yaffe, 2000) which can be detrimental to reaching a plan that meets the interest of the public. This can be attributed to a lack of resources by some stakeholders inhibiting their participation and certain stakeholders choosing not to participate because they view the collaborative planning process as flawed (Beierle & Cayford, 2002; Frame et al., 2004; Gunton & Day, 2003; Mascarnhas & Scarce, 2004; Moote et al., 1997; Morton et al., 2012).

Moote et al. (1997) found that although the participant group in the collaborative planning process achieved broad representation of natural resource management agencies, environmental organizations, and rural landowners, participants were not satisfied that it adequately represented the community with many feeling that membership was skewed toward the government agencies. Furthermore, the time and expense of participation was seen as a barrier to participation by some participants: 70 percent of questionnaire respondents and most interview respondents agreed that some interests were excluded by lack of access. Morton et al. (2012) found in a review of the first 20 collaborative land and resource management plans in British Columbia that less than 5 percent of British Columbia's 274 First Nations governments and Tribal Councils participated in these planning processes. Low Indigenous turnout is not uncommon for collaborative planning processes in other parts of the world, particularly in countries with a relatively recent history of colonization such as New Zealand, Australia, and the United States (Innes & Booher, 2010; Lane, 2003). Low Indigenous participation can be linked to epistemological differences (in other words different views on what constitutes knowledge and truth), access to resources and a distrust of oppressive governments (Lane, 2003). Specifically, Morton et al. (2012) found that low Indigenous participation was due to lack of time and resources to meaningfully participate and opposition to being labelled as mere stakeholder's equivalent to other non-governmental organizations and industry, rather than autonomous governments.

C) High Cost

Another potential weakness of collaborative planning is the high cost and logistical challenges such as the time and resources required. Collaborative planning processes often involve large groups of potentially antagonistic stakeholders and can consume a significant amount of time and resources (Bingham, 1986; Carr et al., 1998; Gunton & Day, 2003; Margerum, 2002; Moote et al., 1997; Susskind et al., 2003).

Bingham (1986) cautions that collaborative planning is neither faster nor less expensive than traditional processes as the cost of preparing for negotiation may be as high as or even higher than the cost of preparing for some types of litigation, especially when negotiations involve complex legal or scientific issues and Parties have to conduct costly scientific or economic analysis. Susskind et al. (2003) caution

that collaborative planning processes must ultimately be litigated if an agreement is considered to be unfair by some stakeholders or is legally inappropriate. Moote et al., (1997) found that the time and expense of participation was seen as a barrier to participation for many participants: 70 percent of the 42 questionnaire respondents and most of the eight interview respondents agreed that some interests were excluded by lack of access. Because of the size of the watershed and the rural nature of the region, several participants had long commutes to meetings which posed enough of a challenge for many of them to drop out. Carr et al., (1998) found that many participants involved in implementing collaborative planning processes in national forest management thought that the process was too time-consuming, slow moving, and expensive both in terms of coming to agreement and in the implementation of the agreement.

D) Not Applicable to Conflicts with Fundamental Value or Knowledge Differences

Many critics charge collaborative planning with not being an appropriate venue for resolving conflicts with fundamental value differences and provide examples of where different backgrounds and epistemologies between stakeholders challenged the process (Amy, 1987; Gunton & Day, 2003; Margerum, 2002; Moote et al., 1997; Morton et al., 2012; Takeda & Røpke, 2010).

When it comes to evaluating information or suggestions in a land use planning exercise, a palpable tension may exist between whose knowledge or data is seen as credible. For example, in Moote et al. (1997) found that some participants from organized agencies felt that the public did not have the training to meaningfully participate in the discussions, and that the public's role should be delegated to the preliminary steps of planning while the more technical aspects should be left to the professional planners. Furthermore, a Forestry manager with six years of formal education was reluctant to engage with participants who had no formal educational background.

King (2010) asserts that land use planning processes in Northern Canada force Indigenous peoples into an alien system of management that restrains their decision making power. Specifically, the author contends that planning processes encourages First Nations to surrender their beliefs and values on land and resource use in favour of western notions of development, conservation and science. Scholars declare that integrating western science and Indigenous knowledge will often encounter challenges (King, 2010; Lane, 2003; Nadasdy, 2005; Takeda & Røpke). Nadasdy (2005) provides several examples where Indigenous forms of knowledge in various management boards were dismissed as being not credible and in some cases absurd.

During the Haida Gwaii collaborative planning process the tensions that arose from different epistemologies between participants was exemplified when a representative from a Forestry company stated that their professionals had some major concerns with the community's recommendations (which were based on Yah'guudang, a Haida concept that embodies a respect for all living things) and that he did not want to discuss certain technical issues with non-experts. In response a Hereditary Chief stated that: "*he too had consulted with his experts: his parents, grandparents, uncles and aunts and they [knew] exactly what they were talking about*" (Taekeda & Røpke, 2010). Lane (2003) asserts that despite collaborative planning's post positivist roots in practice the technique remains a discourse that rests on a deeply embedded rationalist orientation that is often at odds with the world views of Indigenous peoples and can create a reluctance to participate.

E) Not Participating in Good Faith

Critics of collaborative planning assert that in many collaborative planning processes more powerful stakeholders will avoid or simply undermine the process by using delaying tactics, or pursue alternative

means to achieve their objectives if they do not like the outcome of collaboration (Amy, 1987; Gunton & Day, 2003; Moote et al., 1997; Takeda and Røpke, 2010).

Moote et al. (1997) found that some respondents noted the primary benefit of participation in collaborative planning as *“getting to know the enemy.”* Takeda et al. (2010) found that 18 months into the collaborative planning process on Haida Gwaii many community members had the impression that although there was strong consensus amongst the island community regarding a management plan for the Islands, the Province of British Columbia did not like the outcome of the process and proceeded to authorize logging in areas designated as culture cedar reserves by the Haida in the collaborative planning process. The President of the Haida Nation at the time (Guujaaw) charged the Province with making a mockery of the planning process by their decision to approve logging inside areas cited for protection.

F) Lowest Common Denominator Solutions

Some authors assert that collaborative planning processes may lead stakeholders to seek second best solutions, or the lowest common denominator, in order to achieve consensus (Gunton & Day, 2003, Susskind et al., 2003). Often difficult issues or important technical information are ignored in order to achieve consensus. Connick and Innes as cited in Susskind et al. (1999) found that the decision to include every player in the watershed collaborative planning process and to define consensus as a unanimous agreement meant that inevitably some issues could never be agreed, and that some agreements reached really were the lowest common denominator. Some participants from this study felt that their interests could have been better served through voting or majority rule, where a decision reached would not be diluted by too many competing interests. Critics caution that a decision reached through collaborative planning can be of low quality and leave participants with only vague recommendations, making implementation very challenging (Innes & Booher, 1999; Margerum, 1999).

G) Increased or Unreduced Conflict

Critics of collaborative planning contend that the process can result in unreduced conflict and in some cases can exacerbate the conflict (Leach et al., 2002; Moote et al., 1997; Takeda and Røpke, 2010).

Frame et al. (2004) found that almost half of the 312 respondents surveyed believed that the collaborative planning process that they participated in had not reduced conflict. Similarly, Moote et al. (1997) found that after two years of stakeholder meetings, discussions continued to dissolve into positioning, circular arguments, and general bickering, and the group was never able to reach consensus upon goals, objectives, or decision-making criteria. Significantly, the participants were unable to articulate a common purpose after two years of meetings. Takeda and Røpke (2010) found that after nearly two years into the process positions remained polarised and more entrenched than ever. Frustrated community members resorted to blockading logging roads and direct conflict with Provincial Ministry of Forest offices in an effort to have their interests met.

3.5 Designing Collaborative Planning Processes for Success

A successful collaborative planning process relies on following key design and management principles (Beierle & Cayford, 2002; Carpenter, 1999; Gunton & Day, 2003; Frame et al., 2004; Innes & Booher, 1999; Kennet, 2010; King, 2010; Leach, 2011; Leach et al., 2002; Susskind et al., 2003; Umemoto, 2001). These considerations and strategies are also applicable to planning processes not using a strictly collaborative planning approach. Ten keys to a successful planning process and corresponding strategies are described below.

1) Examine if Collaborative Planning is Appropriate

Collaborative planning may not be appropriate for all circumstances (Frame, 2004; Gunton & Day, 2003; Susskind et al., 2003) and trying to apply it may lead to frustration for participants and process overseers. Gunton and Day (2003) recommend that several factors need to be assessed such as the nature of the issues, the types of relationships that exist among the Parties and any procedural constraints that may exist.

Preconditions necessary for a successful collaborative planning process include: Commitment of all stakeholder interests and decision making agencies; Urgency that the issue needs resolution; Absence of fundamental value differences and significant power imbalances amongst stakeholders; Organized stakeholders who can clearly define their interests; and the existence of feasible solutions.

Carpenter as cited in Susskind et al. (1999) proposes that if certain stakeholders are unwilling to participate in a collaborative planning process, practitioners can help them explore other options (such as litigation and administrative appeal), by explaining how collaborative planning works and through hosting workshops that encourages stakeholders to weigh their options carefully. If these activities are successful then stakeholders may choose to try a collaborative planning approach.

2) Ensure Adequate Human Resources

Land use planning is a complex and demanding task. Those involved need to balance competing demands, be able to work in cross cultural and interdisciplinary environments, adapt to changing circumstances, communicate complex ideas understandably (both orally and written) and engage with a broad range of communities, stakeholder organizations, government departments, and subject matter specialists. Individuals capable of performing well in all of these ways should be sought out and encouraged to participate (Innes & Booher 2010; Kennet, 2010). In Northern Canada, many planning processes have been halted due to delay in filling Commission vacancies and lack of quorum (Kennet, 2010).

The author recommends that process overseers need to streamline appointment processes and anticipate vacancies where possible. Furthermore, efforts should be made to develop a regional pool of expertise through training programs, utilizing the skills and experience of individuals who have been engaged in previous planning process (staff and Commission members) and through providing monetary incentives for qualified individuals to participate. Gender balance and representation of a range of backgrounds and interests will also contribute to the effectiveness and legitimacy of planning (Kennet, 2010).

3) Establish Clear Policy Direction

Planning processes could be made more efficient if some policy direction and political context is given to planning bodies (Kennet 2010; Leach 2011). With the help of governments, communities and stakeholders, planners can set priorities for the planning process giving them focus on what issues are to be addressed by the planning process and what issues are better suited for legislative debate. Capturing this direction in a clear terms of reference document could contribute to a more focused and efficient planning process, as well as rapid approval and effective implementation. Kennet (2010) asserts that clear policy direction can promote constructive interest based negotiation within planning processes. Experience in British Columbia has shown that asking resource industries, environmentalists, and other stakeholders to agree on protected areas with little direction can be a recipe for stalemate (Takeda & Røpke, 2010). However, protected area policy from governments such as stating that a certain

percentage of the planning area will be protected can give planners a clear sense of direction from which to base decisions throughout the planning process.

4) Ensure Inclusive Representation

Authors contend that the success of collaborative planning relies on having all Parties with a stake in the outcome represented (Gunton & Day, 2003; Frame et al., 2004; Moote et al., 1997; Susskind et al., 2003; Selin et al., 2000). Proper representation is essential to ensure that a discussion is well informed about the positions and perspectives of various Parties, that it is regarded as fair and legitimate by those who are not there and that the learning and deliberations taking place can be communicated to outside constituencies, and the public. An inclusive process that meets these criteria will be easier to implement than a process that does not have inclusive representation from all stakeholders (Innes, 1999).

If some interests are not present, collaborative planning practitioners can help organize these unrepresented interests by identifying why they are not present, by assessing the viability of rectifying the situation through funding, training, informal meetings and by alleviating any concerns that the group may have about the collaborative planning process (Gunton & Day 2003; Moote et al., 1997).

5) Ensure Indigenous Participation

King (2010) reminds planners involved with Indigenous and non- Indigenous participants that western science and Indigenous knowledge are at times divergent. Therefore, attempts at combining the two in a land use planning or co management process may encounter challenges. The author recommends that state government officials must be willing to divest power and recognize First Nations, Inuit, Métis or other Indigenous world views, and Indigenous peoples need to ensure their capacity to engage in western bureaucratic discourses. Furthermore, all participants need to demonstrate respect and appreciation for the diversity of philosophical and technical knowledge brought forward in a land use planning process.

To alleviate distrust among Indigenous groups in participatory planning processes, Umemoto (2001) urges the design and utilization of culturally appropriate planning methods and techniques. One recommendation is for planners to make culturally explicit references as part of facilitative dialogue. For example, planners can convey a sense that cultural expression is welcomed and valued. Furthermore, planners can adopt participatory formats (such as talking circles, story sharing, forms of art, songs and visioning) that are compatible with methods of expression from concerned epistemological positions and Indigenous traditions.

6) Establish Clear Ground Rules

Gunton and Day (2003) propose that stakeholders must agree to abide by a common set of ground rules which will govern their activities during a collaborative planning process. Ground rules can cover behavioral expectations such as how stakeholders should treat each other and codes of conduct; substantive issues such as an agreed upon description of the issues that will be negotiated; and procedural expectations such as how decision will be made, the role of facilitators and how information will be gathered and shared. Although ground rules can be adjusted as required during the process, clarity on issues is essential to avoid inaccurate or unrealistic expectations. Some of the literature asserts that it is crucial to involve the stakeholders in process design and the establishment of ground rules (Gunton & Day, 2003, Frame et al., 2004, Carr et al., 1998). Leach (2011) contends that the participating governments need to be upfront about their interests, issues, policy priorities and what they would like addressed in the plan. Clarifying the scope ensures that planning bodies are not taking on issues outside their mandate. Furthermore, this author stresses the importance of determining

communication networks and how various agencies and subcommittees are going to respond and provide feedback to the planning body. The coordination and communication strategy should be specified in ground rules or a terms of reference at the outset of the process.

7) Provide Sound Process Management and Dispute Resolution

The management of the process by a skilled facilitator or staff who are perceived as neutral (independent of any interest) can greatly improve the success of a collaborative planning process and other land use planning processes. Furthermore, the use of principled negotiation by the facilitator and the stakeholders can greatly improve the chances of land use planning process being successful (Gunton & Day, 2003; Susskind et al., 2003; Wondolleck & Yaffe, 2000).

Through the use of principled negotiation the facilitator can assist the stakeholders to move away from resorting to positional bargaining and stalemates towards reconciling competing interests and values, thus reducing the likelihood of stakeholders leaving the process. Plans are more likely to be broadly accepted if they are seen to reflect a reasonable and transparent accommodation of competing values and interests. In addition, stakeholders are more likely to support and implement a plan they have helped to develop (Gunton & Day, 2003; Kennet, 2010). Facilitators can also keep participants engaged, interested and learning through in depth discussion, drama, humour and informal interaction (Innes & Booher, 1999).

Establishing clear timelines for collaborative planning process is another important process management consideration. Timelines should include a project completion time and when certain milestones will be achieved. Empirical research shows that collaborative planning takes time (in the realm of four years) and it is important to provide realistic timelines to complete the process (Frame et al., 2004; Leach et al., 2002). Leach (2011) suggests that planning Commission's work plan should be formally reviewed and approved by the Parties and process overseers to ensure that the Parties are aware of the Commissions methodology and that expectations for the planning process align.

8) Ensure Access to Resources

In any collaborative planning or other land use planning process there will be inevitable disparities in skills and resources among stakeholder groups. Well organized interest groups will generally have superior access to resources (money, time, information and skills) than smaller volunteer groups. These inequities need to be mitigated through training in certain areas such as negotiation and technical analysis, or through providing financial support to cover cost for volunteers (Gunton & Day, 2003; Moote et al., 1997).

9) Ensure the Process is Accountable

Gunton and Day (2003) assert that collaborative planning processes need to be accountable in a number of ways. First the stakeholder representatives at the negotiation table need to be accountable to their respective organizations and ensure that their organizations support the final agreement reached. This can be done by having stakeholder's organizations ratify all major decisions reached during the collaborative planning process. This will dissuade dissention between stakeholders down the road and will ensure that any major disagreements are worked out before the process proceeds. Second, the collaborative planning process needs to be accountable to the general public. This can be accomplished through the design of a public participation strategy that ensures that public interests are included and agreements reached will be democratically accountable

Kennet (2010) maintains that governments should demonstrate commitment to planning by promoting the involvement of all significant interests in plan development and discouraging behaviour that undermines confidence in the process.

10) Provide Implementation Plan

To increase the likelihood of successful plan implementation, the following strategies are recommended: include an implementation budget; include a clear implementation strategy with key milestones; ensure clear roles and responsibilities for implementation; establish a monitoring process; and the inclusion of a process for mitigating implementation failures (Gunton & Day, 2003; Kennet, 2010; Leach, 2011). A facilitator can assist greatly with working out these details (Susskind et al., 2003). A process that has worked well in enhancing the probability of a successful implementation is to have the original participants who designed the plan continue on as a monitoring table to oversee plan implementation. This guarantees that those who are familiar with the details can resolve misunderstandings on the intent of the plan and to provide an ongoing incentive for implementation from those who have a stake in the plan (Gunton & Day, 2003). Leach (2011) contends that it is unlikely that the participating governments will be able to define the exact resources available, however, clarification of the amount to be consistent with governments existing capacity and resources of the implementation authorities may help planning bodies be more realistic with their recommendations.

Kennet (2010) notes that land use plans require periodic review and revision in order to remain useful. The monitoring and amendment processes should guarantee that periodic changes will be made in a deliberate, transparent, and inclusive manner and that plans are explicitly designed to ensure that plans remain flexible and adaptable to changing circumstances. An approved land use plan should thus be viewed as a framework for change, not a plan that is set in stone. By creating a sound plan implementation and amendment process stakeholders may be less concerned with producing a land use plan that attempts to be all encompassing; rather, stakeholders can work towards a plan that focuses on a select few issues with the realization that plan is a living document that can be amended over time.

Many authors (Beierle & Cayford, 2002; Carpenter, 1999; Gunton & Day, 2003; Frame et al., 2004; Innes & Booher, 1999; Kennet, 2010; 2010; King, 2010; Leach et al., 2002; Susskind et al., 2003; Umemoto, 2001) contend that these strategies and considerations have assisted a variety of planning processes in Canada and elsewhere.

3.6 Evaluative Criteria

To date no universally agreed upon method has been developed to test whether or not a collaborative planning process or other land use planning processes has been successful. However, over the last 15 years a growing body of evaluative literature has emerged (Andrew, 2001; Beierle & Cayford, 2002; Carr et al., 1998; Connick & Innes, 1999 as cited in Susskind et al., 1999; Frame et al., 2004; Gunton & Day., 2003; Innes & Booher, 1999; Innes & Booher, 2010; Leach et al., 2000; Morton et al., 2012; Moote et al., 1997; Selin et al., 2000; Susskind et al., 2003). Many of these collaborative planning scholars utilize a framework for evaluation that assesses both the process and the outcomes from a collaborative planning exercise.

Innes and Booher (1999) contend that process and outcome criteria cannot be neatly separated in collaborative planning process as successful outcomes are largely reliant on a strong process. For example, no matter how good an agreement is by some standards, if it was reached by a process that was not regarded as fair, open, inclusive and transparent it is unlikely to receive support. Two common

sets of process and outcome criteria have been developed and can be used to evaluate the successes of a collaborative planning process and other land use planning processes.

3.6.1 Process and Outcome Criteria

The process criteria (Appendix 9) and outcome criteria (Appendix 10) or similar criteria have been used to assess collaborative planning processes and similar processes in Canada and other countries (Andrew, 2001; Beierle & Cayford, 2002; Carr et al., 1998; Gunton & Day., 2003; Frame et al., 2004; Innes & Booher, 1999; Innes & Booher, 2010; Leach et al., 2000; Morton et al., 2012; Moote et al., 1997; Selin et al., 2000; Susskind et al., 2003).

Frame et al. (2004) assert that the process criteria described portray a deeper understanding of the success of collaborative planning than by simply looking at an outcome such as only assessing if an agreement was reached. They argue that when these process criteria are met, collaborative planning processes have a better chance of reaching its outcome goals as well as producing the long term benefits such as increased social capital.

The outcome criteria provide a holistic framework to measure the achievements of the key desired outcomes of a collaborative planning process. Some outcomes will be easily identifiable at the end of the process, for example, if an agreement reached. Others will evolve external to the process, for example, working relationships developed outside of the process, and others outcomes may not appear for some time after the completion of the process, for example, if the plan has served the public interest. It is unlikely that every outcome criterion will be met in any given process. However, collaborative planning evaluators assert that if a process produces many of the desired outcomes, it will be considered more successful than one that meets few or none (Frame et al., 2004; Innes & Booher 1999).

Assessing collaborative planning or other land use planning exercises for process and outcome criteria can develop useful information for practitioners looking to improve their practice, for agencies, jurisdictions or governments looking to update current land use planning processes, and for process reviewers looking to assess the strengths and weaknesses of past land use planning processes (Frame et al., 2004; Innes & Booher 1999; Morton et al., 2012; Susskind et al., 2003).

3.7 Summary

Collaborative planning utilizes alternative dispute resolution principles, primarily the use of principled negotiation techniques that can be applied to a variety of land use planning initiatives. The planning process can be broken down into three phases: pre-negotiation, negotiation and post negotiation. During pre-negotiation, stakeholders come together to agree on a process and collect information required for the process. In the negotiation phase, the interests of the stakeholders are identified, options are generated and a decision is reached through consensus. In the post-negotiation phase, the plan agreement is ratified and implementation begins.

There is divergence in the literature as to whether the use of collaborative planning and similar alternative dispute resolution processes are a viable and effective method for addressing a range of environmental and resource management planning initiatives. The generation of social and intellectual capital were commonly cited benefits. Authors assert that systemic power imbalances, members or agencies not participating in good faith, and conflicting epistemologies, (particularly between Indigenous and western paradigms) pervade many collaborative planning processes, rendering them ineffective. Most authors agree that there are strengths and weaknesses within collaborative planning

and other co management processes and that through appropriate design and management many of weaknesses can be mitigated and the barriers overcome.

A successful collaborative planning process relies on following key design and management principles, such as establishing clear policy direction, ensuring inclusive representation and providing sound process management and dispute resolution opportunities. Ten process considerations and strategies were outlined that can contribute to the effectiveness of collaborative planning and other land use planning approaches. Evaluation criteria provide a framework that can assist planning process reviewers gain a deeper understanding of the strengths and weaknesses of past and current planning processes. Furthermore, participants in land use planning exercises can utilize the process and outcome criteria to achieve a holistic planning process that goes beyond reaching an agreement.

4 METHODOLOGY

A qualitative research methodology was used for this project that used standardized open ended interview questions with key informants who participated in the Peel Watershed Common Land Use Planning Process (planning process). Key informant interviews were utilised as there was little previous information about the planning process to draw on, and insights into each key participant group experience was deemed essential to understand and improve the overall planning process. Interviews with key informants regarding the planning process were sought to provide insight into three areas: the challenges faced by those who participated in the planning process, the experiences that facilitated the planning process, and participant-based recommendations that could be used to improve certain stages or the overall planning process. Section 4.1 discusses the research methodology. Section 4.2 explains the sampling strategy used for this study. Section 4.3 describes the recruitment process. Section 4.4 outlines the interview process. Section 4.5 describes the data collection and analysis process and Section 4.6 outlines the limitations of this project.

Ethics approval to interview human subjects for this report was received from the University of Victoria Office for Human Research Ethics. A Yukon scientist and explorers license was also obtained from the Yukon government department of Tourism and Culture which is required to undertake research anywhere in the Yukon. In addition permission was granted from the four First Nations governments including: the First Nation of Na-cho Nyak Dun, the Tr'ondëk Hwëch'in First Nation, the Vuntut Gwitchin First Nation and the Tetlit Gwich'in Council. Three research applications were completed with First Nations governments from the First Nation of Na-cho Nyak Dun, Tr'ondëk Hwëch'in First Nation and Vuntut Gwitchin First Nation, and one verbal affirmation was given from the Tetlit Gwich'in Council Heritage department.

4.1 Research Method

Interviews were deemed an appropriate method for gathering data for this project because of their capacity to provide an in depth understanding of the research topic and context. As the events from the planning process were not directly observed it was important to hear from participants their perspectives on the planning process by asking them a set of standardized open ended questions. Standardized interview questions help to ensure that interviews are focused and that consistency is maintained from participant to participant. Furthermore, data analysis is facilitated by making participant responses easy to find and compare (Patton 2002, p 344-346). Standardized open ended questions have been used in other evaluations of land use planning in the Yukon (Leach, 2011) as well as in other jurisdictions (Frame et al., 2004; Moote et al., 1997; Morton et al., 2012).

4.2 Sampling

A purposeful sampling strategy was employed for this study within four groups of key informants: The Commission (members and staff) and the Council (members and staff), Yukon government representatives and First Nations government representatives. All of the key informants were identified through consultation with the client (Director of the Council). To identify other interview participants and relevant insights into the planning process a snowball sampling method was used. Snowball sampling is a technique for gathering research subjects through the identification of an initial subject who is used to provide the names of other key informants. (Lewis-Beck, Bryman & Liao, 2004).

The participant groups who were sampled are described below:

- The Commission members and staff were selected because of their extensive experience working through the planning process. These individuals worked closely with the other

participant groups and had firsthand experience of the factors that either challenged or facilitated the planning process. Nine individuals were invited, six were interviewed

- The Council members and staff were selected to participate because of the supporting role that they played to the other participant groups through the planning process. The Council had accumulated valuable knowledge on the strengths and weaknesses that can impact the planning process. Five individuals were invited, four were interviewed
- The First Nations government representatives from the Na-Cho Nyak Dun First Nation, Tr'ondëk Hwëch'in First Nation, Vuntut Gwitchin First Nation and Gwich'in Tribal Council were selected because they worked closely with the Commission either on the Technical working group Senior Liaison Committee or in some other way and were aware of the various strengths and weaknesses of the planning process. Nine individuals were invited for an interview, six were interviewed.
- The Yukon government representatives were selected for the same reason as the First Nations representatives. Five individuals were invited, two were interviewed.

All participants were involved with the planning process to varying degrees and were well positioned to provide insight and knowledge on the challenges and facilitating factors of the planning process. Furthermore, these participants were able to provide useful insights and recommendations to improve certain stages and the overall planning process. Through the purposeful and snow ball sampling a total of 28 participants were invited for an interview. Eighteen interviews were conducted for a response rate of 64%. Those who declined did so because of time constraints.

4.3 Recruitment

Key informants were contacted by their publically available email to participate in an interview. The invitation included an interview guide, a participant consent form which outlined the details of the research project, and contact information so that participants could ask questions or address concerns before committing to an interview. Furthermore, participants would have at least one week to reflect on the topic and consider their response to the invitation. In the event of a non response, individuals were contacted with a follow up email approximately one week after the initial invitation.

4.4 Interviews

A standardized open ended approach to the interviews was taken. Participants were asked to describe challenges and facilitating factors they experienced during key stages of the planning process as well as recommendations to improve the process. The interview guide (included in Appendix 11) involved a set of questions with room for participants to add parts of their experiences they deemed important regarding the planning process but were not asked about. In section A of the guide, participants were asked questions regarding Commission start-up which included: The general terms of reference and the precise terms of reference, training and orientation, and policies and procedures. Section B focused on the stage where the Commission gathered information from the Parties, stakeholders and the public. Section C was concerned with plan development which includes: Scenarios development, the Draft land use plan, the Recommended land use plan and the Final Recommended land use plan. Section D focused on the planning partnerships involved in the planning process. This included questions regarding: Consultation between the Commission and the public, involvement and participation from the Parties, stakeholders and the public, the communication between the key groups involved and a question regarding how the Council could have better supported the work of the participant(s). Questions were derived from consultation with the client for this project, an expert from previous evaluation of land use planning processes in the Yukon (Leach, 2011) and from the land use planning literature. The initial set of questions was pilot tested with an employee of the Council in October of 2012. Modifications were

made to the wording and sequence of some of the questions to enhance the interview flow. The Interview guide was quite detailed to ensure that in depth information was collected from participants for each step of the planning process.

4.5 Data Collection and Analysis

Interviews took place between January 15th and May 15th 2013. Whenever possible the interviews took place face to face at a location that was convenient for the participant. Three participants were interviewed over the phone. The interviews took between 50 minutes to 120 minutes, with an average length of 75 minutes. To preserve the interview data both an audio recording and hand written notes were taken. One participant did not feel comfortable being audio recorded; in this case only detailed notes were taken. Participants signed the consent form prior to the interview. Participants were assured that their responses would be confidential and any question or concerns were addressed before beginning the interview.

Each interview was unique. Some participants answered the questions in sequence while others jumped from one section to the other. In some cases follow-up questions such as clarification or information probes were utilised to ensure that participant's responses were understood and/or to expand on the participant's initial response. Probes for information were solicited in a non-directive manner that avoided leading participants in any particular direction. The interview allowed many opportunities for participants to provide additional comments that they felt were not covered by the questions. At the end of the interview, participants were asked if there was anyone else that they felt should be contacted regarding an interview.

All of the audio recorded interviews were transcribed into Microsoft word verbatim and combined with the handwritten notes to create a thorough record of each participant's responses. For the one participant who declined audio-recording, the hand-written notes constituted the transcript for that interview. The data was then uploaded into NViVO Qualitative software program to assist organizing the data.

The responses were arranged and interpreted using a thematic analysis approach that entailed an iterative process of reading, coding, determining themes and patterns and categorizing the interview data with the purpose of capturing the phenomenon of participants' experiences in the planning process. Thematic analysis is a search for themes that emerge as being important to the description of the phenomenon (Daly, Kellehear, & Gliksman, 1997). Through careful reading and re-reading of the data the identification of themes becomes possible (Rice & Ezzy, 1999). The ability to perform thematic analysis requires the research to see patterns in seemingly random information where emerging themes in the data become the categories for analysis (Boyatzis, 1998).

Patton (2002, p. 463) states "Developing some manageable classification or coding scheme is the first step of analysis." The coding process involves recognizing or seeing an important moment in the raw data and coding it prior to a process of interpretation (Boyatzis, 1998). According to Boyatzis (1998) a good code is one that captures the qualitative richness of the phenomenon. Coding the information organizes the data to facilitate the identification and development of themes from them.

The thematic analysis was conducted in four stages:

- The first stage of analysis began with a read through of each participant's transcripts to determine what points in the data appeared to be important aspects of their experiences with

the planning process. Notations were made on the possibilities of how data could be coded, for example, because participants were asked about challenges, facilitating factors and recommendations, these were obvious codes for arranging excerpts from the transcripts. Parts of the text were coded as either Challenges, Facilitators or Recommendations, and responses outside of these codes were noted as “Other” and set aside for later consideration

- In the second reading, participants responses were grouped together into the four organizations represented (the Commission, the Yukon government, the First Nations governments and the Council). For example, responses by all six Commission members to the interview questions were analyzed together. This was done to ease the emergence of patterns and trends amongst the different organizations and to compare and contrast responses within and between the various participant groups.
- The third stage consisted of sub coding the data. Sub coding was conducted to gain an understanding of the specific, unique and contextual challenges and facilitating factors that each participant experienced throughout the planning process. Specifically, attention was given to searching for distinct aspects of the challenges and facilitating factors experienced by the participants during particular stages of the planning process. The same process was applied to recommendations that participants were giving for improving the planning process. The sub coding process involved assigning key words or descriptive phrases to the particular challenges, facilitating factors and recommendations experienced by participants. For example, if a participant said: *“I did not receive any training at the onset and was lost for the first few months of the planning process”* that would be put under sub code: no training received, and code: challenge. Sub codes captured themes that were shared by many within or outside a participant group, as well as experiences that were unique to a participant.
- The final stage was to ensure that no data was overlooked or omitted and that all negative case examples (cases contrary to the general pattern), were included. This was done via a final read of both the individual transcripts in their entirety, and the responses to each question across all participants.

Data Triangulation was achieved through the analysis phase by comparing perspectives of individuals with different positions or points of view in relation to the research subject (Patton 2002). That is, four groups of key informants were interviewed, each with different perspectives, positions and backgrounds, and their responses were compared to analyze the consistency of the data (for example, what were the trends across participant groups what were challenges and facilitating factors seen by all, what were major points of divergence major points of convergence).

4.6 Limitations

One limitation is the skills and the personal bias of the interviewer, both of which can affect the validity of the interview process and data analysis. Efforts were made during the interview process to actively listen, record precise statements, audio record the interviews for referral and by asking clarification questions when needed. Furthermore, steps were taken to minimize researcher bias from influencing the data analysis stages. This included re- reading interview transcripts and notes to ensure that no data was overlooked, detailing and rechecking the rationale for categorizing the data and challenging apparent patterns through the consideration of alternate possibilities (Patton 2002).

Another limitation is that small sample size cannot be generalized across the broader groups or governments that were involved. Both data triangulation and a diverse cross section of participants from each of the planning bodies involved with the planning process were used to increase the degree of confidence with which the interview findings could be applicable to other land use planning processes in the Yukon and elsewhere (Patton 2002).

An additional limitation of this study was that at the time of this research, the planning process was not complete. Thus, questions regarding the approval process and implementation could not be answered.

5 INTERVIEW FINDINGS AND DISCUSSION

This Chapter reports on the views and perspectives shared by interview subjects during the interviews and discusses the interview findings in relation to the literature. The Chapter is organized thematically and presented in four main sections based on the structure of the interview guide. For ease of reference each of these main sections will start on a new page and are and are titled as follows:

- Commission start-up stage (Sections 5.1 and 5.2)
- Information gathering stage (Sections 5.3 and 5.4)
- Plan development stage (Sections 5.5 and 5.6)
- Plan Partners (Sections 5.7 and 5.8)

Each section will first present the interview finding and is followed by a discussion. The purpose of the discussion is to relate the research findings back to the objectives of the client for this project: the Yukon Land Use Planning Council. Specifically, these were: to capture the knowledge and experience of those involved in the Peel Watershed regional land use planning process, to ensure that useful components and experience are duplicated in future planning processes and alterations are made to components requiring improvement. Discussion will focus primarily on components of the planning process requiring improvement and will highlight interview findings and considerations from the literature review.

Two final sections will conclude the Chapter. Section 5.9 provides additional comments that interview participants made during the interviews and section 5.10 concludes the Chapter with a summary of the interview findings and discussion presented in the previous nine sections.

The findings will report on the participants' experiences including participants':

- Account of the challenges participants faced throughout the planning process;
- Account of the factors that facilitated participants work throughout the planning process;
- Recommendations for improving the planning process.

For the purposes of this Chapter both Commission members and staff will be referred to as Commission members. Similarly, both Council members and staff will be referred to as Council members. First Nations and Yukon government representatives will be referred to as representatives of their respective governments. In the interest of confidentiality it will not be disclosed what role these representatives had during the planning process. For example, it will not be disclosed if these representatives served on the Technical Working Group, the Senior Liaison Committee or by some other means.

5.1 Commission Start up Stage

The Commission start up stage began with the development of the general terms of reference which was jointly prepared by the Parties and included: the Yukon, Tr'ondëk Hwëch'in First Nation, Na-Cho Nyak Dun First Nation, and Vuntut Gwitchin First Nation governments in the Yukon, as well as the Gwich'in Tribal Council (from the Northwest Territories) government between 2002 and 2005. The Commission was appointed on October 15th 2004 and consisted of six members (one representative appointed by each of the four First Nations and two from the Yukon government). In November 2005, the Commission received two days of training from the Council to assist the Commission members prepare for the planning process. In March 2005, the Commission received its policies and procedures and developed a precise terms of reference which provided a work plan and specified a timeline for the completion of major planning products.

5.1.1 General Terms of Reference

The general terms of reference is intended to create agreement between the Parties on: the boundary of the planning region and Commission membership; the planning process that will be used to create a plan; the budget and time line for the planning process; and the roles and responsibilities of the Council, the Parties and the Commission.

Challenges

Timelines

Seven participants spoke about the challenges with regards to the three year timeline outlined in the general terms of reference. For two Commission members the constant referral to the timeline and the budget by the Council and the Parties during meetings created an ongoing tension that pervaded the process. Another Commission member felt that process delays were coming from the Parties particularly during the review and feedback of the Commission's products and that it was impossible to produce a plan within a three year timeline given these delays. This member commented:

My feeling was that if you just simply accept the delays from the Parties and still intended to meet the timelines and budgets you would be writing [the plan] on the back of a napkin because it is hard to reconcile both.

One Yukon government representative questioned the utility of trying to complete a plan in three years and felt that that the planning processes to date have demonstrated that the process cannot be completed in that time frame and that the three year allotment needs to be revisited.

Unclear Roles and Responsibilities

Although, the general terms of reference was meant to clarify the roles and responsibilities of the Parties and the Council for the planning process, six participants were left with the feeling that roles and responsibilities were unclear. Two Commission members felt at times that the Yukon and First Nations governments were unprepared to review Commission products and that there was often no sense of urgency to provide feedback to the Commission. One Commission member felt that the many departments within governments for example, Environment, Tourism, Energy Mines and Resources, and Heritage also made it difficult to know which department should be reviewing Commission products.

One Council member felt that the general terms of reference lacked detail, resulting in the Commission and the Parties not having enough specific responsibility and direction for the planning process. This member felt that the Parties were not willing to include anything beyond what was written in Chapter

11 of the Umbrella Final Agreement in the general terms of reference. This was problematic for this member as Chapter 11 is vague making it difficult to provide much guidance for the planning process.

Lack of Commitment

Eight participants spoke about the lack of commitment to the general terms of reference by the Commission and the Parties. Two Commission members felt that the general terms of reference did not represent a true agreement by the Parties and gave these Commission members the impression that the governments could contribute to the planning process in any way they saw fit and created unease that without an upfront agreement there would not be good will at the end. One representative from the Na-Cho Nyak Dun First Nation government thought that the Yukon government did not stick to the planning process that was laid out in the general terms of reference causing confusion and a loss of trust between the Yukon and First Nations governments. Two Yukon government representatives felt that the general terms of reference could have been more formal and the Parties could have been more committed to them. One Yukon government representative recounted several meetings with First Nations representatives where there was confusion as to what the Parties had agreed to in the general terms of reference creating tension and animosity. One Council member felt that the Parties could have been more upfront and clear in the general terms of reference about their expectations of the planning process. Furthermore, another Council member felt that the Parties were not willing to communicate how much time and resources they were willing to devote to the planning process and that these details should be discussed in the general terms of reference.

One Yukon government representative had the impression that the Commission was not committed to following the general terms of reference. This representative felt that although the Commission is an independent body there is an expectation that they should be following the general terms of reference that the Parties have agreed to. Another Yukon government representative felt that the process for determining a general terms of reference was awkward and noted that the Parties write the document, the Council recommends it and the Commission has to abide by them without any input into developing the document.

Commission Membership

Four participants spoke about challenges with the Commission membership. One Commission member stressed the importance of having a well-rounded composition of members on the Commission and noted that it was difficult to get this composition right. Another member felt it was not clear what some members could contribute until after the Commission was formed and that some members lacked the capacity to meaningfully participate.

One Council member felt that the Commission lacked female members throughout the planning process and felt that the male dominated Commission membership contested the legitimacy of the Commission. Another Council member recognized the challenges of replacing Commission members and staff and commented that the reappointment process can take an excessive amount of time which slows down the planning process.

Facilitating Factors

General Terms of Reference and Chapter 11

Two participants felt that the general terms of reference and Chapter 11 of the Umbrella Final Agreement facilitated their work through the planning process. One Commission member recounted referring to the general terms of reference constantly and found the document to be useful in providing structure and direction for the Commission throughout the planning process. This member commented

that: “*without the general terms of reference the Commission would have ended up figuratively and literally all over the map.*” This member noted that there is a creative tension between having a general terms of reference that is too prescriptive with having one that allows the Commission to respond to what they are learning about the planning region. This Commission member also felt that the general terms of reference for the planning process was not too restrictive and allowed the Commission some freedom. For another Commission member constant referral to Chapter 11 of the Umbrella Final Agreement was the best way to stay on track throughout the process. This member had the sense that Chapter 11 provided more direction than the general terms of reference because it was a signed agreement by the Parties and if the process was ever called into question the Commission could fall back on what was written in Chapter 11.

Recommendations

Agreement up front

Nine participants recommended that the Parties work towards an upfront agreement at the outset of the planning process. Two Commission members felt that there needs to be an explicit agreement between the Parties in the general terms of reference covering how the planning process is going to proceed. One member suggested that the Parties need to come to an agreement on their roles and responsibilities and the ground rules for the planning process. Another member noted that an upfront agreement between the Parties could help dissuade a change in political leadership from taking the planning process in any direction they saw fit.

One Yukon government representative, two Commission members and one Council member recommended that the Parties should sign off on the general terms of reference. These participants felt that signatures from government Ministers and First Nations Chiefs would prevent the Parties from attempting to circumvent the planning process agreed to in the general terms of reference. One Yukon government representative also recommended that the Commission should sign off on the general terms of reference as well.

One Council member asserted that it is important that the Parties agree to the general terms of reference and they are upfront about their expectations. Furthermore, this member felt that the development of this document gives the Parties an opportunity to set parameters, resolve disagreements and ensure that the document is comprehensive and fair before embarking on the planning process. This participant stressed that without commitment at the front end there was likely to be no goodwill in the end.

General Terms of Reference Training

Two participants recommended training initiatives within the general terms of reference. One Tr'ondëk Hwëch'in First Nation government representative recommended that in order for the general terms of reference to be effective there needs to be more of a thorough understanding of the land use planning process. This representative felt that many of the First Nations involved did not fully understand the general terms of reference at the outset of the planning process and a workshop describing what the document meant would have benefited the planning process.

One Council member recommended that the general terms of reference could include specific training topics that would be useful to the Commission throughout the planning process. This member suggested training topics, such as hosting information gathering workshops, public consultation training, facilitation and developing Scenarios be incorporated into the general terms of reference to ensure the Commission receives these types of training.

Define Roles of the Stakeholders

One Council member felt that the role of stakeholders (non-governmental organizations, industry, public interest groups) for the planning process could be better defined in the general terms of reference and suggested that a workshop be devoted to the topic of including these types of agencies into the planning process. This member contended that without policies that determine the amount of involvement from stakeholders it is unclear when and how much the stakeholders should contribute to the Commission.

Deliberate Commission Membership

One representative from the Vuntut Gwitchin First Nation government contended that the selection of capable members is crucial to the success of the planning process. This representative recommended that the Parties need to collaborate in order to determine suitable members who have the abilities meaningfully contribute to the planning process.

5.12 Training and Orientation

Training and orientation was provided to the Commission by the Council and focussed mainly on the roles and responsibilities of the Commission throughout the planning process. Two days of training were given to the Commission members in November 2005.

Challenges

Lack of Training

Eleven interview participants noted challenges with regards to the training and orientation for the land use planning process. Four Commission members noted gaps in the training and orientation that they were involved in, primarily in the area of the roles and responsibilities of the Parties, the Council, the stakeholders and the public. One Commission member acknowledged that the working relationship between the Council, the Parties and the Commission was unclear. Another member spoke about the challenges of not having any formal training in land use planning prior to being on the Commission and commented that: *"[Commission members] are just common people that were appointed from the public to represent public interest. As far as having any land use planning education or training, well a lot of us did not have any."* This Commission member also felt that some of the training they received was too technical at the time it was given and found that topics, such as habitat suitability, ecosystem management and ecosystem classification were not useful as it was over some of the Commission members' heads. Another Commission member described that not having any facilitation training was difficult, as the position called for many public meetings and consultations. One Yukon government representatives noted that no instruction or orientation was provided to them to prepare them for the planning process and that: *"[they] were kind of just thrown right into it."*

Four First Nations representatives expressed gaps in training and orientation, most stemming from a lack of understanding of the planning process. One representative from the Tr'ondëk Hwëch'in First Nation government felt that when the planning process began few people from the Tr'ondëk Hwëch'in First Nation government had any prior involvement or understanding in regional land use planning other than what was written in the Umbrella Final Agreement. This was challenging as they were being asked to participate in a planning process that had many unfamiliar aspects. The lack of explicit knowledge and training regarding the planning process created a system of reliance by some First Nation government representatives on the senior planner of the Commission for direction. This was challenging at times due to lack of geographic proximity to the senior planner and the turn-over of those in the position. Two First Nations representatives acknowledged the availability of information about the process if they

wanted to seek it out. However, in many instances this was challenging due to the other commitments the participants already had.

The Council was responsible for providing the training and orientation to the Commission. One Council member spoke of the challenge of bringing new members of the Commission up to speed over the course of the planning process and felt that the training and orientation that new members received was not as extensive as the training delivered at the outset of the planning process to the initial members. Another Council member felt that the Commission became too busy with the land use planning process to take training throughout the planning process.

Facilitating Factors

The Council's Institutional Knowledge

Three Commission members spoke about the benefits of receiving training from the Council, particularly with regards to the Council's institutional knowledge of regional land use planning in the Yukon. One Commission member recounted receiving beneficial training from the Council regarding the context of the land claims and the linkages between the key points from the land claims agreements to the Commission's role in implementing Chapter 11.

Basic Training

Five participants recounted basic training that facilitated their work through the planning process. Four Commission members felt that the training they received covering what the objectives of regional Commissions are, guidance on procedures for running meetings (for example, the role of the chair) and computer training such as website maintenance and data storage were helpful.

One Council member spoke of training initiatives which assisted the Commission work through the planning process. This included: guidance in interpreting the Umbrella Final Agreement and land claim agreements, procedural training (for example, how meetings are run) and a detailed description of the stages of the planning process.

Recommendations

Mentoring

Four participants recommended that current and future Commissions be given an opportunity to learn from members who were involved in previous planning processes. One Commission member recommended that former Commission chairs present to the Commission lessons learned from the planning process that they were involved with. One Na-Cho Nyak Dun First Nation government representative felt it would have been helpful to talk to people or be given a presentation from individuals who have been through the planning process. This discussion could outline past experiences, lessons learned and ways to facilitate the planning process.

Cultural Competency Training

Five participants recommended that the Commission and to some extent the Parties should receive cultural competency training. Two Commission members felt that this training should cover how the Commission is going to work with First Nations' traditional knowledge, including: an understanding of confidentiality agreements, methods for gathering and guidance on the types of traditional knowledge to be gathered. One Commission member discussed the challenges of valuing, quantifying and representing First Nations traditional knowledge and world views into the planning process and suggested that the Commission be ready for those potential challenges through training and awareness.

One Tr'ondëk Hwëch'in First Nation government representative felt that it was important for the Commission to learn and understand the culture, history, and world view of the First Nations that they are going to be working with. In this representative's opinion if the Commission does not understand these fundamentals then they will encounter problems when collecting information, consulting and meeting with First Nations throughout the planning process. Furthermore, this representative felt that everyone involved (the Commission members and staff, the Council members and staff and government representatives) needed to be involved in an educational session around First Nations world view and culture. This representative felt that a cultural competency workshop could serve two purposes: First, it could inform the Commission and those involved how certain communities value, perceive and measure land use activities. Second, it would give everyone an opportunity to familiarize themselves with the people who are involved and to grasp the skills and abilities of the people who will be contributing to the planning process. One Council member suggested that cultural competency training should go both ways and that the Commission needs to be aware both how the Yukon government and the First Nations governments make decisions.

Provide Training and Orientation throughout the Planning Process

Six participants recommended that training and orientation opportunities should be provided to the Commission members and others throughout the planning process. One Commission member felt that it was difficult to receive training for the land use planning process prior to experiencing the process and that it would have been helpful to have been given training opportunities during the process. One Council member recommended that the Council meet with the Commission yearly to discuss the progress to date and work out how the Council can best support the Commission in the upcoming year through training programs and by preparing them for the work ahead. Similarly, one representative from the Gwich'in Tribal Council suggested that the Council could check in with the Parties after each major stage to help get the Parties ready for the next stage of the process. This participant felt that the general terms of reference did not provide sufficient detail of what was expected and a one hour orientation on what to do next would have been helpful.

Another Council member recommended that new Commission members be given an opportunity to have one on one training with the Council to bring them up to speed on the planning process. One representative from the Na-Cho Nyak Dun First Nation government recommended that training and orientation is also provided to new First Nations representatives who come into the planning process part way through. This representative noted that there are sometimes capacity issues within First Nations governments and there is often no opportunities for representatives to train new members coming in and that the Council could assist with this task.

One Commission member recommended that the Council could produce a series of training modules (Power Point presentations and step by step information packages) that could be on hand for Commission members to utilize throughout the planning process. These modules could be customized to fit both the roles and responsibilities of Commission members and their staff. For example, a Geographical Information Specialist could be given a specific module that matched their job description. Modules could include roles and responsibilities of the Technical Working Group and the Senior Liaison Committee; a backgrounder on the Umbrella Final Agreement and Chapter 11; and descriptions of the various documents the Commission will produce such as the Resource Assessment report, the Scenarios, Implementation and other major stages in the planning process. This member felt that the advantage of having training modules on hand is that Commission members would not have to travel to Whitehorse to receive training and could access the training modules when needed.

Training Topics

Seven participants recommended training initiatives and topics that should be covered by the Commission, Parties, stakeholders and the public. Four Commission members recommended that the initial training should include a detailed description of the planning process outlining the major steps and what is expected of the Commission. These members also suggested that the initial training should cover Chapter 11 and the associated legislation associated with land use planning in the Yukon.

One Commission member recommended that public meeting facilitation training be mandatory and with this training, Commission members would have been better equipped to actively listen; ask questions that promote discussion; assist stakeholders to think outside of the box; and facilitate communication at public events. One Council member recommended that the Commission be given more training in project and financial management to assist them to stay within the timelines and allotted budget.

One representative from the Gwich'in Tribal Council recommended that an orientation for the Technical Working Group members, the Senior Liaison Committee and the Parties covering process obligations that are outlined in the Umbrella Final Agreement and the First Nations final Agreements would have been helpful. Furthermore, this representative felt that an overview of the whole planning process from information gathering to the approval process be provided, to ensure that there is an adequate understanding of the process before they begin.

One Tr'ondëk Hwëch'in First Nation government representative felt that training and orientation needs to be provided not only to the Commission but also to the Parties and the stakeholders as well. This representative recommended that the training should not just present the stages of planning process but walk people through with examples and practice exercises. This representative felt that these training opportunities could happen every two to three years and could familiarize those involved with the various tasks in the planning process.

Roles and Responsibility Training

One Commission member felt that the roles and responsibilities of the Technical Working Group and Senior Liaison Committee needed to be defined as it was unclear at times the working dynamic between the Commission and these groups. One Yukon government representative recommended that a roles and responsibilities workshop could help alleviate any misunderstandings of who should be doing what and expectations from each of the planning agencies could have been clearer with this type of training opportunity. One Gwich'in Tribal Council member suggested that an orientation manual be provided to the Parties covering the roles and responsibilities of those who will be participating and describes explicitly what is expected of them for each stage of the planning process.

5.13 Policies and Procedures

Commission members become familiar with their policies and procedures which are given to them by the Council once the Commission is formed. The policies and procedures cover meeting related issues (such as the role of the chair and quorum (the minimum number of members needed to conduct the Commission's business)), communication (such as appointment of the media spokesperson) and internal issues (such as policies related to human resources, Commission travel and other Commission related matters).

Challenges

Commission's Authority

Seven participants recounted challenges with regards to the degree of authority the Commission had. One representative from Tr'ondëk Hwëch'in First Nation government had the impression that the policies and procedures have been overcomplicated and have given the Commission the expectation that they have a broader scope of responsibility when in reality they are a temporary subcommittee. A representative from the Yukon government felt that giving the Commission this expectation hampered the planning process and recounted many arguments between the Commission, the Council and the Yukon government representatives regarding who has the authority to enact certain policies and procedures. This representative felt that debates regarding the policies and procedures were not an effective use of time and detracted from the work of planning.

Two Council member recounted disagreements between the Commission and the Council regarding which agency sets the policies and procedures for the Commission. One Council member stated:

In my view, the Council's role is to ensure that the program is delivered in a timely and budgeted fashion. They are there to help the Commission where it needs help and that was a sore point at times because the Commission felt that it was not up to [the Council] to intervene or set the policies and procedures.

Another Council member felt that the Commission's time should not be spent arguing about the policies and procedures, rather their energy should be focussed on the task of land use planning.

Three Commission members spoke about the challenges of having to make human resource decisions in tandem with the Council. One Commission member described a feeling of being handcuffed. Another issue that was raised by a Commission member was that it was unclear who the Commission's senior planner was answering to: the Commission or the Council. For some members of the Commission this created a serious boundary question that if left unresolved was capable of derailing the planning process. Like the other participant groups these Commission members felt that disputes over policies and procedures (mainly human resource decisions) between the Commission and Council consumed much of the Commission's time and energy and that it took their focus away from creating a land use plan.

Location of Commission Office

Four participants spoke of challenges of deciding where to locate the Commission office. One Council member felt that it is a constant challenge for the Commission to decide if they should work in the Communities (in or around the planning region) or in Whitehorse. This Council member recognized that being integrated in the communities can assist the planning process while being based out of Whitehorse can make it easier to access information that is needed for the planning process.

For a period of time the Commission office was located in the same building as the Council in Whitehorse. Two of the Commission members felt that housing the Commission office in the same building as the Council was problematic. Although, one member acknowledged that this was a good way to cut down on financial costs, this member felt that the tension created cost the Commission substantially. One Commission member felt like the Commission were being micro managed or shadowed by the Council and commented that: *"it was demoralizing for the Commission staff to be receiving direction from the Commission and then have a Council member second guess, ask to see products or critique the Commission's work."*

Commission Meeting Related Issues

Two Commission members spoke about the challenges of not having enough members for quorum to reach decisions or sign off on documents. One member felt that a lot of time was wasted chasing people around to try and get documents signed off. Another challenge faced by a Commission member was that there was no clear process in place for deciding who was going to act as Commission chair for the planning process.

Facilitating Factors

Policies and Procedures provided Guidance

One Council member felt that the policies and procedures provided useful guidance to the Commission. Specifically, this member commented that policies and procedures informed the Commission regarding process for meetings, travel directives, wages and appropriate disciplinary actions for unruly members.

Recommendations

Policies and Procedures in Place

One representative from the Tr'ondëk Hwëch'in First Nation government recommended that the Council should create a set of policies and procedures that can be given to the Commission for adoption. This representative felt that this would save time from each Commission determining their policies and procedures when they are a temporary organization with one specific task to accomplish. A representative from the Yukon government recommended that the roles and responsibilities should be clearly outlined in the policies and procedures to inhibit arguments over who should be doing what.

One Council member recommended that the policies and procedures should be more task oriented and include measures to assist the Commission implement Chapter 11 and the planning process. For example, this member suggested that policies and procedures be included on public consultation events; on information gathering; and on implementing and amending the land use plan be included.

Provide Additional Policies on Commission Meeting Parameters

One Commission member noted that it would have been useful in the policies and procedures to outline a strategy whereby Commission decisions could be reached in the absence of quorum. This member recommended that there should be a policy in place that encourages all Commission members to commit to being available for decisions that require quorum. Another Commission member recommended that the process for choosing a chair could be deferred for eight months to allow the Commission members a chance to work together. This would allow the Commission to get to know each other and determine as a group the responsibilities of the chair, in turn allowing for an informed decision to be reached. This Commission member also recommended that the policies and procedures needs to clearly state who the Commission's senior planner is answering to and that it should be to the Commission.

5.14 Precise Terms of Reference

The precise terms of reference that is developed by the Commission is intended to guide their work through the planning process. The precise terms of reference should state how the Commission will: identify issues, collect data, analyze information, prepare draft plans, and have the the land use plan approved. In addition, the precise terms of reference establishes the Commission's budget and communication strategy. The precise terms of reference was completed in March 2005.

Challenges

Confused the Planning Process

Four participants felt that the precise terms of reference confused the planning process. One representative from the Tr'ondëk Hwëch'in First Nation government felt that it was an ineffective use of the Commission's time and that it did help to clarify the process or move the planning process forward.

The planning process stipulated that the Commission will write their precise terms of reference within six months of forming. One Council member contended that it is difficult for the Commission to do this because they have to write a work plan to tackle the issues in the planning region when they have not determined what the issues in the region are.

Facilitating Factors

Precise Terms of Reference Provided Guidance

One Commission member felt that the precise terms of reference provided a useful reference point for the Commission. Furthermore, this Commission member felt that because many of the Commission members were not experts on the planning process, the precise terms of reference provided "*the recipe to cook a plan*" that was useful in guiding them through the planning process.

Recommendations

Commission Develop a Work Plan

Five participants felt that the precise terms of reference was a misnomer and that the product is really a work plan that will help guide the Commission. Two Yukon government representatives recognized the importance of the Commission having a work plan to guide their work through the planning process. One Yukon government representative recommended that the Council could play a bigger role in assisting the Commission develop this work plan. This individual felt that the Council's institutional knowledge of the planning process puts them in a prominent position to provide guidance and useful suggestions to the Commission. Another Yukon government representative recommended that the precise terms of reference be updated to reflect new planning methods and strategies outside of what is written in the common land use planning process for the Yukon.

One Commission member suggested that the precise terms of reference must not be overly prescriptive. This member felt that the Commission needs to have some flexibility and that the precise terms of reference should lay out a framework that can be modified as needed. Another member recommended that the precise terms of reference cannot be a "*cookie cutter template*" applied ubiquitously to subsequent planning processes. One Council member suggested that the Commission could write the precise terms of reference after they have completed the issues and interests gathering stage so that the Commission can write a precise terms of reference (work plan) that focuses on reconciling the issues within the planning region.

5.2 Commission Start up Stage Discussion

The interviewees cited that there was a lack of upfront agreement amongst the Parties on the general terms of reference and on the ground rules for the planning process. This lack of clear direction led some participants not knowing their roles and responsibilities through the process and varying interpretations of who should be doing what. In addition, interview participants felt that there was a lack of commitment to the general terms of reference by the Commission and the Parties and in essence it was nothing more than a piece of paper. Researchers suggest that stakeholders must agree and commit to a common set of ground rules which will govern their activities during a planning process. These ground rules should cover substantive issues such as an agreed upon description of the issues that will be negotiated; procedural expectations such as how decisions will be made, timelines, the roles and responsibilities of the participants; and how information will be gathered and shared (Frame et al., 2004; Selin & Chavez, 1995; Susskind et al., 2003). Gunton and Day (2003) purpose that ground rules can be adjusted throughout the planning process however, clarity on issues and parameters of the process at the front end is essential to avoid inaccurate or unrealistic expectations. Some authors argue that it is crucial to involve those who will be participating in the planning process a chance to provide input into the development of the ground rules so that the process that is established is in sync with their expectations (Carr et al., 1998; Gunton & Day, 2003, Frame et al., 2004). Leach (2011) maintains that the participating governments need to be upfront in the terms of reference about their interests, issues, policy priorities and what they would like addressed in the plan and that clarifying the scope upfront ensures that planning bodies are not taking on issues outside of their mandate.

The three year timeline in the general terms of reference was problematic for interviewees. Commonly cited challenges that extended the timeline were: the long review time by agencies of Commission products, lengthy information gathering stage and the Parties, stakeholders and the public not being aware of how they should be contributing to the process. Observers have found that planning processes can take up to four years to complete and clear ground rules at the outset of the process that clarify roles and responsibilities of those involved can make planning processes more efficient (Gunton & Day, 2003; Frame et al., 2004; Kennet. 2010; Leach et al., 2002). Interview participants felt that future planning processes could be completed in three years, with commitment and urgency by the Parties to complete the process in a three year time frame.

Commission membership was also cited as a component that required improvement by interviewees. Researchers surmise that those tasked with developing a land use plan are often faced with a complex and difficult task requiring them to balance competing demands, work in cross cultural and interdisciplinary environments, adapt to changing circumstances, communicate complex ideas understandably both orally and written and engage with a broad range of communities, stakeholder organizations, government departments, and subject matter specialists. Individuals capable of performing well in all of these ways are not always easy to find (Innes & Booher 2010; Kennet, 2010). The membership of the Commission changed numerous times over the planning process with not one member staying through the entire process. Furthermore, it was noted that there was a lack of female representation on the Commission, which Kennet (2010) notes can inhibit the effectiveness and legitimacy of the planning process. Furthermore, Kennet (2010) notes that many planning processes in Northern Canada have been stalled due to delays in filling Commission vacancies and lack of quorum and that a streamlined reappoint process could assist planning process from experiencing lengthy delays.

Interviewees felt that there was a lack of training and orientation opportunities for the Commission and others who were involved such as the Parties, the stakeholders and the public. A commonly cited

deficiency was a lack of knowledge of the planning process and awareness of how to best contribute to it. Observers have found that in any land use planning process there will be imbalances in skills and resources among participants. Often, well organized interest groups will have better access to resources (money, time, information and skills) than others and that training imbalances should be mitigated through providing learning opportunities for everyone involved (Frame, et al., 2004; Gunton & Day, 2003; Moote et al., 1997; Selin & Chavez, 1995; Susskind et al., 2003).

The policies and procedures were problematic for participants in this study, primarily in determining the degree of authority the Commission had in being in charge of their own affairs, such as who they will hire and how autonomous they were in making decisions. Commission related issues such as the location of the office, lack of quorum and a process for picking a chair were noted as challenges that inhibited the planning process at times. Similar to the general terms of reference, these procedural expectations should be determined in the ground rules and agreed upon at the outset of the planning process (Gunton & Day, 2003).

The precise terms of reference was deemed by interviewees to add confusion to the process and that it was not an efficient use of the Commissions time. Although, interview participants recognized that the Commission needs a work plan the current process of writing a precise terms of reference could be improved. Researchers suggest that establishing clear timelines for a planning process is another important process management consideration. Timelines should include a project completion time and when certain milestones will be achieved (Frame et al., 2004; Leach et al., 2002). Leach (2011) suggests that Commissions' work plans should be formally reviewed and considered by the participating governments and process overseers (the Council) to ensure that they are aware of the Commissions strategies and to ensure that the Parties' expectations align with the Commissions.

5.3 Information Gathering Stage

Between May and November 2005, the Commission held public consultation sessions in various communities for the purposes of gathering the issues and interests (what mattered and what was at stake) in the planning region. Over 30 formal presentations and numerous comments were made to the Commission during these sessions from various stakeholder groups. The Commission released their Issues and Interests report in January 2006 which highlighted the various land use issues and interests within the planning region.

Until September 2008 the Commission continued to learn and gather information about the planning region with the help of scientists, resource specialists, elders, land users, and other people who knew the planning area well. These people described the Peel Watersheds: ecosystem processes, vegetation, animals and fish; its landforms and waterways; its minerals and oil and gas; its historical and current human uses; and its heritage resources. The Commission members also learned about the current and potential future land use conflicts in the planning region. The Commission compiled the gathered information in the Resource Assessment report and the Conservation Priorities Assessment report. These documents were both released in September 2008.

5.31 Information Gathering

Challenges

First Nation's Governments Lacked Capacity

Five participants felt the First Nations governments involved lacked capacity to provide information to the Commission. One Commission member iterated that in some cases First Nations governments were unable to provide the Commission with the data that they needed. This member felt that the First Nations were not necessarily reluctant to share information, they just did not have the capacity to always provide the Commission with the information that was needed. Another Commission member felt that many First Nations governments were not prepared for the demands that the planning process put on their associated branches and departments, and that their lack of capacity at times prevented the land use planning processes from moving forward.

One representative from the Tr'ondëk Hwëch'in First Nation government commented that participating meaningfully in the planning process took tremendous amounts of time and resources. This representative felt that the Tr'ondëk Hwëch'in First Nation's land, resource and Heritage departments did not always have the capacity to participate in the planning process and that participating often meant that other initiatives had to be put on hold. Another Tr'ondëk Hwëch'in First Nation government representative felt it was hard for the First Nations with limited resources to participate on the same level as the Yukon government which have multiple departments and full time staff to devote to the planning process.

One Council member spoke about the imbalances of capacity between the First Nations and the Yukon government. This member suggested that the planning process outlined in the Umbrella Final Agreement was considered to be a partnership and co-management process however, this member felt that this is not often the case and stated that: *"the Yukon government has more of the resources and information, not necessarily better information, they just have more of it and generally the First Nations do not have the capacity to contribute what they should be contributing."* Furthermore, this member felt that one of the weaknesses with the land claims process is that they underestimated the time and transitional resources to assist First Nations governments' transition from one form of government to

another which is fiscally responsible and is responsible for their own affairs. In this members opinion many of the First Nations involved in the planning process were still transitioning into this new form of governance.

Lengthy Information Gathering

Eight participants recounted challenges with the length of time it took to gather the necessary information for the planning process. Three Commission members felt that there were delays in receiving information from the Parties. One member expressed frustration with having to wait for information from the various departments such as the Yukon department of Environment and the Heritage department at the Tr'ondëk Hwëch'in First Nation government. This member felt that the governments could have been more proactive with pulling together the necessary data for the Commission. One representative from the Yukon government felt that throughout the planning process First Nations governments tend to require longer timelines (two months is not enough time) and stated that it becomes challenging when the Commission is given four months to develop an Issues and Interests report and three months in they have not received any information from a First Nation. One Council member felt that the information gathering stage lacked a sense of urgency by the Parties to provide information which made it challenging to put together documents and meet deadlines when the Commission had to wait long periods for information.

One Commission member commented that in order to do the planning process well the Commission has to gather the best data possible so that decisions and recommendations are based on sound information. This Commission member noted that doing this stage well can take up much of the planning processes time. Another Commission member stressed the importance of conducting a comprehensive issues and interests gathering stage as it opens up the "*can of worms*" that the rest of the planning process can address.

Low Public and Party Awareness of the Information Gathering Process

Five participants felt that there was a lack of awareness of the planning process and the work of the Commission. One Commission member had the impression that during the initial issues and interests consultations many of the participants were unaware of the process and much of the time allotted for these events was spent explaining to the participants the role of the Commission and how the public's input would be used to inform the planning process. This member acknowledged that these are important things to understand, but it made gathering information at these events difficult after spending so much time on process talk.

One representative from the Tr'ondëk Hwëch'in First Nation government felt that the time allotted to their First Nation to gather information for the planning process was not sufficient and if they had known the types of data that were needed by the Commission they would have begun preparing it years ago in order to better reflect what they wanted to say. This was problematic for this individual because the planning process did not allow for the information to be gathered on the Tr'ondëk Hwëch'in First Nation's terms.

Information Missing

Eight participants felt that certain information, opportunities and analysis was missing from the information gathering stage. Two Council members felt that not all the information that was needed by the Commission was available and that governments were not readily providing information reports either because they did not exist or were incomplete. Another member commented that there were lots of unknowns in the Peel Watershed region making it more difficult to plan than other regions in the Territory.

One Commission member felt that the Commission missed an opportunity to assess areas of agreement between the Parties, stakeholders and the public such as areas in the region where there was likely to be no land use conflicts. This member felt that conducting a more focused assessment with the Parties and stakeholders to identify areas of no land use conflict could have made decision making easier. For example, the Commission could have focussed just on the highly conflicted areas for the remainder of the process instead of the entire planning region. Furthermore, this could have allowed the Parties, the stakeholders and the public to agree on areas where conflict was unlikely to occur. One Council member made a similar observation and suggested that the Commission missed an opportunity to overlap the information in the Resource Assessment report and the Conservation Priorities Assessment report to determine where there was likely to be conflict and where there was likely to be no conflict.

Two Council members felt that the information gathering stage missed synthesizing how one land use in the planning region would impact another. One member noted that the Commission did a good job at presenting the various values and information in the region but lacked the synthesis and analysis of how this information fits together and how they potentially impact one another. This member asserted that unless the Commission brings all the information together in a way that shows how the various land uses interact with each other (both now and into the future) then they are just generating information without appropriate analysis. Another Council member spoke of the challenges of the Commission having to make decisions for the future based on changing and incomplete information. This member felt that it was impossible for the Commission to have all of the necessary information to make decisions with absolute certainty.

One representative from the Tr'ondëk Hwëch'in First Nation government felt that the Commission needed to be more closely involved with the people who are going to be implementing and managing the plan both with the Yukon government and First Nation governments. On a similar note, this representative felt that the opportunities for the Parties, the stakeholders and the public to work together was limited and opportunities to resolve differences and reach mutually acceptable agreements were missed. This representative also felt that they were not encouraged by the Commission to be up front regarding their political positions and were told by the Commission that all that they wanted was the science. This representative had the impression that the Tr'ondëk Hwëch'in First Nation government should have been more up front during the information gathering stage about what they expected from the process and areas that they wanted off limits to development.

One Commission member commented that there was a lack of economic data that forecasted the revenue that could potentially be generated from different land uses. This member felt that this data would have been useful to conduct trade-off analysis during the plan development stage.

One Council member recounted the challenges of the Yukon government saying that their interests are multiple land uses. This member asserted that the Yukon government will almost always say that their interests in any planning region are multiple uses (such as, tourism, resources development and protection) because they have so many interests and departments that they need to represent. This member felt that this is a starting point not an end point because the land use plan cannot account for multiple uses occurring at the same time across the entire planning region. This member felt that it would have been helpful if the Yukon government could have been more specific about their land use interests in the planning region.

Inappropriate Methodology

Three participants spoke about the challenges with the methodology that the Commission used in the initial issues and interests gathering workshops. One representative from the Tr'ondëk Hwëch'in First

Nation government felt that the information gathering workshops in the communities were more formal than they needed to be and that it was sometimes awkward making presentations in front of the Commission. Another Tr'ondëk Hwëch'in First Nation government representative echoed this point and felt that some of the community workshops made some community members uncomfortable and might have created a reluctance to share information. This representative also felt that Tr'ondëk Hwëch'in First Nation government was not entirely clear on how their issues and interests statement was going to affect the planning process or how it was going to be used by the Commission.

One representative from the Tr'ondëk Hwëch'in First Nation government felt that the Commission was too far removed from the Communities and at times the planning process felt more like an academic exercise conducted from a distance.

Document Details

Four participants spoke about the challenges of the Commission knowing how much depth and detail to put into the various information gathering documents. One Yukon government representative spoke about the challenges of knowing when the Issues and Interests, the Resource Assessment and the Conservation Priorities Assessment reports are complete given there is always new information and changing circumstances throughout the planning process. This individual felt that the information documents and reports produced by the Commission could have been more balanced and stated: *“you get like a 30 page Chapter on agriculture and a three page Chapter on mineral values and you are like where does that come from? How does that imbalance or prioritizing come from?”* Another Yukon government representative found that the scale at which some of the Parties were planning at was problematic and contended that the scale of regional planning is done at 1:250 000 and that the Parties cannot get too detailed on the operational procedures of certain areas because they know more about it.

Polarized Planning Region

One Council member spoke of the challenges with the Peel Watershed being a region with polarized interests. This member commented that the region is characterized by large wilderness areas with high tourism value, next to large areas with high mineral potential. Another Council member echoed this point recounting a wide cross section of stakeholders at public meetings who had a variety of interests that they wanted met in the Peel Watershed. This Council member spoke about the challenges of balancing all of the information and interests that a Commission will hear over the course of a planning process and noted that the planning process can introduce so much complexity with the amount of information, variables and people's opinions that need to be considered.

Facilitating Factors

Get out in the Planning Region

Three Commission members spoke positively about getting the opportunity to spend time in the Peel Watershed during the planning process. One Commission member recounted:

We went to an outfitters camp at Goz Lake, it was a fantastic trip we had about four- five days and I think that was a real turning point for the Commission. We really gained an appreciation of the landscape. We did quite a fly over as well and had some concentrated time for discussing the regional land use planning issues. This is where we fleshed out the statement of intent and it was one of our most productive times as a Commission.

Another member commented that this trip was not only useful from a planning standpoint but it allowed the Commission to build a relationship through informal conversations and by spending time together. Another Commission member felt that getting out in the planning area provided a valuable opportunity to get out of sterile board rooms where the bulk of planning work is done.

Information Gathering Workshops

Five participants felt that the information gathering workshops were an effective way to gather information from community members. One strategy that facilitated workshops was to strategically select First Nations elders and community members who were known to spend time in the Peel Watershed. The Commission was able to work with these individuals and gather information on cultural and wilderness values. Another Commission member found meeting with First Nations Heritage departments before the workshop (to go over the information workshop process) was useful. It was noted that having a staff member from the First Nation at the table with rotating Commission staff members was a helpful strategy for putting community members at ease. One Commission member found it helpful to have Commission members liaise with their home communities to build awareness of the Commission's work and facilitate the information gathering process.

One representative from the Na-Cho Nyak Dun First Nation government found the community workshops to be productive and thought that the workshops generated a lot of interest, turnout and discussion, which led to lots of useful information being generated. One representative from the Tr'ondëk Hwëch'in First Nation government felt that the technical data gathering that the Commission did was well done. One Council member felt that the Commission did a good job of collecting and presenting the individual values and interests (through maps) in the planning region.

Conservation Community Participation

One Council member felt that the conservation community (particularly the Canadian Parks and Wilderness Society) was very involved during the information gathering stage and provided a plethora of information to the Commission. This member had the impression that the conservation community had a stake in the planning region and saw the planning process as the means to have their interests met. This member noted that the participation that the Canadian Parks and Wilderness Society gave to the planning process could be modelled by other stakeholder groups.

Recommendations

Develop a Communication Strategy

Six participants recommended that the Commission develop a comprehensive communication strategy that aims to hear from everyone with interests in the planning region. One Council member suggested that the Commission needs to cast their net wide and hear from the mineral claim stakers to CEO's of businesses, particularly when the Commission is at the early stages of the planning process. This member also stressed the importance of gathering a national perspective of the planning region.

Another Council member stressed that the Commission needs to press the Parties, the stakeholders and the public to provide information rather than sit back and wait for these groups to come to the Commission with their information. Another Council member recommended that if the Commission should not proceed if they have not heard from certain stakeholders. This member also recommended that the stakeholders have to make themselves available to participate in the process and if they are out in the field then their organization should make time to meet with the Commission.

One representative from the Na-Cho Nyak Dun First Nation government recommended that the Commission needs to determine when community events or activities are taking place and schedule

community meetings around these events. One Yukon government representative recommended that the Commission should provide enough time for industry to participate in the process while being mindful of their seasonal work commitments and that industry (such as miners) are typically not readily available in the summer months. One Council member stressed that the communication strategy needs to be flexible to account for unexpected events such as a death in the communities.

Parties and the Commission Proactive

Five participants recommended various ways that the Parties and the Commission could be more involved in gathering and providing information needed by the Commission. Two Commission members recommended that the Parties and stakeholders could prepare data in advance of the Commission needing it. One Commission member recommended that the Parties could be provided a standard set of topics a year in advance of the Commission forming that are typically covered in a planning process for example, mineral potential, wildlife species, wildlife habitat, cultural values so they can begin compiling this information for the Commission. One Council member suggested that once the Commission has this base line data for the planning region the Commission can then work towards gathering the specific information needed and can fill in any information gaps.

One Yukon government representative recommended the opposite and felt that it is incumbent on the Commission to provide the Parties with the information they have collected and have the Parties verify and fill in the gaps. This representative contended that there is a plethora of information available to the Commission to get started including existing reports, studies and resource maps. Another Yukon government representative recommended that the Commission should build a relationship with the Yukon government departments who have knowledge of the planning area in terms of biology, geology and economy and that the Commission should utilize this information as much as possible.

One Council member and one Commission member recommended that the Parties provide interest statements to the Commission during the information gathering stage. One Commission member suggested that the interest statements should include explicit expectations from the Parties of what is important to them and what their interests are in the planning region in written form. A Council member felt that formal interest statement would enable the Commission to clearly capture the interests of the participating governments.

One Commission member recommended that the Parties assist with writing the Resource Assessment report and the Conservation Priorities Assessment report as this would help the Commission with getting the job done on time and ensure that the Parties' interests are captured by the Commission.

Provide Policy Direction

Two Council members recommended that the participating governments should provide clear policy direction and management direction to the Commission preferably at the outset of the planning process but also iteratively throughout the planning process if needed. One Council member recommended that once the Commission has determined potential issues within the planning region for example, the overlap of a potential protected area with high mineral potential the governments should weigh in with policies that will assist the Commission with making decisions on how best to manage these areas. This Council member recommended that the absence of policies to assist with these decisions should signal to the Parties to begin creating policies (such as a protected areas strategy and economic policies) so future Commissions are provided with adequate policy direction.

Modify Information Gathering Workshops

Seven participants gave recommendations on how to improve the information gathering workshops. One Commission member recommended that the Commission begin their work with a community and stakeholder tour to inform the communities of the upcoming process and to highlight what types of information the Commission needs. This Commission member felt that this could make governments more aware of the information needed by the Commission and that they would be better prepared to provide the necessary information to the Commission. One representative from the Tr'ondëk Hwëch'in First Nation government made a similar recommendation and added that this workshop should include members from the Technical Working Group; Senior Liaison Committee; and various government departments such as Fish and Wildlife, Heritage and Economic Development explaining how the issues and interests feed into the rest of the process. This representative recommended that a one day workshop could define the purpose of the issues and interests, give examples of effective ways of presenting issues and interests and highlight topics of particular interest to the Commission. This representative believed that this type of approach would be more effective than just writing a letter requesting that First Nations governments provide their issues and interests to the Commission.

Another representative from the Tr'ondëk Hwëch'in First Nation government recommended that the Commission connect with the Technical Working Group and First Nations Heritage departments to help select people who have the most experience and knowledge of the region whom can provide high quality information to the Commission at the information gathering workshops.

One Commission member and one Council member stressed the importance of keeping presentations simple, particularly in the Communities. This Commission member suggested that the Commission members and the Council go over presentations that the planners are going to make in the Communities in order to assess how understandable the presentations are. This member stated: *"the technical aspect of planning can be conveyed a lot simpler, you know rather than saying a deciduous forest, you say where the poplar trees are, little stuff like that goes a long way."* One Council member had the impression that if the Commission presents information that is too technical then some community members may disengage and not provide the Commission with information.

One representative from the Gwich'in Tribal Council felt that there needed to be more input gathered by the Commission at the community level. Specifically, this representative recommended that the Commission should go to the communities several times throughout the information gathering stage so that information that was gathered in early meetings can be presented back to the Communities to ensure nothing was overlooked and new information can be gathered if necessary. A representative from the Tr'ondëk Hwëch'in First Nation government suggested that the Commission should not only reach out to First Nations government staff but also other community members, hunters, travellers and elders as a valuable source of information. One representative from Yukon government recommended that the Commission should use as many mediums as possible (such as pictures, maps, Power Point and opportunities for oral presentations) to connect with the public and stakeholders and give them the opportunity to contribute their knowledge during the information gathering workshops.

Strategically Plan Information Gathering

Eight participants provided recommendations on how to facilitate the information gathering process particularly with regards to the documents that are created, such as the Issues and Interests report, the Conservation Priorities Assessment report and the Resource Assessment report. One Council member recommended that a manual could be developed that estimates the impacts of one land use on another, both currently and into the future. This could be used by the Commission to help portray to the Parties, the stakeholders and the public the impacts of one land use on another.

One Commission member recommended that the Issues and Interests report could conclude by making a statement that says that the Commission has heard all of these interests and issues, they are all important, but the planning process can really only address these certain aspects. This member felt that limiting the scope the issues and interests and what the plan can address could lead to a more focused planning process and cut down on the information gathered and included in the Resource Assessment report and the Conservation Priorities Assessment report.

One Council member recommended that once a draft Issues and Interests report is complete the Parties, the stakeholders and the public should be given an opportunity to review and make comments to ensure that the Commission captured the issues and interests in the region accurately. This Council member recommended that the Commission and the Parties should aim to identify data gaps early on in the planning process and look at the possibility of hiring researchers to gather and produce the data if the Parties are unable to. One Yukon government representative recommended that the Issues and Interests report should have a caveat saying that it is not an exhaustive document rather a snap shot of the region that is subject to new information.

Two Council members asserted that the Commission could do a better job of determining where the majority of the issues will occur in the planning region (due to the presence of competing interests that overlap). An inclusion of a conflict prevalence map that shows where there is likely going to be land use conflict was suggested. One Council member also recommended that in the early stages of the planning process the Commission should determine if the issues are going to be current for example, happening in the next five years or will occur at a later time. Using the who, what, where, when, model (that was used in the Gwich'in settlement area land use planning process in the North West Territories) was deemed a useful strategy for determining who the issues were likely to take place between, what type of issue was likely, where in the planning region was the issue going to take place and when the issues was likely to happen. This Council member suggested that by organizing the issues in this manner the planning process could be made more efficient as the Commission could focus on the current issues in the first iteration of the land use plan. Another Council member recommended that the Commission needs to narrow their focus and aim to address three to four problems in the land use planning process, instead of trying to tackle every potential issue.

Another Council member contended that once the Commission completes the Issues and Interests report the Commission can then write a plan to tackle the issues and should concentrate their efforts on gathering the necessary information that they need in order to address the major issues in the planning region. This Commission member stressed the importance of honing in on the necessary data that needs to be captured, considered and evaluated so the Commission is not simply gathering masses of information in the Resource Assessment report and the Conservation Priorities Assessment report that is not integral to the land use planning process.

Topic Specific Technical Working Groups

One Council member recommended that Technical Working Groups on specific topics could be a useful model to follow in the planning process. This model would bring together experts on a certain topic (such as minerals; fish and wildlife; and tourism) from governments, stakeholders and the public to provide the Commission with expert knowledge on a particular topic. Furthermore, this model could provide opportunities to build relationships between members of these groups. This model was used in the Gwich'in settlement area land use planning process in the North West Territories and could be beneficial in the Yukon planning process.

Get out in the Planning Region

Six participants recommended that future planning Commissions take the time to get out in the planning region as a group and experience the planning region first hand. One Council member contended: *“that to expect a bunch of people to sit in a board room in Whitehorse and come up with a plan for a region when they have not even seen it, is unrealistic.”* Furthermore, this member noted that the process relies on Commission members from the Communities but to be most effective the Commission members and the Council board and staff should see what the planning region looks like and meet the people from the area. This member asserted that this shows the community members and the land the respect that they deserve. One Commission member recommended that at the very least the Commission should fly over the planning region or travel together through the easily accessible areas of the planning region, such as road accessible areas of the planning region.

5.32 Integrating First Nations’ Knowledge

Collecting traditional knowledge and First Nations’ knowledge is an aspect of the information gathering stage that provides the Commission with a source of local knowledge passed down through generations and provides insight and context on many of the natural and cultural values present in the planning region.

Challenges

Incorporating First Nations Knowledge and World Views into the Planning Process

Eleven participants encountered difficulties in collecting, working with and disseminating First Nations’ knowledge and worldviews during the planning process. One Commission member encountered challenges when requesting First Nations’ knowledge for some areas of the planning region. This member recounted that because (in some cases) little is known about a planning region some First Nations felt that the information they had available to the Commission only represented a fraction of their cultural values on the land and that there was a worry that information provided about certain areas would skew the Commission’s emphasis on those areas, leaving other important areas of the planning region vulnerable.

Another Commission member recounted challenges when working with First Nations members on the Technical Working Group and asserted that it was difficult at times to assist Technical Working Group members in making value decisions about the landscape, for example, this area deserves more protection than that area. This member felt that at times the Technical Working Group struggled in communicating these types of values to the Commission. This member recounted that the Commission would often hear First Nation members assert that everything is important within the planning region and that certain aspects were worth nothing less than others. This was difficult for this member as these types of statements lacked specific direction. Another Commission member reiterated this point and recounted difficulty in trying to ascertain specific information about aspects of the planning region from First Nations and stated: *“the context is more nebulous, it is all important, you will often hear that it is all important, where on the map? It is all important, how do you work with that?”*

Another Commission member felt insulted at times by how traditional knowledge was viewed. In this members opinion traditional knowledge had to be proven by science before the Commission was able to use it as fact and commented:

How do you tell a scientist that when First Nations see a whole bunch of spiders flying with their big webs it’s going to get really hot. Well scientists will say this guy with the barometric pressure

he will tell you that it's not going to get hot, well ya but Natives did not have barometric pressure we had to learn other ways of knowing.

Four First Nation government representatives recounted challenges with integrating First Nations' knowledge into the information gathering stage. One representative from the Tr'ondëk Hwëch'in First Nation government felt that the Commission and the planners were trying to get information from them that they could manipulate to fit it into their planning process. This individual felt that the Commission's approach was problematic because the planners were coming at it with their own world views and perspectives that clashed with that of some of the First Nations. Furthermore, this representative felt that some of the information that they gave to the Commission was not fully understood by the Commission as they did not fully grasp its cultural significance. This member commented that although the Commission and the Tr'ondëk Hwëch'in First Nation were speaking English, at times it felt like they were speaking completely different languages. This representative recalls a lot of fears by community members that the information gathered by the Commission was going to be used improperly by the planners because they were not seeing the whole picture. This representative contended that the way in which the planners wanted to measure and qualify the information did not work for many First Nations involved and the questions that they were asking were not right and stated:

The planners were really keen on us rating on a scale of one to five, for example, this gravesite is what compared to that berry patch kind of thing and there is no rating system and that was very challenging. We just said that everything has an equal value so I think the [Commission] eventually said well what if we just did it like zero, one or two and we just said everything was a two, so we might as well not have done it.

Another representative from the Tr'ondëk Hwëch'in First Nation government recounted difficulties with traditional knowledge gathering and had the impression that First Nation's knowledge cannot be easily collected by the Commission as the information cannot be taken alone or out of context. Furthermore, this representative felt that First Nation's knowledge is constantly evolving and changing making it incompatible with the Commission's request of wanting a First Nation to send their map points and point out important areas in their traditional territory. Similarly, a representative from the Vuntut Gwitchin First Nation government recounted that: *"traditional knowledge is not typically documented and comes from interchange of people in the communities changing and growing over time, which makes gathering it and providing it to the Commission difficult."* This representative also recounted challenges with taking the words of the elders and transcribing them in the English language in a way that accurately captures what the elders are saying.

One Council member spoke about the loss of intergenerational knowledge as a result of the impacts of the residential school system. This member felt that in many First Nations communities there are at least one if not two lost generations, meaning that most traditional knowledge is passed down between generations and when children were put through the residential school program they were taken away from their families for years at a time severing that transfer of knowledge and making it difficult in some cases to supply traditional knowledge to the Commission.

One representative from Yukon government recounted challenges with hearing that everything is important in the planning region. This representative felt that the purpose of traditional knowledge was to identify where key ecological concerns and values are in the region not to just say that everything is important.

One Council member commented about the incompatibilities between western and Indigenous worldviews regarding development and stewardship, making agreement on the types of information to be included in the information gathering stage difficult.

Parties Providing non-standardized Information

Seven participants spoke about the challenges of working with non-standardized information whereby the Parties were all presenting various information formats to the Commission. One Commission member noted that it was often a challenge working with different formats, such as large polygons with vaguely stated values or pin pointed sites, such as fishing and hunting locations that get lost in the bigger picture. This Commission member commented that it was not always easy to reach consensus with the various First Nations on how the Commission wanted the information to be represented. Another Commission member recounted being frustrated with the range of formats that the Commission received from the First Nations involved. This member recounted that every First Nation involved had their own way of displaying their information.

Although, some Commission members had met with members from the Tr'ondëk Hwëch'in First Nation to reach a common ground on the level of detail the Commission needed (prior to the information gathering stage), this member felt that even after that meeting there was a disconnect regarding the format of how the Commission wanted the data.

One Na-Cho Nyak Dun First Nation government representative felt that the Parties all had their own way of presenting data and that there was no standardized way of presenting it. This member recounted that plenty of time was wasted going back and forth amongst the Parties and the Commission trying to reach a common way of presenting information and stated: *"I know there was lots of times we came to the table and nobody had equal or equivalent information to compare. So we would have to go back and then try and standardize that somehow to be able to mesh it all together."*

One Commission member recounted that the Commission did an internal ranking system where they took some of the information received from the First Nations and determined the level of significance to place on this information. This synthesis was then shown to the Technical Working Group, instead of conducting the ranking and synthesis with input from the Parties.

One Council member spoke about the challenges of determining if the point data that is being gathered from some First Nations is accurate. For example, this member recounted seeing a lot of point data from the First Nations, whereby a First Nations member would say that: *"they saw a moose in one part of the region and three recorded grizzly bear sightings in another part."* This member felt that the Commission needs to be careful with what they can infer from this data and determining wildlife habitat from point data can be factually incorrect.

Concerns with Privacy

One Commission member noted that some of the First Nations were concerned about privacy so they ended up creating large polygons that vaguely described their values in the planning region and that these polygons were not at a scale that was going to be useful to the regional land use planning exercise. This Commission member felt that these large polygons were at times incompatible with scientifically collected data and made modeling and analysis difficult. Another Commission member felt that some First Nations concerns about privacy led to a reluctance to share certain information with the Commission.

Facilitating Factors

Utilize Traditional Knowledge that has Already been Collected

One Council member and one Commission member cited the benefits of having access to seasonal use maps that had been developed by the Gwich'in Tribal Council (copies were available at the Energy Mines and Resource library in Whitehorse). One Council member contended that these maps were developed in a non-political environment and showed various land uses and interests within the Peel Watershed and provided valuable insights into First Nations traditional knowledge of the Peel Watershed.

Information Gathering Workshops

Two Commission members felt that the use of maps and photos during Commission presentations was a useful strategy for orienting community members and facilitated gathering traditional knowledge. One Commission member felt that an informal format where people are given the chance to speak both in small groups and in large groups created a comfortable environment and resulted in the collection of useful information.

Connecting with Traditional Knowledge Holders

One representative from the Tr'ondëk Hwëch'in First Nation government felt that the Commission did a good job of connecting with the Tr'ondëk Hwëch'in First Nation's Heritage department to ensure that the right people came out to the meetings to provide information. This representative recalled that many community members and elders were called forward to provide their knowledge and all of the First Nations involved rose to the occasion and made an effort to participate. A representative from the Na-Cho Nyak Dun First Nation government recounted that the traditional knowledge gathering was done well and that the Commission succeeded with making sure First Nations traditional knowledge was integrated into the planning process.

Recommendations

Modify Traditional Knowledge Gathering Workshops

Six participants provided recommendations for improving the process of gathering knowledge from First Nations during the information gathering stage. Two Commission members and one Tr'ondëk Hwëch'in First Nation government representative recommended that a traditional knowledge workshop be held with the Commission and the First Nations who will be involved in the planning process. This workshop would discuss: what traditional knowledge is and how the Commission is going to collect and use it. One Commission member assumed that this type of workshop may help the Commission be aware of the potential challenges of integrating Indigenous knowledge and worldviews into the planning process, as well as give the First Nations and the Commission an opportunity to discuss a method of collecting and working with First Nations' knowledge that is mutually agreeable. Furthermore, another Commission member felt that this workshop would provide an opportunity to build trust between the Commission and the First Nations. One Commission member recommended that the Commission work with the First Nations (during or after information gathering workshops) to gather and incorporate First Nations place names into the planning region.

Two Commission members felt that the presentations given by the community could have been more interactive. One member recounted that the Commission used a lot of PowerPoint and technical jargon that was not easily understandable. This member stressed the importance of giving good presentations that are easily understood and keep the crowd engaged.

Another Commission member recommended that the Commission should host traditional knowledge gathering workshops out on the land and stated that:

It revitalizes the spirit of our elders. When they are feeling good they will talk. When they are sitting in their house all winter and they are sent from a box into another box, to talk to people about basically a paper, it does not sit well. When they are out sitting around a campfire eating fresh fish, you know they are going to tell stories and are just going to open up.

One representative from the Tr'ondëk Hwëch'in First Nation government recommended that more resources be provided for First Nations to help meet the demands that the planning process puts on their departments.

Connect with Traditional Knowledge

Four participants provided recommendations to assist the Commission connect with traditional knowledge about the planning region. Two Council members recommended that the Commission should seek out the major traditional knowledge holders through working with the First Nations Chiefs, Councils, Lands offices and Heritage departments. One member recommended that the Commission could work towards developing trust and a good working relationship with these individuals and agencies. One Commission member and one Council member recommended that non First Nations people and guiding outfits who work in the area can be a valuable source of traditional knowledge and that they should be providing their knowledge to the Commission as well.

Complete Information Sharing Agreements

Four participants gave suggestions to facilitate the transfer of information between First Nations and the Commission. One representative from the Na-Cho Nyak Dun First Nation government recommended that an information sharing agreement between the Commission and the First Nations they are working with would be helpful at the beginning of the information gathering stage. This agreement would ensure that the information provided would be kept in confidence and stipulate how the data is going to be used. This representative also felt that it would have been helpful if there was an agreement on a standardized method of presenting data amongst the various First Nations involved, as a lot of time would have been saved by avoiding all the First Nations providing information in different formats.

One representative from the Tr'ondëk Hwëch'in First Nation government recommended that the Commission should not gather pin point data rather, they should take into account what the area means as a whole. One representative from the Na-Cho Nyak Dun First Nation government echoed this point and stressed that First Nations are usually more open to disclosing areas of interest if they can be portrayed broadly.

Back up your Data from Multiple Sources

One Council member recommended that the Commission should aim to back up the information they are gathering from multiple sources. For example, if the Commission is gathering wildlife data for the planning region they should aim to use information gathered from point data and traditional knowledge regarding wildlife ranges, with information from other sources such as case studies and aerial surveys.

5.4 Information Gathering Stage Discussion

A criticism for the information gathering stage by interviewees was that it took too long and that the participating governments were not being proactive in forwarding information to the Commission. Specifically, interviewees noted that there was a lack of urgency and commitment by the Parties and some stakeholders struggled in defining and communicating their interests to the Commission. Others involved had a low awareness of the planning process which may have led to process delays. The literature highlights that the preconditions necessary for a successful planning process include: commitment of all stakeholder interests and decision making agencies, urgency that the issue needs resolution and organized stakeholders who can clearly define their interests (Gunton & Day, 2003). It would appear that during the information gathering stage some of these preconditions were missing. Researchers suggest that those involved in the planning process need to have training and orientation opportunities so they are aware of how best to contribute to the process (Frame et al., 2004; Gunton & Day, 2003; Moote et al., 1997; Selin & Chavez, 1995; Susskind et al., 2003).

At times throughout the planning process, it appeared that the Commission, the Parties and stakeholders were gathering information in isolation from one another, although the Commission worked with the Technical Working Group and Senior Liaison Committee and collected information in public forums, opportunities to build intellectual capital amongst one another may have been missed. Researchers suggests that the generation of a shared knowledge base or intellectual capital between stakeholders is powerful in a planning processes because it allows stakeholders (over time and through ongoing communication) to develop a mutual understanding of each other's interests, shared definitions of the problem and decision making criteria and agreement on data, models, projections, or other quantitative or scientific descriptions of the issues (Frame et al., 2004; Innes & Booher, 1999; Morton et al., 2012; Susskind et al., 2003). Innes (1999) notes that once participants internalize such knowledge, it can greatly enhance coordinated action, and reduce areas of conflict amongst stakeholders. Furthermore, agreement on technical data and information gathered for the planning process can lead to high quality solutions being reached.

The scope of the information that the Commission was tasked with gathering was another cited challenge in the process and interviewees noted that certain information, opportunities and analysis was missing from the information gathering stage. The literature highlights that the identification and agreement of the relevant facts and information needed by the Parties and stakeholders for the planning process is a crucial step to ensure that the Commission is aware of the necessary information that is needed (Frame et al., 2004; Kennet, 2010; Leach, 2011; Selin & Chavez, 1995; Susskind et al., 2003). Kennet (2010) suggests that capturing this direction in a thorough terms of reference would lead to a more efficient and effective planning process.

Interviewees noted that the capacity of the First Nations governments to provide information to the Commission and participate in the planning process was a component of the planning process that needed improvement. Observers suggest that if some interests are not present in the planning process, practitioners can help organize these unrepresented interests by identifying why they are not present, by assessing the viability of rectifying the situation through funding, training, informal meetings and by alleviating any concerns that the group may have about the planning process (Gunton & Day 2003; Moote et al., 1997). Although the First Nations involved were present in the Peel Watershed planning process, some interview participants did note that at times it was difficult for First Nations governments to participate and that the planning process strained their limited resources.

Incorporating First Nations' knowledge and world views into the planning process was seen as a challenge that was faced by participants in this study. Many of interviewees recounted challenges with

the methodology that the Commission used to gather Indigenous knowledge and felt that it was impossible to rank and quantify their values in the way that the Commission was asking. Researchers observe that land use planning processes in Northern Canada and elsewhere can force Indigenous peoples into a foreign system of land management that restrains their decision making power. Specifically, authors note that many planning processes encourages First Nations to surrender their beliefs and values on land and resource use in favour of western notions of development, conservation and science and declare that integrating western science and Indigenous knowledge will often encounter challenges (King, 2010; Lane, 2003; Nadasdy, 2005; Takeda & Røpke, 2010). Umemoto (2001) suggests that planning processes could alleviate these challenges through the design and utilization of culturally appropriate planning methods and technique (such as talking circles, story sharing, forms of art, songs and visioning) and by creating an atmosphere where cultural expression is encouraged. King (2010) proposes that Indigenous peoples need to ensure their capacity to engage in western bureaucratic discourses and all participants need to demonstrate respect and appreciation for the diversity of philosophical and technical knowledge brought forward in a land use planning process. Interview participants also noted that there were challenges regarding the standardization and evaluation of the information collected. Interviewees felt that everyone had their own way of gathering and presenting the data making it difficult for the Commission to use. Researchers suggest that up front agreement on the ground rules regarding how information will be gathered, shared and presented may bring clarity to this issue (Gunton & Day, 2003, Kennet, 2010; Leach, 2011).

5.5 Plan Development Stage

The plan development stage took place between November 2008 and July 2011. During this time the Commission created three Scenarios, a Draft plan, a Recommended plan and a Final Recommended plan. Consultations, workshops, meetings, and review periods were held throughout the plan development stage to gather feedback from the Parties, stakeholders and the public.

5.51 Scenarios

The scenarios stage took place between November 2008 and February 2009. During this time the Commission travelled to various communities surrounding the Peel Watershed region and held open house meetings to receive feedback on the Scenarios.

Challenges

Inadequate Negotiations

Six participants had the impression that there were inadequate opportunities for the Parties, stakeholders and the public to negotiate and be involved in the Commission's decision making process during this stage. Three Commission members had the feeling that the town hall meetings to discuss the Scenarios with the Parties, the stakeholders and the public were not as productive as they could have been. One Commission member recounted that a lot of the town hall meetings digressed into positional based arguments amongst the participants and that many people who participated left the meeting unhappy. One Commission member felt that the purpose of these meetings was to allow the stakeholders and the public to feel like they were taking part in selecting the Scenarios, not to be adversarial. Another Commission member recalled similar challenges at a town hall meeting in Whitehorse and commented:

We were hoping to do kind of a one shot structured decision making [process] where everyone understands each other's interests and start making tradeoffs, but people just arrived they did not understand the process they dug in their heels. We had to back off of our agenda and go over the Resource Assessment report, presenting the region to them just on the fly and then everyone presented their positions, but there was no talk about how to reconcile them.

Similarly, two Council members felt that the scenarios stage lacked adequate trade-off analysis between the various land uses. One Council member felt that the Commission did an adequate job presenting the Scenarios but lacked giving direction on how the Parties, the stakeholders and the public were supposed to evaluate them.

One Yukon government representative noted that the Commission and the public did not seem to understand that ultimately the planning process had to produce a land use plan that is approved by both the Yukon and First Nations governments. This representative felt that the Commission was making decisions based mainly on public sentiments for example, the Commission was hearing that 863 people said they wanted 100% protection of the Peel Watershed region therefore it should be 100% protection. This individual contended that the Commission should not be basing their decisions on popularity contests and that they need to work towards developing a land use plan that is ultimately approved by all of the Parties.

Addition of a third Scenario

Five participants had issues with the addition of a third scenario part way through the community tours. Two Commission members felt that the addition of a third scenario created some tension within the Commission and with the public. One Commission member felt that the decision to add a third scenario

was not a decision reached by the whole Commission. This was particularly frustrating for this member when they presented it to the public as something that the Commission had developed together.

The additional scenario resulted in some backlash from communities who were not given a presentation of the newly developed scenario, as the Commission developed it after meeting with them. One Tr'ondëk Hwëch'in First Nation government representative felt that the Commission set themselves up for conflict by introducing an additional scenario part way through this stage and recounted that: *"Chief and Council [were] just furious and the community going what? Do we not matter here?"*

The Commission was not encouraged to try new Approaches

One Commission member felt that they were not encouraged to try new planning approaches or alternative ways of thinking and that the status quo planning process dominated. This member recounted that: *"the Commission was never allowed to try new approaches; it was always the same old planning process, habitats, eco-regions, this kind of stuff that did not sit well or make sense with us."*

Time Pressure

Three Commission members found the condensed process timeline they were faced with during the scenarios stage difficult. One Commission member recounted that this forced the Commission to work in an extremely dead line driven environment which was stressful at times. One member noted that at the scenarios stage you had to be interacting with the senior planner on a daily basis as that is how quickly inputs into the Scenarios were changing. This was difficult for some Commission members as not all were available to participate on a day to day basis.

Scenario Presentation

One Commission member noted that the Scenarios were overly complex and that there were too many landscape designation units in the scenarios stage and that they were poorly differentiated. For example, cultural resource zone and wild life habitat were very similar. Similarly, one member had the experience that community members were being overwhelmed by the amount of information that the Commission was presenting, particularly with the amount of maps that were on display at the town hall meetings.

Facilitating Factors

Commission Staff on Hand to Assist

The impression by three Commission members was that the Commission staff were instrumental in assisting the Commission with the heavy work load experienced during the scenarios stage. It was felt by many Commission members that the staff members rose to the occasion and were on hand to make changes to maps, develop the Scenarios and prepare the Commission to take the Scenarios to the public.

Conduct Overlap Analysis

One Commission member found the use of zonation software helpful as it allowed the Commission to see where the different stakeholder values overlapped and where there was likely to be the presence of or the absence of land use conflict. This overlap analysis assisted the Commission to identify which land uses could potentially coexist and which could not.

Present the Full Range of Options

Although the addition of a third scenario created some confrontation, One Commission member felt that it allowed the Commission to be intellectually honest as it provided a more robust range of options

for the Parties, the stakeholders and the public to consider. It was noted by this member that the third scenario allowed the Commission to gather additional important feedback.

Presenting the Scenarios in the Same Format

One Council member felt that the presentation of the Scenarios in a consistent format helped participants compare and contrast each scenario easily. Another Council member felt that the accompanying Scenario brochures were useful as participants could take them home with them and could access the brochures online.

Recommendations

Developing the Scenarios

Seven participants put forth recommendations to improve the development of the Scenarios. One Council member recommended that the governments need to communicate very clearly to the Commission what their interests are and what they are willing to accept in terms of a land use plan during the scenarios and subsequent plan development stages. This individual contended that the Commission can then plan for these interests and will be aware of what an acceptable land use plan looks like from the perspectives of the Parties.

Another Council member emphasized that the Parties need to be more engaged in developing the Scenarios so that the Scenarios that the Commission develop reflect the Parties interests, not solely the Commission's interpretation of the Parties' interests. Similarly, one Commission member felt that more stakeholder and Party involvement could help build understanding amongst these groups and allow public discussions regarding the Scenarios to focus more on the merits of the Scenarios, instead of confusion on how they were developed.

Two Council members recommended that during the plan development stage the Commission and the Parties develop and utilize fine and coarse filters or objective criteria to weigh each of the Scenarios. One Council member felt that if the Parties can reach consensus on what the fine and coarse filters are for evaluating each scenario the Commission could apply the criteria to each scenario and see which one comes closest to meeting the parameters. This Council member asserted that through this process the Commission would have the basis of a Draft land use plan that will meet the interests of the Parties and the stakeholders. Furthermore, this member contended that the plan will be defensible because the process and objective criteria that the Commission used to determine a Draft land use plan will be clear. This member recommended that the Parties could work on reaching consensus on the evaluative criteria for the Scenarios within the Technical Working Group, the Senior Liaison Committee and other Intergovernmental working groups.

Another Council member suggested that the Parties' coarse filters should reflect the goal posts or the parameters with which a plan would be acceptable. Fine filters should reflect the details that can be applied to the scenario options once they have been evaluated using the coarse filters. These two Council members suggested that through generating and applying fine and coarse filters to the Scenarios the Parties efforts would be facilitated in trying to reach a mutually acceptable option because they have jointly developed clear criteria to weigh each of the Scenarios. Both of these members felt that this stage was very important and if there is adequate engagement and negotiation by the Parties and the stakeholders, a land use plan can ultimately be written from one of the Scenarios.

Presenting the Scenarios

Ten participants recommended ways to improve presenting the Scenarios to the Parties, stakeholders and the public. Five Commission members stressed the importance of presenting more than two Scenarios. It was recommended that future Commissions should produce at the very least three that cover the full range of possible options for the region. One representative from the Yukon government suggested that the Commission could present a range of options that enables the Parties, the stakeholders and the public to pick and choose aspects they like from each Scenario. One representative from the Tr'ondëk Hwëch'in First Nation government recommended that if the Commission introduces a new scenario part way through the planning process that they should go back to the communities who have not seen the new Scenario.

Two Commission members stressed the importance of communicating the Scenarios or ideas to the public simply. One Commission member contended that: *"you can have all the fantastic science, but if you cannot communicate your ideas simply, then people are not going to hear the message that you are trying to put forward."* Two suggestions by members to simplify presentations included: working with a graphic designer and the use of presenters who can communicate complex ideas simply.

A clear methodology report regarding how the Scenarios were developed was deemed an important step in the scenarios stage. One Commission member felt that if the Parties, stakeholders and the public were not clear on the Commission's methodology, then they were not likely to accept the credibility of the Scenarios. This Commission member felt that with an understandable methodology report in place, meetings to discuss the Scenarios could focus on attributes of the Scenarios rather than on the Commission's decision making process. One Commission member noted that a summary of the Resource Assessment report would have been helpful at this stage, as it had recently been released and few people had read it.

One Council member contended that the Commission should be knowledgeable about the impacts of one land use on another or of one Parties' interests on another, so that the Commission can communicate to the Parties and the stakeholders the consequences of each Scenario. One Commission member felt that it would have been helpful for the Parties the stakeholders and the public to observe how the three Scenarios developed by the Commission would play out into the future. This member suggested that at public events the Commission could introduce various inputs into each scenario and model what it would look like over different time intervals. Inputs could include economic factors, infrastructure (such as roads) and habitat changes. Another Council member recommended that a standard land designation system could assist keeping the zoning from one planning region to another consistent.

5.52 Draft Land use Plan

After consultations on the Scenarios the Commission developed a Draft land use plan which was published in April 2009. After the Draft land use plan was released members of the Commission held further consultations by travelling to communities around the planning region and through holding meetings and workshops with the Parties, stakeholders and the public and by gathering feedback through online surveys and written submissions.

Challenges

Developing the Draft Land use Plan

Six participants recounted challenges during the development of the draft land use plan. Three Commission members felt unclear regarding certain Parties' interests in the Peel Watershed region. One

member recounted that: *“the [Commission] never actually knew where anybody else stood for the majority of the process based on the fact that the [Commission] was at arm’s reach from the decision makers.”* Not knowing where some of the Parties stood was troubling for some Commission members this late in the planning process. One Council member felt that the Commission needed to be working closer with the Parties during the draft planning stage so that when the Commission releases a Draft plan to the Parties the contents of the plan are not a total surprise.

One Council member felt that leading up to the draft planning stage there was not adequate opportunity for the Parties and the stakeholders to work out disagreements. For example, this member felt that there were disagreements about the prevalence of permanent roads in some areas of the planning regions and that the Parties and the stakeholders never tried to resolve this issue through negotiation and discussion. This member contended that clarity on this issue may have led to a more productive plan development stage and overall planning process.

Similar to the scenarios stage, three Commission members felt strained by the large amounts of information they had to consider in the production of the Draft land use plan. For some members the amount of time available to devote to the planning process amounted to one day a week, which was deemed insufficient to cover all the material. Two Commission members recounted working to midnight or later for weeks on end.

Reception of the Draft Land use Plan

Eight participants recounted challenges regarding how the Draft land use plan was received. Three Commission members spoke about the challenges they faced with respect to the dramatic reaction they received on the Draft land use plan by the Parties, stakeholders and the public. One member felt that everyone hated it and by trying to please everyone the Commission had pleased no one. Another Commission member felt that the stakeholders (particularly the tourism and mining industries) showed no interest in compromising, which was unfortunate because in this member’s opinion the Draft plan provided a platform for potentially productive negotiations between the Parties and the stakeholders.

Two Council members spoke of the challenges of integrating all of the competing land uses into the Draft plan to satisfy the Parties, stakeholders and the public. Similar to some Commission members, one Council member felt that: *“the Commission tried to be everything to everybody and they did not pull it off.”*

One Tr’ondëk Hwëch’in First Nation government representative and one Na-Cho Nyak Dun First Nation government representative discussed the challenges of reaching a land use plan that was deemed acceptable by all of the Parties. One representative from the Tr’ondëk Hwëch’in First Nation government remembered the difficulties in the Commission trying to find compromises and a middle ground in the midst of such polarized opinions.

In one Commission members opinion the response to that Draft plan dramatically changed the plan development stage and stated that:

Through the draft planning stage it became apparent to the Commission that the public and interest groups were polarized, with almost no middle ground and had we persisted in trying to forge a middle ground [in subsequent plans] we basically would have had no public coalescing behind us and in fact there would have been no advocates for it at all, industry hated it, the environmental community hated it, the public hated it, everyone hated it.

Underdeveloped Document

Two Council members felt that the Draft plan document was rushed and was difficult to understand in some places. One member recounted that some of the sections were poorly worded and underdeveloped and required a concerted effort by the Commission to rework.

Another Council member felt that the land designation system used by the Commission was confusing and that there were too many land designations units presented. Furthermore, this member felt that there was a lack of a methods report describing how the Commission came up with the land designation system making it difficult to understand the rationale behind the Commission's decision to use this land designation system.

Two Council members felt that there were too many recommendations in the Draft plan. One member recounted that the Commission had over 300 recommendations which in this member's opinion was too many to make and that the Commission needed to do a better job of prioritizing and filtering these recommendations to a manageable size.

No Check Points

One Council member felt that the Parties could have been more forward with providing substantive comments to the Commission about aspects of the plan that they agreed with and components that they could not agree with. This member felt that lacking these check points the Parties and the Commission missed an opportunity to resolve differences before proceeding to the next iteration of plan development.

Facilitating Factors

Good Working Relationship between Commission Members and Staff

Three Commission members commented on the strong working relationship within the Commission (both between members and staff). One member felt that the positive relationship was crucial and that the Commission staff was integral to handle the heavy work load that this stage entailed.

Maps

One representative from the Gwich'in Tribal Council found that the maps that the Commission had at the draft planning stage were helpful. Specifically, this member recounted that the different maps showing mineral distribution and wildlife distribution in the planning region informative.

Use Creative Means to Engage the Public

One Council member felt that the use of a radio station in Fort McPherson (known as CBQM) assisted the Commission receive feedback on the Draft plan. This member recounted that few community members from Fort McPherson showed up to a public meeting on the Draft land use plan and that a Commission member and a Council member utilised a local radio station to communicate with the public. The radio station gave them access to a wide range of listeners not only in Fort McPherson but all over the territory and information about the Draft plan was presented and listeners were invited to call back with their feedback on the plan.

Recommendations

Development of the Draft Land use Plan

Seven participants gave recommendations on how to improve the development of the Draft land use plan. One Council member recommended that the participating governments should make formal

presentations stating their views on the planning document so that the Commission knows where the Parties stand. Furthermore, this member suggested that more involvement and direct communication with the Commission, Ministers and Chiefs (from the participating Parties) earlier on in the plan development stage was needed in order to gain clarity on the ground rules for this stage. This member also felt that the Commission and the Parties could have explored the middle ground more thoroughly during the draft planning stage instead of moving towards the large Special Management Areas (which gave some areas of the planning permanent protection) that were reflected in subsequent planning stages. Two Council members recommended that the Commission, the Parties and the stakeholders continue to develop objective criteria in order to facilitate the development of a mutually agreeable plan.

One Council member suggested that at this point in the planning process the Commission wants to ensure that they have their land management units and land designation system defined, all of the modelling and technical data complete and a clear sense of the implementation responsibilities of the Parties. In this members opinion the Commission and the Parties did not have all of these elements worked out and the Commission should not get ahead of themselves by working on the Draft plan without these fundamentals in place.

Presenting the Draft Land use Plan

One Council member recommended that the Commission could use ecological regions to reflect the boundaries of the landscape management units within the planning region. This member contented the ecological regions, such as tundra and spruce forests will react similarly to development across the whole planning region and that the Commission can mitigate and manage the disturbances caused by development across the entire ecological region. This member felt that defining landscape management units by ecological regions worked well in the North Yukon planning process and could have been an effective strategy for the Commission to adopt during the early stages of plan development.

One Tr'ondëk Hwëch'in First Nation government representative recommended that the Commission host a workshop to go through all the details of the plan and ensures that the Parties understand the implications of what is written in the document.

Similar to the scenarios stage, one Council member recommended that after the Draft plan is released the Parties should give a formal statement outlining if they are willing to accept the plan as is and if they are not then they must include specific reasons why they are not willing to accept it.

Fewer Plan Development Stages

Two Council members contended that there are too many plan development stages in the planning process and recommended that fewer iterations of the plan be adopted. One Council member felt that the draft planning stage was rushed and that the Commission ran out of time to produce a quality document. This member asserted that the Draft plan should reflect a synthesis of the Scenarios and the rationale for it and if done properly there is no need for the recommended planning stage as a Final Recommended plan can be written from the Draft Plan.

5.53 Recommended Land use Plan

The consultations from the Draft plan shaped the next version of the plan: the Recommended plan, which was released December 2009.

Challenges

Finding a Middle Ground

One representative from the Tr'ondëk Hwëch'in First Nation government felt that reaching a mutually acceptable agreement between the Parties during the recommended planning stage was difficult. This representative felt that the Commission did not adequately reflect the Tr'ondëk Hwëch'in First Nation government interests and remembers being disappointed with the lack of protection the Commission designated to the Olgiville river.

Time Pressure

Similar to the scenarios and draft planning stages some Commission members felt pressured by the tight deadlines during the Recommended planning stage. One member noted that the Commission did not have a whole lot of time to come together and go over the issues as they had one huge planning document followed shortly by another.

Too many Plan Development Stages

One representative from the Tr'ondëk Hwëch'in First Nation government found the many planning stages cumbersome and demanding on the communities. This representative recounted that throughout the plan development stages some community members started to feel overwhelmed by having to meet repeatedly with the Commission to go over another planning document.

Lack of Policy

Six participants felt that there was a lack of clear policy to guide certain aspects of the recommended planning stage. One Council member felt that the lack of government policy on a protected area strategy for the territory made it difficult for the Commission to know how much of the planning region should be protected.

Another Council member felt that a lack of clear wilderness definition was problematic at this stage in the planning process. This member noted that nobody involved had a working definition of wilderness and were using the term to mean different things. This was problematic during discussions, feedback on documents and in interpreting the land use designations.

At the end of the recommended planning stage there was a series of consultation events hosted by the Yukon government. In the opinion of one Yukon government representative it was not clear what the roles and responsibilities of the Commission were at these consultations.

Yukon Government not Participating in Good Faith

Eight participants had the impression that the Yukon government was not participating in good faith during the recommended planning stage. According to one Commission member the feedback the Commission received on the Recommended plan from the Yukon government was vague and was not actionable at this stage in the planning process. This member noted that during the feedback on the Recommended plan the Yukon government requested that the Commission revisit road access routes into the planning region and that they wanted a more balanced plan. This was problematic for this member as it would have required the Commission to go back to the drawing board and totally rewrite the plan. Another member felt that these types of statements should have been received during the scenarios stage or at the very latest the Draft planning stage. This member also felt that the Yukon government lacked stating why it wanted these changes, locations of concerns and what specific modifications they sought.

One representative from the Tr'ondëk Hwëch'in First Nation government felt that the Yukon government was unclear about what they wanted for the Peel Watershed region and stated that:

The First Nations were clear with respect to their vision for the Peel, the Yukon government was vague, they made general statements, maybe reading between the lines they were trying to say they wanted roads and they were trying to develop, but they did not come off and say it and I think that was hugely challenging to the Commission and put the Commission in a difficult position.

This representative felt that the Yukon government was not following the process outlined in Chapter 11 by making vague comments during the recommended planning stage. One representative from the Vuntut Gwitchin First Nation government felt that: *"the [Yukon government] could have been more forthcoming as the Commission was moving towards the Draft plan and certainly on the Recommended plan."*

Environmental Groups being heard more than the First Nations

One representative from the Tr'ondëk Hwëch'in First Nation government felt at times that the participating environmental groups were being heard more by the Commission than the First Nations groups. This representative felt that during the plan development stages the Canadian Parks and Wilderness Society was putting a lot of emphasis on three rivers in the Peel Watershed region (the Wind, the Snake and the Bonnet Plume) while less emphasis was put on the Hart, Blackstone and the Olgiville rivers in the Tr'ondëk Hwëch'in First Nations traditional territory. This member felt that it was difficult to get the Commission to focus on these rivers as most of the attention was elsewhere.

Facilitating Factors

Good Working Relationship between Commission Members and Staff

Similar to the scenarios and draft planning stages, the Commission staff was instrumental in handling the heavy workload faced by the Commission during this stage. One member noted that: *"our team worked phenomenally, everybody was so dedicated everybody believed in it. It was awesome; the staff were working extreme hours."* One member recounted that the staff could be relied on to inform the Commission of the consequences of their decisions.

Technical data and Landscape Management Units Improved

One representative from the Tr'ondëk Hwëch'in First Nation government felt that the technical aspects of the plan was better, the landscape management units were easier to understand and overall the document was easier to work with compared to the Draft plan.

Disseminate Information to the Communities

One Council member felt that there was some productive dialogue and sharing of ideas during the recommended planning stage and that once the Communities were educated and understood the information that was presented they were able to provide valuable feedback to the Commission. One representative from the Tr'ondëk Hwëch'in First Nation government and one from the Yukon government felt that posting comments from the Recommended plan consultations onto the consultation website immediately after the event was a useful strategy for disseminating information to participants who could not attend the event.

Recommendations

Clear Policies

Three participant provided policies recommendations that in their view would have facilitated the recommended planning stage. One Yukon government representative recommended that the Commission's role at the recommended planning consultation event be clear before embarking on the community consultation tours. One Council member recommended that a protected area strategy for the Yukon Territory should be revisited as well as a working definition of wilderness. One Commission member recommended that the mineral staking ban that was introduced part way through the planning process should have been in existence from the start of the planning process. Furthermore, this member recommended that policies need to be developed to decide when and if mineral staking bans will be enacted in future land use planning processes.

5.54 Final Recommended Land use Plan

The Commission considered the feedback on the Recommended plan provided by the Parties and many other groups in order to develop the Final Recommended plan. The Final Recommended plan was submitted to the Parties in July 2011. Interview participants were asked if they felt that the Final Recommended plan adequately represented the issues and interests that were raised by the Parties, stakeholders and the public through the planning process.

Yes it did

Fourteen participants felt the Final Recommended plan represented the issues and interests that were raised. Five Commission members felt that the Final Recommended plan adequately represented the issues and interests that were raised by the Parties, the stakeholders and the public and felt satisfied that they came up with a suitable land use plan for the Peel Watershed.

Three Council members felt that the Final Recommended plan reflected the issues and interests that were raised. One Council member noted that it did address the issues and interests that were raised and stressed that not all of the Parties raised their interests clearly enough for the Commission to reflect in the Final Recommended plan. This Council member asserted that although the Final Recommended plan reflected the issues and interests that were raised, the interests of the Parties were as polarized as ever as the process did not adequately reconcile competing interests.

Six First Nations representatives felt that the Final Recommended plan adequately reflected the issues and interests that were raised throughout the planning process. One representative from the Na-Cho Nyak Dun First Nation government noted that the plan did not completely solve all of the issues that were raised but felt that that it was a negotiation where everybody involved had to compromise to get to the Final Recommend plan and that the final product reached was adequate to the best of everybody's knowledge at the time. One representative from the Tr'ondëk Hwëch'in First Nation government felt that the Yukon government did not adequately raise their issues and interests during the planning process and had they, the Commission could have addressed them. Similarly, one representative from the Vuntut Gwitchin First Nation government felt that the Yukon government was not specific enough and the Commission did the right thing by not completely rewriting the whole Recommended land use plan to reflect vague direction from the Yukon government.

No it did not

Two participants felt that the Final Recommended plan did not adequately reflect the issues and interests that were raised through the planning process. One Yukon government representative asserted that it was clearly stated to the Commission back in the issues and interests stage that the

Yukon government wanted a balanced plan that dealt with access, recognized the resource potential and that the Commission should allow some resource development to occur while respecting all the other values in the planning region. In this representative opinion there was a real disconnect between these interests and what was proposed in the Final Recommended plan. This representative felt that the Commission's Final Recommended plan was biased as they chose to ignore certain interests and values and play up other values. One Council member felt that the Final Recommended plan failed to address the issues and interests that were raised because it did not receive approval from all of the Parties.

Challenges

Creating a Final Recommended Land use Plan that works for Everyone

Seven participants spoke of the challenges of reaching a Final Recommended plan that is mutually agreeable. Three of the Commission members commented that it was challenging to make every stakeholder happy in the Final Recommended plan and one member commented that: *"there may be planning [regions] where you can please everyone and that is wonderful, but this was not one."*

Parties not being Upfront

Twelve participants felt that the Yukon government could have been more upfront with the Commission during the plan development stages. A general assumption by these participants was that the Yukon government was not clear enough regarding their issues and interests in the Peel Watershed region throughout the planning process. One Council member commented that if the Parties have a problem with the plan during the plan development stage or with the direction the Commission is heading then they need to speak up and tell the Commission that they are out of line and that they cannot wait until the Commission to release their Final Recommended plan to express their concerns.

Two Council members felt that the process lacked upfront agreement by the Parties. One member contended that the main component missed was that the Parties did not provide the commitment to follow through with the land use planning process and that without that commitment and urgency to see the plan through there was no goodwill in the end and everyone went in different directions.

Facilitating Factors

Strong direction from the First Nations governments

Two Commission members felt that the clear direction that they were receiving from First Nations governments aided the Commission's decision making process during the plan development stages. One Commission member commented that four of the five Parties were clear on what they wanted in the Final Recommended plan for the Peel Watershed region so the Commission felt that they were on track with what they proposed in the Final Recommended plan.

Understood More about the Process

One member from the Tr'ondëk Hwëch'in First Nation government felt that by the time the process reached the Final Recommended planning stage the roles and responsibilities of the Tr'ondëk Hwëch'in First Nation government (in terms of providing feedback to the Commission) were clear and well understood. This representative recounted that it was much clearer what the Commission wanted in terms of technical and political commentary and the deadlines for providing this feedback. This individual attributes this understanding as improved communication between the Tr'ondëk Hwëch'in First Nation government and the Commission.

Recommendations

Ensure plan is Justifiable and Implementable

One Council member recommended that the Commission should ensure that the Final Recommended plan is justifiable and implementable. This member suggested that the plan should include a comprehensive implementation Chapter that describes what the roles and responsibilities of the Parties are going to be once the land use plan is approved. Another Council member felt that the Final Recommended plan should include a work plan that has input from the Parties outlining what the priorities are and what resources will be committed for certain aspects of the land use plan. One Commission member stressed that it was important to document the methods that the Commission used to develop its Final Recommended plan so they can clearly justify their reasoning if the planning process ever gets called into question.

Keep the Land use Plan Simple

Two participants suggested ways to simplify the Final Recommended plan. One Commission member noted that when people first encounter land use planning they want it to fix all of their problems and that some of the issues that are raised are outside of the scope of what land use planning process can accomplish. Furthermore, this member asserted that the Commission needs to decide and make it clear to the Parties, stakeholders and the public that the Final Recommended plan will be a plan that addresses some of the potential issues and that the Commission could do a better job prioritizing what issues can be addressed through the planning process.

One Council member recommended that the planning process needs to bring the necessary information together, analyse it to determine where there is going to likely be conflict and areas where there will not be conflict. Once this is determined the Commission needs to look into the future and determine how the Final Recommended plan is going to provide a map to address those conflicts and manage that change in such a way that the average person can understand how the trade offs were made.

5.6 Plan Development Stage Discussion

Throughout the plan development stage a common challenge or criticism by interview participants was that there was not adequate opportunities for the Parties, stakeholders and the public to become involved in the Commission's decision making and that there was not adequate opportunities for these groups to resolve contentious issues (such as the prevalence of roads in the planning region) and negotiate agreements. The literature highlights that without adequate opportunities for the Parties and the stakeholders to come together in face to face negotiations, reaching consensus on a regional land use plan is difficult and win lose outcomes are likely (Fisher & Ury, 1981; Gunton & Day, 2003; Susskind et al., 2003). Moreover, without these opportunities participants in the planning process may have missed opportunities to build social and intellectual capital, to reduce conflict and to negotiate high quality agreements that were mutually acceptable.

During the bulk of the plan development stage many participants had the impression that the Yukon government and some other stakeholders were not participating in good faith and undermined the process by not providing specific enough direction to the Commission regarding their interests in the planning region. Observers have found that the success of planning processes hinges on having all relevant stakeholder groups represented and participating in the planning process (Gunton & Day, 2003; Frame et al., 2004; Innes & Booher 1999). Inclusive participation facilitates the approval of a final land use plan because it ensures that stakeholder contributions and interests are reflected in the plan (Frame et al., 2004; Gunton & Day, 2003; Innes & Booher, 1999). Furthermore, the stakeholders will likely be more committed to implementation concerns because they participated in the process that produced the agreement and likely have a stake in the outcome (Gunton & Day, 2003; Innes & Booher, 1999). Gunton and Day (2003) propose that planning processes could be made more efficient by having the Parties and stakeholder organizations ratify all major decisions reached during the planning process (such as the content of the Resource Assessment report and the content of the Draft plan). This will dissuade dissention between stakeholders at later stages of the planning process and will ensure that any major disagreements are worked out before the process proceeds. Kennet (2010) suggests that governments should demonstrate commitment to the planning process by promoting the involvement of all significant interests in plan development and by discouraging behaviour that undermines confidence in the process.

Interviewees felt that there was a lack of policy direction given to the Commission during the recommended planning stage. The literature suggests that planning processes could be made more efficient if some policy direction and political context is given to the planning bodies (Kennet 2010; Leach, 2011). With the help of governments, communities and stakeholders, planners can set priorities for the planning process giving them focus on what issues are to be addressed by the planning process and what issues are better suited for legislative debate such as the amount of the land base in the territory to be set aside for protection. Capturing this direction in a clear terms of reference document could contribute to a more focused and efficient planning process, as well as rapid approval and effective implementation. Furthermore, Kennet (2010) asserts that clear policy direction can promote constructive interest based negotiation within planning processes and that failure to set government policies can lead to the planning process ending in stalemate.

The Final Recommended plan released by the Commission failed to reach unanimous agreement between the Yukon and the First Nations governments. Disagreement between stakeholders on a common vision for a planning region is not uncommon and is prevalent in regional planning exercises in other jurisdictions, particularly in planning areas that involve a multitude of interests and stakeholder groups (Amy, 1987; Gunton & Day 2003; Morton et al., 2012; Takeda & Røpke, 2010). Interviewees

characterized the plan development stage as polarized and cited difficulties in reaching a mutually acceptable plan that worked for all interest groups. Authors suggest that the use of principled negotiation and the use of a facilitator can assist the Parties and the stakeholders move away from resorting to positional bargaining and stalemates towards reconciling competing interests and values, thus increasing the likelihood of reaching a plan by consensus that is implementable and satisfactory (Fisher & Ury, 1981; Gunton & Day, 2003; Kennet, 2010). Frame et al. (2004) in a study of 17 collaborative planning processes that utilised principled negotiation in British Columbia found that the processes allowed stakeholders to shift from intense conflict to respectful negotiation, when previous processes utilizing traditional techniques such as public consultation, task forces and expert committees had failed. Furthermore, the majority of these processes were largely successful in reaching a mutually acceptable agreement amongst the stakeholders which included a plethora of interest groups. This is an impressive accomplishment given the protracted history of intense land use conflicts that have characterized British Columbia's history. Furthermore, researchers propose that collaborative type planning creates high stakeholder satisfaction (Carr et al., 1998; Connick & Innes, 1999 as cited in Susskind et al., 1999; Morton et al., 2012; Susskind et al., 2003). In Susskind et al. (2003), the results from 400 Interviews with stakeholders involved in resource based alternative dispute resolution processes showed a high degree of stakeholder satisfaction, with 85 percent of those interviewed having a favourable view of the process.

Interviewees commented that the planning process lacked opportunities for the Parties to agree on plan implementation parameters, such as who is in charge of implementing aspects of the plan, what resources will be available and what aspects will be prioritized for immediate implementation. Researchers suggest that land use plans require periodic review and revision in order to remain useful and that a clear implementation strategy should be developed that outlines the roles and responsibilities for implementation, the resources available with an estimated budget, establishes a monitoring process and the inclusion of a process for mitigating implementation failures (Gunton & Day, 2003; Kennet, 2010, Leach, 2011). Leach 2011 notes that it is unlikely that the participating governments will be able to define the exact resources available to devote to plan implementation however, if governments provide an estimated amount that is consistent with their existing capacity and resources then this may assist the Commission in making recommendations that can be feasibly implemented by the Parties.

5.7 Plan Partners

During the planning process the Commission worked with the Yukon, the Tr'ondëk Hwëch'in First Nation, the Na-Cho Nyak Dun First Nation, the Vuntut Gwitchin First Nation and the Gwich'in Tribal Council governments, the Council, a variety of stakeholders and the public (planning partners) to collect information, receive input and feedback on Commission products.

5.71 Consultation

Throughout the planning process, the Commission attempts to conduct consultations with all individuals or groups that have an interest in the planning region. This might include Yukon residents, community groups, businesses, industry associations, environmental groups, not for profit organizations, governments (federal, provincial/territorial, First Nations and municipal) and non-governmental agencies.

Challenges

During the Consultations

Seven participants recounted challenges with the various consultation events. One Commission member recounted that many of the consultation events consisted of various stakeholders getting up to the front of the room and making positional statements in an effort to get the best deal for themselves. One Yukon government representative felt that although a consultation package and website was created (during the recommended planning stage) that aimed at getting feedback on aspects of the Recommended plan, it was difficult at times to receive substantive feedback on specific aspects of the plan. This representative stated: *"we would ask questions like: how do you feel about river corridors? And we would get a comment back saying protect the Peel 100%, but what about the river corridors?"*

One Council member recounted the challenges of traveling from Whitehorse, long distances to remote Communities surrounding the planning region for various consultation events. Another Council member commented that the Commission did not spend enough time in the Communities as these events were expensive and logistically complicated to arrange. Moreover, this member felt that there may have been a lack of trust between the Commission and the communities as a result of the Commission not spending adequate time in the Communities.

Two Council members felt that the Commission had too many maps on display during some of the consultation events. One member felt that the Commission could have done a better job of synthesizing the information in the maps so that participants at consultation events were not inundated with masses of information.

Handling the Consultation input

A plethora of technical information was raised at various consultations by the participants and comments and presentations ranged from biological, economic, geological and socioeconomic factors. At times this was overwhelming for some Commission members. One Commission member spoke of the challenges of discussing issues with content experts who have considerable knowledge about a topic and stated:

It is difficult when you are talking to someone who has been an engineer for twenty years and they are telling you about access and the problems that it causes or does not cause and you really have no idea about what that industry is? You are just there talking about the plan.

Another Commission member recounted the challenges of dealing with the masses of information that they received through emails, letters and various consultation events. This Commission member felt that the Commission did not have an adequate strategy for organizing and managing the input they received.

Facilitating Factors

During the Consultation Events

Nine participants recounted factors that facilitated consultation events throughout the planning process. Three Commission members felt that the town hall meeting formats were an effective way for the Commission to engage with the public. Often these meetings would begin with a presentation from the Commission, with an opportunity for an open mic discussion afterwards. Another Commission member felt the open mic format provided a good opportunity for people to vent their frustrations. It was noted by one Commission member that these venting opportunities got everyone engaged and generated meaningful discussions amongst the community and the Commission.

A representative from the Tr'ondëk Hwëch'in First Nation government felt that posting comments (with names attached) during the recommended planning stage on the consultation website was helpful and led to a transparent consultation process. This representative asserted that this technique contributed to meaningful discussion and information exchange between the public as these comments can be reviewed and brought forward for further discussion at subsequent consultation events. A representative from the Yukon government and a Council member echoed this point and felt that it helped the consultation process by posting comments on the website. Furthermore, another representative from the Tr'ondëk Hwëch'in First Nation government felt that the venue for the consultations during the recommended planning stage was effective. This member recounted that the consultations took place in the community hall, with adequate room for people to sit comfortably, there was a presentation given and time for questions, comment and discussion. Furthermore, this representative contended that having some of the Commission members present to answer questions at this Yukon government run consultation was useful.

Engaging participants

Five participants recounted a number of strategies to engage the audience during the various consultation events. Two Commission members commented that engaging consultation participants with creative means, such as interactive posters, presentations and dot-mocracy exercises (participants mark concepts they like) were effective means for gathering input and engaging the public. One Yukon government representative felt that having lots of maps and visuals was helpful as it assisted the public orient themselves to areas of the planning region being discussed. Having good presenters who could keep the crowd engaged was cited by one Commission member as being a crucial consultation strategy. One Commission member felt that creating an opportunity for some informal time such as sharing food seemed to draw a crowd and generated lots of comments both during and after the meal.

Another Commission member spoke about the challenges of getting all the relevant stakeholders together into the same room. This Commission member felt that meeting with stakeholders one on one, proved to be an effective means of ensuring that the Commission had the opportunity to meet with all of the stakeholders. One Council member felt that the presence of neutral facilitators at some of the consultation events encouraged stakeholders and interest groups to share input with the Commission. This Council member recounted that advertising through radio stations, newspapers and spreading the word through First Nations offices was a useful way to raise awareness about upcoming consultation events.

Recommendations

Modify Consultation Events

Eight participants gave suggestions for improving the consultation events throughout the planning process. Three Commission members spoke about the importance of having a presentation at the beginning of the consultation event. One member recommended that the presentation should engage the people attending the meeting and bring people up to speed about how to contribute. One representative from the Gwich'in Tribal Council noted that some participants feel lost and are not comfortable participating in the absence of a presentation from the Commission or whoever is hosting the event.

Two Council members recommended that during consultation events the Commission should provide an opportunity for community members to speak in front of the Commission and the audience. One Council member suggested that this opportunity often leads to a more engaged audience, productive dialogue and also an opportunity to vent frustrations. A representative from the Vuntut Gwitchin First Nation government spoke of the importance of allowing community members the chance to speak and recounted:

My experience, particularly in the communities, where verbal communication amongst your community is important, particularly in the case of elders where written communication is difficult in some cases impossible, there has to be an opportunity to speak.

A representative from the Gwich'in Tribal Council contended that when First Nations people go to meetings there is an expectation that everyone is given a chance to speak, including elders, adults and youth. One representative from the Vuntut Gwitchin First Nation government recommended that the consultation events should provide opportunities for everyone to participate in a format that they find most comfortable. This representative also suggested that consultation events should have an informal component where people get acquainted with who is at the event and the information that will be discussed, then after this time there are presentations, a time for questions and comments then open discussion.

One Council member suggested that participants at consultation events should be given an opportunity to communicate their concerns or interest to the Commission in written format or one on one with a Commission member. This would allow those who want to provide information to the Commission without having to speak in front of everyone gathered at the consultation event.

Connect with the Communities

Three participants gave recommendations on how the Commission could connect more closely with the Communities involved in the planning process. One Commission member recommended that future Commissions work directly with First Nation government departments and agencies such as Renewable Resource Councils, the Heritage and Lands offices. This would facilitate getting knowledgeable community members out to the consultation events and help coordinate appropriate meeting times and logistics.

Two Council members recommended that the Commission should spend as much time as possible in the Communities to build trust with community members. One member commented: *"It is important that the [Commission] goes to the communities; it shows the people that you are engaging them, rather than making decisions in Whitehorse about their well being."*

Feedback from Consultations

With the large amount of feedback coming in from the consultation events, one Commission member recommended that the Commission needs to have a centrally operated system in place that allows the various feedback formats (such as letters, emails, phone messages and transcripts) to be organized. One suggestion was to use a centrally managed spreadsheet that could be updated by Commission members throughout the planning process.

One Yukon government representative felt that during the consultations events that they were involved in (recommended planning stage) they are interested in hearing substantive feedback from the public, not yes or no or positional statements. This representative suggested that they want people to engage with what is being proposed and give explicit reasons about what they like and what they do not like.

Summarize Maps

One Council member recommended that the Commission should synthesize the maps so that the information provided does not overwhelm the audience and people can better understand how the different maps fit together. One suggestion was to conduct overlap analysis and show on the map where areas of conflict were likely to take place.

5.72 Involvement and Participation

Throughout the planning process the Parties, stakeholders, the Council, and the public fed into the planning process through: making comments, providing feedback, giving presentations, attending meetings and workshops, and writing letters. The Commission interacts with these groups throughout the planning process particularly in the information gathering and plan development stages.

Challenges

Difficult to Engage Some Parties and Stakeholders

Eight participants recalled challenges engaging some of the Parties and stakeholders throughout the process. Three Commission members commented that it was difficult to engage the mineral sector and the oil and gas industry throughout the planning process. One Commission member felt that the Commission tried repeatedly to get the mineral sector to bring forward their issues and interests, but there was very little response and not much information was provided. This was also experienced by two Council members. One Council member stated: *"despite the efforts of the Chair and myself I do not think the mining and oil and gas industry felt that they needed to be at the table."* This made it difficult to write an Issues and Interests report that covered the full range of interests in the planning region. Furthermore, the Commission felt it was hard to get face to face time with the mineral sector and it required the Commission to contact these industries directly, which did not start happening until the later stages of the planning process.

One Commission spoke at length about the difficulties in getting the Yukon government to engage with the Commission throughout the planning processes. This member felt that there was reluctance by the Yukon government to provide concrete commentary and feedback at key stages of the process, (particularly during the plan development stages) and that their participation was inadequate.

One Commission member found it difficult to receive input from stakeholders who reside outside of the Yukon. The majority of feedback provided by these stakeholders was through letters, making it difficult to clarify or fully grasp the issues and interests of some of these stakeholders. Another Commission member felt that being isolated from the four communities around the Peel Watershed (Mayo, Dawson, Old Crow and Fort McPherson) made it difficult to interact and gather interests from community

members. Furthermore, this individual felt that having a central Commission office in Whitehorse required the Commission to travel long distances to these Communities which was challenging.

Low Party, Stakeholder and Public Awareness

Five participants felt that many of the Parties and stakeholders were not clear on the Commission's role or were generally unaware of the purpose of the planning process. Two Commission members felt that there was a long time between the Issues and Interests gathering stage and the scenarios stage where the public did not interact much with the Commission. In this member's opinion the Commission lost momentum with the public and when they got to the scenarios stage they had to spend much of their time bringing the public up to speed on the Commission's activities, instead of getting feedback on Commission products. Another Commission member felt that some members in the communities (Mayo, Old Crow, Dawson and Fort McPherson) at times did not fully grasp the role of the Commission. This member had the impression that some community members were getting the Commission confused with Yukon government researchers and that this confusion may have led to some reluctance to share information with the Commission. Another Commission member felt that the mineral sector did not fully understand the Commission's role and in some cases interactions with these agencies felt hostile and threatening.

One representative from the Tr'ondëk Hwëch'in First Nation government felt that many of the elders from the various First Nations who participated were unaware of what was happening in the planning process and stated that: *"we had all these elders from Fort McPherson who had no idea that this was going on or they would say that they remembered going to meetings but did not really know what it was about and that happens [in Dawson] with our elders as well."*

Some Voices Excluded

Four participants surmised that some participants' interests were not captured in the planning process. One representative from the Tr'ondëk Hwëch'in First Nation government contended that it was hard for some people to participate in the planning process or they chose not to participate, in turn their interests were not captured and the Commission was only hearing interests from a select few. Another representative from the Tr'ondëk Hwëch'in First Nation government felt that the nature of the planning process was flawed and did not lend itself well to participation for some and noted that community members would attend meetings but often the Commission and the planners would be speaking and conveying ideas in a way that did not resonate with them. Furthermore, this representative felt that the planning process approached managing the land in a way that is foreign and culturally inappropriate to many First Nations peoples, resulting in some experiencing difficulties when trying to participate.

A representative from the Yukon government felt that participation was difficult for those who disagreed with the majority of public opinion and that some participants were uncomfortable with being overly vocal for fear of being alienated. This feeling was particularly prevalent at the open mic forums during the consultation events. This representative also felt that it was difficult for some stakeholders to participate because not all are residents of the Yukon or work seasonally and are not always available to participate.

Another Yukon government representative felt that some stakeholders have an advantage to participate over others as many nongovernmental organizations representatives are getting paid to participate in the planning process. This representative felt that this was not a negative thing but stressed that not every stakeholder has the time or the resources to organize public campaigns, write multiple letters and participate in the planning process.

Lack of Stakeholder Decision Making Authority

One Commission member noted that the planning process lacked a method for involving the stakeholders in the Commission's decision making and negotiation process. This Commission member felt that the Commission was able to gather some of the stakeholders' interests through consultations with them but contended that it was mostly about bringing the stakeholders up to speed on what the Commission had decided, not to formally work the stakeholders into the decision making process.

Facilitating Factors

Opportunities for Participation

Three Commission members stressed the importance of creating many opportunities for the Parties, the stakeholders and the public to become involved in the planning process. One member recalled that the Commission maintained an open door atmosphere and that stakeholders were invited to attend meetings and meet with the Commission regularly throughout the planning process. One Commission member felt that spending as much time in the communities as possible allowed for many opportunities for community participation. Using Commission members to liaise with their home communities was noted as an effective means for soliciting participation from the communities, particularly during the information gathering stage.

Connect with Specific Interest Groups.

One Commission member commented that connecting with specific interest groups within governments such as the Parks and the Oil and Gas branch helped the Commission capture specific information that could be incorporated into the land use plan.

Effective Communicator

One Council member commented that the Commission had a senior planner during the plan development stage who had strong communication and consultation skills, which in this member's opinion facilitated the work of the Commission. This member stated: *"the Commission had a senior planner with excellent qualities of consulting and communicating with the public, the stakeholders and nongovernmental organizations, you name it all the interests out there in the public domain."*

Recommendations

Create Opportunities for Participation

Eight participants recommended strategies for creating opportunities and encouraging participation. Five Commission members recommended that the Commission create as many opportunities as possible for the Parties and stakeholders to become involved. This includes face to face meetings and through interaction with the Commission's website. A Gwich'in Tribal Council representative recommended that more meetings should be held in the communities as this would make it easier for community members to participate in the planning process. One representative from the Yukon government recommended that the Commission engage the communities early on in the planning process to make them aware of what is required of them and to prime them for the work ahead.

One Council member felt that the planning process could have done a better job ensuring that all the necessary stakeholders participate and commit to the land use planning process. This member suggested that someone needed to say to the stakeholders that if they do not participate in the planning process then they do not get considered and if this had been said, it would have led to a better overall planning process because it would have forced people to be in the room, instead of outside the process complaining about how the process was transpiring. This member recommended that the role

of governments could be to encourage stakeholders to participate and ensure that the stakeholders engage with the planning process and the Commission.

Parties more Engaged in the Planning Process

Five Commission members recommended that the Parties need to be more engaged throughout each stage of the planning process. Specifically, if one of the Parties has an issue with a product or a direction that the Commission is heading in they need to speak up. One Commission member cited two ways that the Parties could be more engaged: first, their departments can become more involved and second, they can get more involved at a political level sooner by committing to participate in the planning process in good faith.

One Council member recommended that in future planning processes the Commission needs to ensure participation, engagement and commitment from all of the Parties and if certain Parties are not participating, the Commission needs to pressure them to engage in the planning process.

A representative from the Vuntut Gwitchin First Nation government recommended that the Parties should operationalize what is written in Chapter 11 of the Umbrella Final Agreement through completing a letter of understanding. This letter of understanding should commit the Parties to an agreed upon planning process and should not be susceptible to a change in government or leadership.

Have More Opportunity for the Parties and the Stakeholders to Negotiate

One representative from the Tr'ondëk Hwëch'in First Nation government recommended that the planning process needs to create more opportunities for the stakeholders and the Parties to be in a room together discussing and negotiating the contents of the land use plan. This representative stressed that these meetings should go beyond government to government and should include stakeholders such as miners and environmental organizations. In this representative's opinion, understanding cannot happen at the end of the planning process if the Parties and the stakeholders have not been actively working at resolving issues and creating understanding throughout the entire process.

One Council member felt that there were adequate opportunities for the stakeholders to become involved, but clarified this sentiment by asserting that the stakeholders did not always utilize these opportunities. This member recommended that the Commission should not hesitate to have one on one meetings with certain stakeholders as long as they give adequate opportunity for one on one meetings with all the stakeholder groups. This member felt that some stakeholders are more comfortable with this format and are usually more willing to entrust information to the Commission. This Council member also recommended that the Commission should identify early on in the planning process all the relevant stakeholders whom they should be speaking with, and ensure that a concerted effort and communication strategy is developed to meet with or hear from the necessary stakeholders.

5.73 Communication

During the planning process the Commission communicated frequently with the Parties (Yukon and First Nations governments) and the Council.

5.731 Communication between the Commission and the Parties

Challenges

Technical Working Group

Six participants recounted challenges with the communication between the Commission and the Technical Working Group. For one Commission member the amount of turnover on the Technical

Working Groups membership made communication difficult. Another Commission member commented that the feedback the Commission received from the Technical Working Group was not always useful or effective, and brought to question the Technical Working Group's capacity to understand and participate meaningfully in the planning process. This member also felt that the Yukon government's participation on the Technical Working Group was largely coming from an Energy Mines and Resources department perspective, instead of from a government wide perspective. Another Commission member had the impression that a relationship between the Commission and the Technical Working Group was lacking and at times felt that these groups did not seem comfortable sitting down to discuss issues.

One Council member spoke of the challenges with the "*one window*" problem that the Commission gets when working with the Technical Working Group. This member asserted that behind the Technical Working Group is a host of knowledgeable government departments and that it can be frustrating for the Commission to have to go through the Technical Working Group instead of talking directly to the government department that holds the information. Furthermore, this member felt that the information received from the Technical Working Group can sometimes be filtered by governments before it reaches the hands of the Commission, which can inhibit the legitimacy of the data.

Senior Liaison Committee

Eight participants felt the the communication between the Commission and the Senior Liaison Committee was lacking. Two Commission members and two Council members felt that the Senior Liaison Committee was not adequately engaged in the planning process and that the communication was sparse. One Commission member noted that "*the Senior Liaison Committee lacked input, direction and vision into the planning process.*" Another Commission member felt that the role of the Senior Liaison Committee was unclear and felt unsure when communication with them was needed and which aspects of the planning process should be addressed by them.

Representatives from the Yukon, the Tr'ondëk Hwëch'in First Nation and the Vuntut Gwitchin First Nation government felt that the communication between the Senior Liaison Committee and the Commission was lacking. A representative from the Tr'ondëk Hwëch'in First Nation government felt that the Senior Liaison Committee was not adequately involved at the beginning of the process and that they did not understand their role. A representative from the Yukon government stated: "*the communication between the Senior Liaison Committee and the Commission was few and far between it was not ongoing and it was not casual, it was saved for very specific milestones.*"

Indirect Communication

Six participants recounted challenges with the communication that took place between the Commission and the Parties and felt that the communication was lacking in general correspondence, in reviewing Commission documents and providing information to the Commission. One Commission member felt that the Yukon government was withholding political commentary when the Commission released their statement of intent in 2005. This member felt that the statement of intent signalled to the Parties what their vision for the planning region looked like and that if they had any reservations they should have commented at this time.

One representative from the Na-Cho Nyak Dun First Nation government felt that a lot of the communication between the Commission and the Parties was done over email which made two way communications and clarification on details difficult. Furthermore, this representative felt that coordinating all the participants face to face was challenging because everyone was busy with other commitments. A representative from the Tr'ondëk Hwëch'in First Nation government felt that at the outset of the planning process the communication was great and recounted that the Council and the

Commission were having workshops and meetings and then the communication withered and died. A representative from the Yukon government felt that too many of the Commission meetings were in camera (only the Commission was allowed to attend) making communication with the Commission difficult.

Three Commission members felt that there was a lack of clear feedback on Commission products from the Parties. One Commission member recounted that when the Commission sent the Yukon government a document for feedback, it would either be given a pass or a fail grade, but the Commission would not know specifically why. Another member noted that the Yukon government would provide vague comments on Commission products for example; telling the Commission that they wanted a more balanced plan, which in this member's opinion was not an actionable comment without providing more specifics. These Commission members also felt at times that the information received from the Parties had been manipulated and filtered before reaching the hands of the Commission. One member recounted receiving a document from the Department of Environment that had been changed from a 25 page document to a 4 page document. This member felt that this document had been filtered politically and that important information had been removed.

Commission Strong about their Independence

Two Council members felt that the Commission was strong about their independence which may have strained relationships with the Parties during the planning process. One Council member acknowledged that the Commission is an independent body that makes their own decisions however, this individual noted that this assertion of independence does not always help with the relationship between the Commission and the Parties. This Council member stated: *"that does not really help with the relationship too much because the Commission was planning on painting the room black and you have the Yukon government implying that they want to paint it white."* This member felt that the Commission and the Parties could have worked more closely together throughout the planning process to ensure that their expectations for the planning process were better aligned.

One Vuntut Gwitchin First Nation government representative felt that it is a constant challenge to let the Commission remain independent and provide them with enough direction so they stay on track. This representative felt that there is no point of producing a land use plan if at the end of the day the Parties are not going to implement it and that the Parties need to provide the Commission with adequate direction.

Change in Leadership

One Council member felt that it is challenging for the Commission to develop a lasting relationship with the Parties when the political Parties and leaders change throughout the planning process. This member noted that it is particularly challenging when the government's philosophy changes (for example, a pro development government is elected during the planning process) and the Commission is working with a new government with different ideals and interests that they want met in the planning process.

Facilitating Factors

Keep Commission Staff Informed

Two participants spoke about the Commission members and staff bypassing the Technical Working Group to contact the Parties to gather information. One Commission member found it helpful to have the staff person notified regarding any information request or contact with the Parties. This kept everyone informed with who was contacting who.

Technical Working Group Member Coordinate Community Meetings

One member recounted that the Technical Working Group members were helpful when it came to community contact. Specifically, Technical Working Group members could assist with organizing the meetings between the Commission and Communities acting as a liaison to facilitate information gathering initiatives with the Communities.

Recommendations

Define Working Relationship

Three Commission members recommended that the roles and responsibilities of the Technical Working Group and the Senior Liaison Committee needs to be clearer. One Commission member recommended that a clear description of when to go to the Technical Working Group and the Senior Liaison Committee would have been helpful. Another Commission member recommended that when new Commission members sign on with the Commission they be briefed on the roles and responsibilities of the Technical Working Group and the Senior Liaison Committee. A representative from the Vuntut Gwitchin First Nation government asserted that having a positive relationship between the Technical Working Group, the Senior Liaison Committee and the Commission is essential and more opportunities to build positive relationships could have been helpful.

Have Ground Rules for the Planning Process

One representative from the Vuntut Gwitchin First Nation government felt that if the Parties have different ground rules and terms of engagement problems will arise. This representative recommended that the Parties should develop and agree to a common set of ground rules that manage the planning process, such as how and when the parties will provide information to the Commission. Furthermore, this representative suggested that if the Parties begin to veer from these ground rules someone needs to intervene and get the process back on track. One Council member stated: *"I think that the Parties need to commit to whatever agreements and ground rules they endorse and if there is failure to commit and comply with the conditions then they should discuss it until it is resolved."*

More Communication

One Yukon government representative recommended that the Commissions should be more engaged with the Parties keeping them informed with decision that are being made as this would prevent the Parties from being surprised with the content of Commission products.

One representative from the Tr'ondëk Hwëch'in First Nation government recommended that the Commission's senior planner has to be a team builder and be able to work with the Senior Liaison Committee, the Technical Working Group as well as the stakeholders to coordinate their involvement, have them communicating with each other and get them contributing to the planning process. This member felt that a senior planner capable of promoting involvement from these groups would benefit the process.

5.732 Communication between the Commission and the Council

Challenges

Tension between the Commission and the Council

Five Commission members recounted challenges between the Commission and the Council. One member recounted an unhealthy working relationship between the Commission and some of the Council board members that at times that created a lot of unnecessary tension between them. Specifically, this member recounted a feeling of getting called into meetings with the Council board as

feeling like “*a call to the witness stand.*” Another member recounted feeling shadowed by the Council and that the Council should not be allowed to guide the planning process without the Commission’s request. Constant referral to the three year timeline from the Council to the Commission was also irritating for some Commission members and created the impression that the Council was more focussed on the timeline and budget than on other aspects of the planning process.

Two Council members spoke about human resource issues between the Council and the Commission. One Council member felt that the main issue was that the Commission wanted to maintain control over their own staff and did not want the Council to dictate wages or decide who the Commission was going to hire. Another two Council members recognized the challenges of maintaining a positive relationship with the Commission when it is the Council’s job to ensure that the Commission is sticking to the timeline and the allotted budget.

Unclear Roles and Responsibilities

Three Council members felt that the roles and responsibilities of the Council were at times not entirely clear when it came to supporting the Commission throughout the planning process. One Council member felt that at times the relationship was strained because of misunderstandings and a lack of trust and good communication. Another Council member described the challenges of providing feedback to the Commission in a way that the Commission did not feel like the Council was dictating how the planning process was going to proceed.

Facilitating Factors

Knowledge Base of the Council

Four Commission members felt that the working relationship was strong between the Commission members and the Council staff and that the Council’s institutional knowledge was invaluable. Specifically, one member commented that the Council’s knowledge of how to interpret the land claims agreements, the planning process, and their experience from previous planning processes facilitated the Commission’s work. For two Commission members being housed in the same office as the Council was viewed as an asset and facilitated the work of the Commission. One Commission member commented that the proximity to the Council was helpful as there were technical resources, additional human resources and guidance readily available.

Sign Memorandum of Understanding with the Commissions

Two Council members felt that signing a memorandum of understanding between the Council and the Commission helped the working relationship between the Council and the Commission. Specifically, one Council member felt that the administration agreement between the Commission and the Council was helpful and assisted the planning Commission focus more on the planning aspects of their job rather than on administrative tasks.

Recommendations

Council Staff Support the Commission

One Commission member recommended that the Council staff could assist the Commission throughout the planning process during heavy workloads. Assistance could include editing and providing feedback on documents; and assisting with presentations. This could assist the Commission complete products and meet deadlines.

Build Relationships

One Commission member felt that there could have been a stronger relationship built between the Council board and the Commission members and recommended that more opportunities for the Council board and the Commission (both members and staff) to meet informally and build a relationship would have been useful.

5.733 Communication between the Council and the Parties

Challenges

Inadequate Communication between Council and Parties

Six participants recounted inadequate communication between the Council and the Parties. One representative from the Tr'ondëk Hwëch'in First Nation government felt that there was only communication between the Council and the Parties when issues were arising or when the process was falling apart.

Two Council members felt that there was a lack of communication between the Council and Deputy Ministers from various Yukon government departments. One Council member recounted that the Council would write a letter to the Parties and no one from the official level would respond or communicate with the Council in any way. Another Council member felt that communication from government representatives at Council board meetings were at times inadequate making it difficult to move forward on outstanding issues.

Council and Yukon Government Relationship

Two Yukon government representatives felt that the way the funding arrangement works can create tension between the Yukon government and the Commission. One Yukon government representative contended that the land use planning process often does not move too quickly because neither the Council nor the Yukon government wants to enforce the budget and the timeline on the Commission. This representative felt that the Yukon government is looking to the Council to administer work plans and the funding agreements and the Council is looking to the Yukon government because they hold the money and that: *"nobody wants to be the bad guy."* In addition this individual felt that there has not been much progress from the Council in terms of forwarding the land use planning Chapter in the Yukon.

Council's Role Unclear

One Council member felt that role of the Council was not clearly understood by the Parties and to some extent within the Council and commented:

I think partly people were not understanding what the Council's role was because we were not meant to be the bureaucrats, I think the First Nations thought we were more of a planning agency and to some extent we wondered ourselves were we really needed?

Another Council member felt that the Council lacked power because all they could do was make recommendations which the Parties did not have to listen to.

One Yukon government representative felt that the role of the Council needs to be better defined and currently the relationship between the Council and the Commission and the Council and the Parties is unclear. This representative contended that if the Council is managing and assisting the Commission to meet deadlines, are pushing the process ahead and ensuring that the process is being improved then they are fulfilling their mandate.

Recommendations

Stay Connected to the Parties

One representative from the Tr'ondëk Hwëch'in First Nation government felt that the First Nations governments do not always have the time to reach out to the Council due to other commitments and suggested that the casual phone call from the Council to keep the First Nations informed with what is happening with the Commission and the progress of the planning process would have been helpful. One Council member contended that a positive relationship between the Council and the Parties is important. This member asserted that the Council is the central agency within the land use planning process and stressed the importance of promoting strong relationships with the Parties so that they are in the best position to support them throughout the planning process.

5.74 Council Support

Throughout the planning process the Council assisted the Yukon and First Nations governments and the Commission to coordinate their efforts throughout the planning process. The Council made recommendations on policies, goals, priorities, timeframes and planning region boundaries throughout the planning process. Participants were asked how the Council could have better supported them or other planning participants through the planning process.

Council Champion the Process

Ten participants recommended that the Council champion the process including:

- Supporting the Commission with their decisions;
- Making sure the Parties are participating in good faith;
- Educating the Parties, the stakeholders and the public;
- Priming the Parties and the stakeholders for key stages of the planning process;
- Checking in with the Parties after each major stage of the process;
- Mediating disagreements between the Parties and stakeholders and
- Ensuring that the Commission and the Parties are sticking to the general terms of reference

One Yukon government representative felt that the Council is the main force behind planning and that they need to be the ones forwarding land use planning in the territory. This representative asserted that *"the Council could be more proactive and if they are not going to put the energy in no one is going to."* This representative noted that work plans and timelines are expected from the Commission and these same expectations should be applied to the Council.

Memorandum of Understanding between Council and Commission

One Commission member felt that the Council could have better supported the Commission by allowing them *"the freedom to sink or swim."* Furthermore, this member felt that future Commissions have missed out, because the Commission was not allowed to test out creative ideas that the Council deemed outside of the typical planning process.

Another Commission member recommended that the roles and responsibilities of the Council need to be clear and there needs to be an explicit understanding of how the Commission and the Council (board members and staff) are going to work together. This member suggested that these groups should develop a memorandum of understanding between the Commission and the Council during the early stages of the planning process in order to define their working relationship throughout the planning process. One Yukon government representative recommended that the Council needs to define the working relationship between the Commission that assists but not dictates.

Role of the Council Clearly Defined

Three Council members recommended that the working relationship between the Council and the Parties need to be defined and redefined throughout the planning process. One member recommended that at the outset of the planning process a workshop be given on the roles and responsibilities of the Council. Another Council member recommended that the Council should meet with the Parties, stakeholders and the public annually to make sure everyone knows who the Council is and what their role is. One Yukon government representative felt that the role and responsibilities of the Council is still unclear and the process would benefit from everyone being more aware of the Council's role in the planning process.

Promote Relationships

Six participants recommended that the Council work towards building relationships amongst the Parties, the stakeholders and the public. A representative from the Tr'ondëk Hwëch'in First Nation government suggested that the Council could facilitate and provide more opportunities for the Parties and the stakeholders to interact and for the Parties to build more of a relationship. This representative stated: *"without the relationships, the plan is not going to work and that is one of the main failings in the Peel [planning process], there were no relationships."* One Council member recommended that everyone involved needs to embrace the plan partner's concept, meaning that the participants see the process as a joint venture that requires everyone to participate in good faith, rather than viewing the process as everyone for themselves.

Review the Planning Processes to Date

Eight participants recommended that the Council should review the planning processes to date to gain insights into lessons learned and ways to update the process. One representative from the Tr'ondëk Hwëch'in First Nation government stated:

I would just say to the Council to just stop, look at what has happened and figure out what is not working. Do not just blindly go ahead to all the other planning regions doing it in the same way when we can see that there are problems, stop what you're doing, figure out what's going on and maybe look at better approaches.

A Yukon government representative suggested that the Council could be working more closely with the Commission by providing their knowledge on lessons learned from past planning process processes to make sure the Commission is aware of the most effective planning methods and by researching new methods to ensure that the planning process in the Yukon is constantly being improved. A representative from the Vuntut Gwitchin First Nation government contended that the continuity of Commission members and Council members is important from region to region and that the lessons learned from previous planning processes should be applied to subsequent planning processes.

One Council member felt that planning processes in the Yukon have started and failed numerous times over the past ten years and that there is a need to figure out what is going wrong and determine how the process can achieve success. Another Council member commented that the Peel Watershed planning process has gone three times over its intended timeline which should signal to the overseers that the planning process needs some serious attention and review.

5.8 Plan Partner Discussion

During the various consultations events interviewees recounted that many people were making positional statements, substantive feedback was at times lacking and the events were not as productive as they could have been. Researchers suggest that the management of the process by a skilled facilitator who is perceived as neutral can greatly improve the effectiveness of these events (Gunton & Day, 2003; Susskind et al., 2003; Wondolleck & Yaffe, 2000). Furthermore, the use of principled negotiation by the facilitator and the stakeholders can assist participants move away from resorting to positional bargaining towards reconciling competing interests and values. Facilitators can also keep participants engaged, interested and learning through in depth discussion, drama, and humour and informal interaction (Innes & Booher, 1999).

Some interview participants found it difficult to engage with the mining and oil and gas industry throughout the planning process as well as the Yukon government. Researchers note that proper representation is essential to ensure that discussions are well informed about the positions and perspectives of the various stakeholders, that it is regarded as fair and legitimate by those who are not there and that the learning and deliberations taking place can be communicated to outside constituencies and the public. In other words representatives from governments and stakeholders who are participating in the planning process need to ensure that they are actively participating in the process, devolving their agencies interests and negotiating in good faith (Frame et al., 2004; Gunton & Day, 2003; Innes & Booher, 1999; Susskind et al., 2003). Observers note that an inclusive planning process that meets these criteria will produce a plan that is easier to implement than a process that does not have inclusive representation from all stakeholders (Innes, 1999).

The ground rules for the involvement and participation of the nongovernmental agencies such as Canadian Parks and Wilderness and mining companies was a cited deficiency by interviewees. Interview participants found it difficult to engage with certain stakeholders and some felt that other stakeholders were over involved. Furthermore, the degree of authority that the stakeholders had in regards to decision making was unclear and required clarification for future planning processes. Observers propose that ground rules need to be clear on the amount of decision making power stakeholders have and established at the outset of the planning process (Gunton & Day 2003; Frame et al., 2004; Selin & Chavez, 1995; Susskind et al., 2003).

The communication between the Commission and the Parties was lacking, particularly with regards to communication with the Senior Liaison Committee and Technical Working Group, specific feedback from the Parties on Commission products and opportunities for two way communication. Interviewees noted that the Commission was strong about their independence which may have led to difficulties in the communication and the relationship between the Commission and the Parties. The communication and relationship between the Council and the Commission was strained at times primarily with regards to the lack of clarity on boundaries of the working relationship. Furthermore, interviewees cited that there was inadequate communication between the Council and the Parties and that the Council's role was at times unclear. Interviewees noted that there was a lack of positive relationships between the various agencies involved in the planning process. Researchers note that it is important to establish communication networks and determine at the start of the process how the various agencies and subcommittees will participate, respond and provide feedback to the planning body and how they will communicate and coordinate planning tasks amongst each other (Frame et al., 2004; Leach, 2011; Selin & Chavez, 1995; Susskind et al., 2003). In the case study by Moote et al. (1997) of a participatory planning process that involved multiple stakeholders, participants listed the opportunity to communicate with other interests in the watershed as the most valuable aspect of their involvement.

Furthermore, many of the participants noted that ongoing communication allowed them to personally connect with different ideologies represented which in turn gave them a broader understanding of the issue from other perspectives. Researchers suggest that face to face interaction and communication (with the help of a facilitator) between those involved in a land use planning process can lead to increased social capital (Carr et al., 1998; Frame et al., 2004; Gunton & Day, 2003; Innes & Booher, 1999; Leach et al., 2000; Morton et al., 2012; Selin et al., 2000; Susskind et al., 2003). The development of social capital can include: increased trust between stakeholders, the building of new relationships, the sharing of information and improved communication. In turn, this creates opportunities for participants to resolve ongoing issues and provide the capacity and the willingness to deal with conflicts as they arise. The generation of social capital has powerful consequences in a regional planning context as subsequent processes tend to involve the same participants.

Some interview participants noted that the planning process used for the Peel Watershed region was ineffective in producing a Final Recommended plan that was approved by the participating governments and that the process needs to be reviewed and potentially altered. The literature suggests that the planning process approach that is being utilised in the Yukon is somewhat characteristic of the dominant planning models in North America in the 1950s and 1960's that relied on independent experts to determine what was best for society and often resulted in win lose outcomes (Gunton, 1984; Gunton & Day, 2003; Jackson & Curry, 2004; Susskind et al., 2003). Although, the Commission meets frequently with the Parties, stakeholders and the public to inform their decision making, opportunities to resolve differences and build consensus amongst the Parties and the stakeholders were apparently limited. Proponents of the collaborative planning model assert that the process has the potential to break through many of the barriers created by addressing land use planning initiatives through litigation, technical planning, advocacy planning and other decision making processes (Frame et al., 2004; Gunton & Day, 2003; Innes & Booher, 1999). The evaluative criteria discussed in Appendix 9 provide useful process criteria considerations that have shown to be effective in a range of land use and resource management initiatives and have resulted in long term benefits, such as reduced conflict, increased intellectual and social capital amongst participants and a land use plan that reflects the public interest.

5.9 Additional Comments

Participants were asked if they would like to provide additional comments outside of the interview questions that were asked.

Future Planning Processes Jeopardized

Ten participants felt that future land use planning processes have been jeopardized due to what transpired in the Peel Watershed planning process. In addition several of these participants had the impression that the Yukon government were not living up to the First Nations final agreements and that they were in breach of Chapter 11. Two Council members felt that the planning process has left little desire for people to continue with the land use planning process as the public has lost faith in the process. A representative from Na-Cho Nyak Dun First Nation government felt that many community members felt betrayed because they had participated in good faith throughout the planning process and in their view the Yukon government had not. This representative felt that a lot of time and effort was wasted producing the Final Recommended plan and that it was unfortunate that the Yukon government did not table their interests for the Peel Watershed region earlier. One representative from the Tr'ondëk Hwëch'in First Nation government stressed that the in subsequent planning processes the Parties need to ensure that they are contributing to the process and that: *"the Parties cannot play their cards close to their chest throughout the process and at the end dictate a result as those actions are inconsistent with Chapter 11."* Another representative from the Tr'ondëk Hwëch'in First Nation government felt that trust between First Nations and the Yukon government has been broken and commented that:

When it comes to treaties there is this huge concept of trust. It's huge and if you pull this kind of scheme like the Yukon government did with the Peel, then it takes the process years and years and years, it puts the relationship back rather than making great strides forward.

The Peel is a Significant Area

Six participants spoke about the environmental, cultural and spiritual significance of the Peel Watershed region. One Commission member felt that there are resources in other parts of the Yukon that are more easily accessible than in the Peel Watershed and stated that: *"you have one thing up there that's not available anywhere else, and that's the wilderness component and how pristine it is and knowing that there is some place in the world like the Peel Watershed that does not have industrial activity is tremendously valuable."*

One representative from the Tr'ondëk Hwëch'in First Nation government stressed the significance of the Peel Watershed to all of the First Nations involved as it represents an area that has been used and occupied by First Nations for generations. Similarly, one Commission member felt that many First Nations peoples maintain strong connections with the Peel that reach into the past and the future. This member recounted:

I remember an elder in Mayo saying something that kind of nudged my thinking along a bit, where she said: we have not really been in the Peel country very much for the last 50 years but that is only 50 years out of a couple of 1000 and we intend to be back and we would like the government to manage it so that when we do come back it looks pretty much the way it was when we left.

Many of these participants spoke about the Peel Watershed as an important place that needs to be protected and managed in such a way that future generations of animals, plants, and people can continue to use, benefit and flourish within this area.

5.10 Summary

The findings indicate that the challenges faced by participants for the most part exceeded the factors which facilitated the planning process and although there are positive components to be duplicated there is much room for improvement. Participants in the Peel Watershed planning process experienced similar challenges to the planning processes discussed in the literature review. Participants felt that the lack of commitment by the Parties and the Commission to the general terms of reference made the ground rules and the roles and responsibilities for the planning process unclear. A lack of training and orientation for Commission members and others involved, uncertain policies and procedures, and a precise terms of reference that confused the planning process were other reported deficiencies that challenged the process during the Commission start up stage. Researchers propose that commitment at the front end of the planning process through an agreed upon terms of reference and ground rules for the process is a crucial step to a successful process. Over half of the Commission members asserted that the basic training they received at the outset facilitated their work throughout the process.

During the information gathering stages participants were met with a number of challenges. These were primarily that the process took a long time and that governments were not being proactive in forwarding information to the Commission. Researchers note that the identification and agreement of the relevant facts and information needed by the Parties and stakeholders for the planning process is important to ensure that the Commission is aware of the necessary information needed for the planning process and ensures that they are not taking on issues outside of their mandate. Incorporating First Nations' knowledge and worldviews into the planning process was seen as another challenge that was faced by many participants as well as working with non-standardized information. Observers note that some planning processes can force First Nations to surrender their beliefs and values on land and resource use in favour of western notions of development, conservation and science and declare that integrating western science and Indigenous knowledge will often encounter challenges and that culturally appropriate methods need to be adopted throughout the planning process. Getting out in the planning region was cited by many Commission members as a beneficial opportunity that facilitated the work of the Commission and the planning process.

During the plan development stage a commonly cited challenge was that there were inadequate opportunities for the public, stakeholders and the Parties to become involved in the Commission's decision making and that there were not adequate opportunities for these groups to resolve issues and negotiate agreements. It was noted by many participants that throughout the plan development stages it was very difficult to reach a land use plan that was mutually agreeable to the Parties, the stakeholders and the public. The literature highlights that without adequate opportunities for the Parties and the stakeholders to come together in face to face negotiations, reaching consensus on a regional land use plan is difficult and that the use of principled negotiation and a facilitator can assist the Parties and the stakeholders to move away from resorting to positional bargaining towards reconciling competing interests and values, thus increasing the likelihood of reaching a land use plan by consensus. Fourteen participants felt that the Final Recommended plan reflected the issues and interests that were raised. Many of these participants clarified this by noting that the Yukon government did not adequately raise their issues and interests throughout the plan development stages. Two participants felt that the Final Recommended plan did not reflect the issues and interests that were raised because the plan was not ratified by all of the Parties. Throughout the planning stage the dedication of the Commission staff was a commonly cited factor that facilitated the work of the Commission and the planning process.

Throughout the planning process the Commission worked with stakeholders, the public and the Council through consultation, meetings, communication and other participatory means. During many of these

events participants recounted positional based arguments being forwarded by the public and the stakeholders and that many of these events were not as productive as they could have been. Many Commission and Council members found it difficult to engage with the mining and oil and gas industry throughout the planning process and felt that their input was lacking. For the most part the communication between the Commission, Council and the Parties was insufficient and needed improvement. Observers note that it is important to establish communication networks at the start of the planning process and suggest that face to face interaction and communication (with the help of a facilitator) between the Parties and stakeholders can lead to increased social capital which can benefit the planning process and initiatives outside the planning process. The participants recounted that giving people a chance to speak, discuss issues in an open forum and posting comments on a consultation website assisted the consultation stages of the planning process. Having a senior planner who had strong communication and facilitations skills was cited as another factor which facilitated getting people involved during public events. Many participants in this study were concerned that the Peel Watershed planning process has left the Parties, stakeholders and the public disillusioned with the planning process and anticipate that no one will readily initiate another planning process until outstanding issues are resolved and ground rules are determined and established for future planning processes.

6 RECOMMENDATIONS

The purpose of this study was to develop recommendations that would assist the Council, Commissions and the Parties in improving the planning process. More specifically, the research project was designed to ascertain which components of the planning process should be duplicated and which components need improvement. This Chapter provides a set of recommendations for improving the planning process as it was practiced during the Peel Watershed planning process from the development of the general terms of reference by the Parties in 2002, to the release of the Final Recommended plan by the Commission in 2011. These recommendations stem from the literature review and participant based recommendations from the interviews. Section 6.1 contains nine recommendations for improving the planning process and is organized to reflect the key stages of the planning process from the general terms of reference to plan implementation (see Appendix 12 for Peel Watershed planning process recommendations). The intended audience for these recommendations are the Council, current and future planning Commissions and governments participating in regional planning processes.

The recommendations could be implemented at the outset or during future planning processes in the Yukon. Some of the recommendations could be implemented for current regional planning exercises in the Yukon such as the Dawson planning process which is in the plan development stage. The findings from this project would suggest that these recommendations could address the components of the planning process that need the most improvement.

6.1 Recommendations

Recommendation # 1 - Modify the General Terms of Reference

The Parties could jointly develop and agree to a general terms of reference that:

- Defines the roles and responsibilities of the Commission, the Council the Parties, subcommittees (such as the Technical Working Group and the Senior Liaison Committee), the stakeholders and the public throughout the planning process.
- Stipulates ground rules for the planning process such as an agreed upon description of the issues that will be negotiated, how major decisions will be made, how and when the Parties and stakeholders will be involved, timelines for the planning process and how information will be gathered, portrayed and shared.
- Determines the necessary information needed by the Parties and the Commission for the planning process.
- Determines the communication networks and how various agencies are going to respond and provide feedback to the Commission and the expectations of coordination and communication amongst the Parties, the Technical Working Group and Senior Liaison Committee during key stages of the planning process.
- Allows adequate time for the Parties to negotiate and set their objectives for the planning process, clarify expectations and to define policy priorities for the planning region.
- Determines the scope of what the planning process can address, to ensure that the Commission stays within their mandate.
- Includes provisions and strategies for the resolution of disagreements between the Parties throughout the planning process and strategies for building consensus amongst the Parties by utilizing appropriate consensus building approaches, such as principled negotiation.
- Determines if resources (funding, training or additional time) need to be provided for certain Parties or stakeholders to participate in the planning process.

- Outlines the amount of resources the Parties will commit to the planning process and implementation of the final land use plan.
- Determines a Commission appointment process that anticipates Commission member and staff vacancies, ensures that potential members have the necessary skills to participate in the planning process and that the Commissions are gender balanced.
- Is flexible enough to allow for adaptation and creativity in problem solving by the Commission and the Parties, through crafting a general terms of reference that is not overly prescriptive.
- The Commission and the Parties agree to the provisions of the general terms of reference through signing the document.

Recommendation # 2- Create Additional Training and Orientation Opportunities

Additional training and orientation opportunities were cited as ways to improve the planning process including:

- Providing training and orientation opportunities yearly to the Commission, Parties, stakeholders and the public throughout the planning process. These training opportunities could provide exercises to give participants an opportunity to familiarize themselves with regional land use planning tasks, for example, writing a precise terms of reference, developing an issues and interests statement and providing feedback on Scenarios and plan iterations.
- The Council developing training modules covering key stages of the planning process and the associated responsibilities of the participants that can be easily distributed to the Parties, stakeholders and the public. Modules could include roles and responsibilities of the Technical Working Group and the Senior Liaison Committee, background information on the Umbrella Final Agreement and Chapter 11 and descriptions of the various documents the Commission will produce such as the Resource Assessment report the, Scenarios and a description of how plan Implementation works.
- Providing principled negotiation training opportunities to all Commission members and staff, the Technical Working Group and the Senior Liaison Committee members.
- Interview participants listed the following training and orientation topics and opportunities to be available for the Parties and the Commission:
 - Opportunity to learn from participants who were involved in previous regional planning processes in the Yukon.
 - Detailed descriptions of the major steps of the planning process.
 - Associated legislation such as Chapter 11 and provisions of the Umbrella Final Agreement.
 - Facilitation, public consultation and mediation training.
 - Cultural competency training.
 - Project and financial management.
 - Training on the roles and responsibilities of the Council, Parties, stakeholders and the public.

Recommendation # 3 - Planning Commission Develop a Work Plan

Commission could develop a work plan with the following considerations:

- The Council could assist the Commission write this document, applying lessons learned from previous planning processes that utilize up to date planning methods and strategies.
- The Council and the Commission could discuss what stage of the planning process to write this work plan, the Commission could write it after the Issues and Interests report.

- Includes a detailed timeline and budget as well as strategies for dealing with missing deadlines and exceeding the allotted budget. These strategies could include the Commission meeting with the Council to determine where the planning process is faltering and rectifying the situation through utilizing available resources from the Council and by altering and/or re-coordinating the planning approach.
- Determines a process for deciding who is going to act as chair and how decisions will be made in the absence of quorum. The Commission could defer deciding who is going to act as chair for six to eight months.
- Describes the Commission's intended methodologies for information gathering, plan development, consultations, resolving competing interests amongst the Parties or stakeholders and how decisions will be made.
- Identifies training and orientation needs that will be needed by the Commission throughout the planning process.
- Assesses the possibilities of Commission members and staff spending time in the planning region.
- Includes a communication strategy that:
 - Attempts to hear from everyone with a stake in the planning region, including a national perspective.
 - Determines strategies to ensure that the Parties, the stakeholders and the public's interests are captured and adequately reflected in planning documents. The Commission could accomplish this by circulating draft planning documents such as the Issues and Interests report for comment by the Parties before releasing the final document.
 - Strategically plans how information will be gathered, detailing which government departments, stakeholders and communities the Commission will collect information from.
 - Assesses possibilities of hosting workshops, consultations and information sessions in the communities.
 - Provides enough opportunity and time for seasonal industries to participate.
 - Appoints a Commission member to act as media spokesperson.
 - Flexible enough to account for unexpected events such as a death in a community or other events that require rescheduling.
- The Commission's work plan could be formally reviewed and considered by the Parties and the Council to ensure that they are aware of the Commissions strategies and to ensure that the Parties' expectations for the planning process aligns with the Commission's.

Recommendation# 4 - Governments Proactive throughout the Planning Process

Government(s) could work towards being more active in the planning process through:

- Demonstrating preparedness and willingness to support the major stages of the planning process. This could be accomplished through signing a letter of understanding amongst the participating governments at the outset of each stage of the planning process, outlining how the governments will work together and with the Commission to accomplish the necessary tasks.
- Providing interest statements during the information gathering stage to the Commission that specifically outline what their interests in the planning region are.
- Assisting the Commission with writing the Resource Assessment and Conservation Priorities Assessment reports.

- Providing policy direction for the planning process that could include: Commission's role during the recommended plan consultations, protected area strategy for the Yukon Territory, a working definition of wilderness and if mineral staking bans will be enacted during the planning processes.
- Ratifying all major decisions reached by the Commission, such as the content of the Resource Assessment report and the content of the Draft plan. If governments are not willing to ratify Commission products then they could provide a detailed explanation on the issues that they have with the planning product.
- Governments encouraging the participation of all stakeholders and dissuading behavior that undermines the planning process.

Recommendation # 5 - Modify Information Gathering Workshops, Consultations and Public Events

The information gathering workshops, consultations and public events could be improved through:

- The Commission beginning the information gathering stage with a community and stakeholder tour to inform them of the information gathering process and to highlight the information that the Commission needs for the planning process.
- The Commission beginning these events with a presentation describing the purpose of the event and explaining how the Commission is seeking input.
- Keeping presentations by the Commission and the planners simple by explaining technical terms and complicated concepts in an easily understandable format.
- Through utilizing many mediums for community members to participate and engage with such as pictures, maps, PowerPoint presentations and the opportunity for community members to give oral presentations
- Providing adequate time for participants to get acquainted with the material and creating opportunities for quieter members or people who may be against the majority to voice their opinion without the fear of being alienated. The Commission could accomplish this through scheduling one on one discussion time before or after public events.
- Promoting the building of intellectual capital amongst participants through providing additional opportunities for the Parties and stakeholders to come together to discuss the necessary information needed for the planning process and to develop a mutual understanding of each other's interests.
- The Commission could provide summary documents to participants that describe the major planning products to date such as the Issues and Interests report, Resource Assessment report and the Conservation Priorities Assessment report.
- Highlighting areas of the planning region where there is likely to be conflict and areas where conflict is less prevalent, through overlaying the Resource Assessment and Conservation Priorities Assessment maps and other maps portraying stakeholder interests in the planning region.
- Highlighting if the potential conflicts are going to be current or in the future. The Commission could use the who, what, where, when model that was used in the Gwich'in settlement area planning process.
- Having a system in place for organizing the feedback from consultation and public events such as a centrally managed spreadsheet.
- Using a facilitator to promote dialogue, substantive feedback on Commission products and principled negotiation amongst participants. Furthermore, a facilitator could assist keeping the discussions positive and could help manage these events.

Recommendation# 6 - Modify Incorporating First Nations knowledge

Incorporating First Nations' knowledge and worldviews into the planning process could be improved by:

- The Commission meeting with First Nations government departments at the start of the information gathering stage to discuss a standardized approach for collecting and presenting information to the Commission. If a standardized approach is not possible, than the Commission and the First Nations government(s) could attempt to determine a workable alternative before beginning the information gathering process.
- Providing cultural competency training to the Commission as well as the Parties discussing how the Commission is going to work with First Nations knowledge, confidentiality agreements and culturally appropriate methods for gathering First Nations knowledge.
- Commission hosting traditional knowledge gathering workshops within the planning region or in an outdoor location.
- Utilizing facilitators and a senior planner who are aware of culturally appropriate means of dispute resolution, planning methods and techniques.

Recommendation # 7 - Modify Plan Development Stage

The plan development stage could be improved through:

- During the scenarios stage, the Commission could present between three and five options to give the Parties, stakeholders and the public an opportunity to select from a range of Scenarios.
- The Commission forecasting the Scenarios and other land use plan iterations at public events to give people an understanding of how the various land use decisions will play out over time.
- The Commission and the Parties could develop objective criteria to assess iterations of the plan during the plan development stages.
- The Commission providing a clear and easily understood methodology report to the Parties, stakeholders and the public outlining how the Scenarios, Draft plan, Recommended plan and the Final Recommended plan were developed.
- The Commission working with the Council to determine the best method for representing the landscape management units during plan development.
- The Commission making presentations on iterations of the plan to the Parties, stakeholders and the public so these groups understand and are aware of the direction the Commission is heading in and can raise any questions or concerns they have about the content of the plan. If there are concerns the Commission and the Parties could work towards addressing these issues before moving ahead with the planning process.
- Providing more opportunities for face to face meetings between the Parties and the stakeholders to discuss issues and negotiate mutually acceptable agreements while utilizing a facilitator and principled negotiation. Other avenues could include: the creation of an intergovernmental discussion forum where issues can be negotiated, convening a stakeholder table as illustrated in Appendix 8 or taking issues to an impartial party who can help resolve the dispute.

Recommendation # 8 - Include a Comprehensive Implementation Section

The implementation component of the planning process could be improved by:

- Including an implementation section in the planning documents during the plan development stage that provides a detailed description of the roles and responsibilities of the Council and the Parties during plan implementation.
- Establishing a monitoring process that includes procedures for mitigating implementation failures.

- Establishes when the plan will be reviewed and how plan amendments will be made.
- Including those involved in developing the land use plan in the plan implementation stages.

Recommendation # 9 - Council Champion the Process

The Council could work to improve the planning process through:

- Negotiating and defining the working relationship between the Commission and the Council to determine how the Council can best support the Commission and the planning process. This agreement could define who the senior planner is answering to, how human resource decisions are made and how these groups will communicate, interact and work together throughout the planning process to ensure that the Council can support the planning process without interfering with the Commission's mandate. This agreement could be captured through signing a memorandum of understanding between the Commission and the Council during the Commission start up stage.
- Priming the Parties and the stakeholders for key stages of the planning process by hosting workshops and meeting with the Parties in advance of the Commission to explain the upcoming stage of the planning process and the types of information, feedback and involvement that will be required.
- Checking in with the Parties in person or by telephone after each major stage of the planning process to ensure that expectations are being met and any outstanding issues are addressed.
- Anticipating conflicts amongst the Parties or stakeholders and utilizing appropriate means to address the issues such as mediating the dispute or hiring a facilitator.
- Making Council staff available to assist the Commission during heavy workload times, assistance could include, editing documents, assisting with presentations and providing feedback on Commission products.
- Ensuring that the Commission and the Parties are sticking to the general terms of reference and are participating in good faith, through writing letters and communicating frequently with these agencies. The Council could host meetings with the Commission and or the Parties yearly showing these agencies where they are at in relation to the general terms of reference.
- Reviewing past land use planning processes in the Yukon to determine areas that need improvement and by updating the current land use planning process by applying findings from these initiatives. The Council could organize opportunities for the Parties, stakeholders and the public to be involved in updating the land use planning process through hosting workshops dedicated to this topic.
- Promoting relationships, between Council board and the Commission members and staff through providing additional opportunities to meet informally.
- Promoting the generation of new relationships and social capital amongst participants through organizing more opportunities for face to face interactions amongst the Parties, stakeholders and the public.

7 CONCLUSION

This report was completed for the Yukon land use planning Council to determine the challenges and factors that facilitated the Peel Watershed planning process as well as to make recommendations on components requiring improvement. To achieve these objectives, a review of literature from Canada as well as other jurisdictions was completed. In addition, interviews were conducted with participants from the Peel Watershed planning process. Interview participants included Commission members and staff, Yukon and First Nations government representatives, and Council members and staff.

The research findings in this report emphasize that there were challenges regarding agreement on the general terms of reference and ground rules by the Parties; a lack of clarity on the roles and responsibilities of those involved; and inadequate opportunities to resolve differences, build social and intellectual capital; and negotiate mutually acceptable agreements between the Parties. Based on the challenges and successes of the Peel Watershed planning process, this project recommends that the planning process be updated in a number of key areas, such as through building commitment and agreement amongst the Parties at the front end of the process by establishing a comprehensive general terms of reference; by introducing a mechanism for the Parties and stakeholders involved to negotiate, build consensus and resolve issues; and by ensuring that the Council and Commissions reach a working relationship whereby the Council can best support the Commission and the planning process.

Although the Yukon does not use a collaborative planning process, findings from this report would suggest that current and future planning processes in the Yukon could adopt elements from a collaborative planning type approach, mainly the establishment of ground rules for the process; the use of a facilitator; the use of principled negotiation; and concentrated time for face to face discussion by the Parties, stakeholders and the Commission working collaboratively towards developing a land use plan. The Yukon has a long history of failed regional planning attempts. If the Council, Commissions and the Parties can work towards adopting the recommendations in this project then perhaps they can look forward to a more coordinated, efficient and effective planning process that results in long term benefits such as a land use plan that reflects the public interest; reduced conflict amongst land users; increased intellectual and social capital amongst participants; and a durable agreement that is implementable.

REFERENCES

- Andrew, J. (2001). Making or Breaking Alternative Dispute Resolution? Factors Influencing Its Success in Waste Management Conflicts. *Environmental Impact Assessment Review*, 21: 23-57.
- Amy, Douglas J. (1987). *The Politics of Environmental Mediation*. New York. Columbia University Press.
- Baxter, J. & Eyles, J. (1997). Evaluating qualitative research in social geography: establishing 'rigour' in interview analysis. *Transactions of the Institute of British Geographers*, 22(4), 505- 525.
- Beierle, T. & J. Cayford. (2002). *Democracy in Practice: Public Participation in Environmental Decisions*. Washington, D.C.: Resources for the Future.
- Bingham, G. 1986. *Resolving Environmental Disputes: A Decade of Experience*. Washington, D.C.: The Conservation Foundation.
- Boyatzis, R. (1998). *Transforming qualitative information: Thematic analysis and code development*. Thousand Oaks, CA: Sage.
- Bryman, A. E., Liao, T. F. & Lewis-Beck, M. (2003). The Sage encyclopedia of social science research methods. (Vol. 1). Sage Publications, Incorporated.
- Canadian Parks and Wilderness Society (CPAWS Yukon). (n.d.). Retrieved 24 October 2012, from <http://cpawsyukon.org/campaigns/peel-watershed>.
- Carr, D.S., Selin, S.W. & Schuett, M.A.(1998). Managing Public Forests: Understanding the Role of Collaborative Planning. *Environmental Management*, 22: 767-776.
- Council of Yukon First Nations understanding the Yukon Umbrella Final Agreement, (n.d.) Retrieved 12 November 2013, from <http://www.cyfn.ca/ouragreementsufa>
- Commission Source Book, (2010) Retrieved 12 November 2013, from <http://www.planyukon.ca/index.php/component/search/?searchword=sourcebook&ordering=&searchphrase=all>
- Daly, J., Kellehear, A. & Gliksman, M. (1997). *The public health researcher: A methodological approach*. Melbourne, Australia: Oxford University Press.
- Day, J.C., Gunton, T.I. & Frame, T. (2003). Toward environmental sustainability in British Columbia: The role of collaborative planning. *Environments* 31 (2): 21-38.
- Gunton, T.I., Day, J.C. & Williams, P. W. (2003). Evaluating collaborative planning: The British Columbia experience. *Environments*, 31(3):1-12.
- Gwich'in Tribal Council, n.d. Retrieved 1 May 2014, from <http://gwichintribalcouncil.com/>

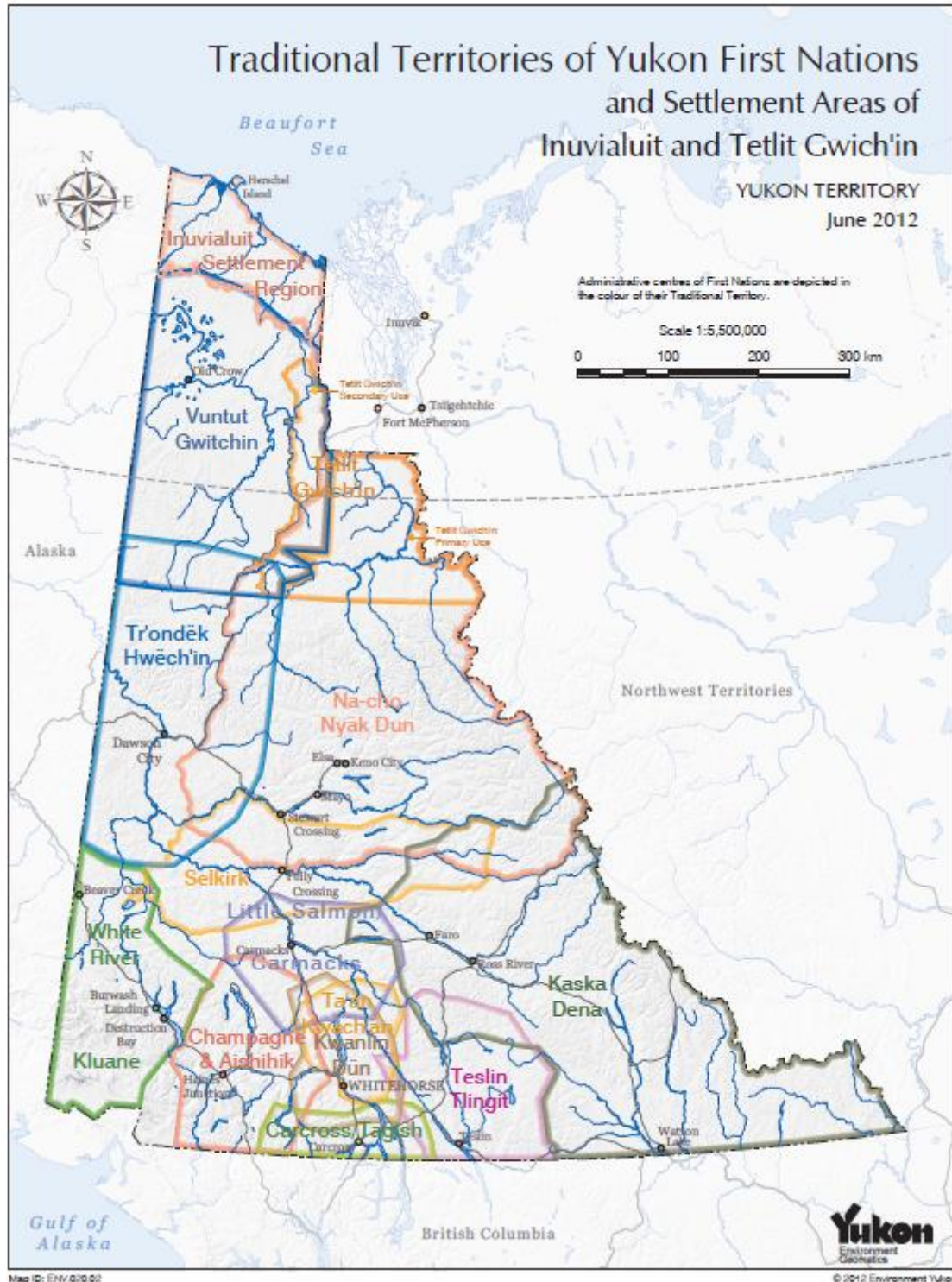
- Final Recommended Peel plan, (2011). Retrieved 6 July 2012, from <http://www.peel.planyukon.ca/planning/planwps.html>
- Fisher, Roger and William Ury. (1981). *Getting to Yes: Negotiating Agreement Without Giving In*. 1st ed. New York: Penguin Books.
- Frame, T.M., Gunton, T.I. & Day, J.C., (2004). The role of collaboration in environmental management: an evaluation of land and resource planning in British Columbia. *Journal of environmental planning and management*, 47 (1), 59–82.
- Frequently Asked Questions. (n.d.). Retrieved 22 October 2012, from <http://www.planyukon.ca/index.php/faq.html>
- Gunton, T.I. (1984). Role of the Professional Planner. *Canadian Public Administration*, 27(4): 399-417.
- Indian and Northern Affairs Canada. (1993). Umbrella final agreement between the government of Canada, the Council for Yukon Indians and the government of the Yukon. government of Canada, Ottawa, Ontario.
- Innes, J. E. (1994). Planning institutions in crisis. *Planning Theory*, 10–11, 81–96.
- Innes, J. E. (1996). Planning through consensus building: A new view of the comprehensive planning ideal. *Journal of the American Planning Association*, 62: 460-472.
- Innes, J. E. (1998). Information in communicative planning. *Journal of the American Planning Association*, 64, 52–63.
- Innes, J.E. and Booher, D.E. (1999). Consensus building and complex adaptive systems: A framework for evaluating collaborative planning. *American Planning Association. Journal of the American Planning Association*, 65(4), 412.
- Innes, J.E. and Booher, D.E. (2010). *Planning with complexity: an introduction to collaborative rationality for public policy*. New York: Routledge.
- Jackson, T. & Curry, J. (2004). Peace in the woods: Sustainability and the democratization of land use planning and resource management on crown lands in British Columbia. *International Planning Studies*, 9(1): 27-42
- Lane, M.B., (2003). Participation, decentralization, and civil society: indigenous rights and democracy planning. *Journal of planning education and research*, 22, 360–373
- Leach, A. J. (2011). Assessing Yukon’s current approach to regional land use planning: perspectives from the north Yukon planning process. Unpublished doctoral dissertation, Royal Roads University, Victoria, Canada.

- Leach, W.D., Pelkey, N. & Sabatier, S. (2002). Stakeholder Partnerships as Collaborative Policymaking: Evaluation Criteria Applied to Watershed Management in California and Washington. *Journal of Policy Analysis and Management*, 21(4): 645-670.
- Kennett, S. A. (2010). Fix it up: why and how to put northern land use planning on track for success. In Berger, T., Kennett, S. A. & King, H. *Canada's North: What's the Plan? The 2010 CIBC Scholar-in-Residence Lecture*. (pp 37-74). Ottawa, ON: The Conference Board of Canada.
- King, H. (2010). Give it up: Land and resources management in the North: Illusions of Indigenous Power and Inclusion. In Berger, T., Kennett, S. A. & King, H. *Canada's North: What's the Plan? The 2010 CIBC Scholar-in-Residence Lecture*. (pp 75 -107). Ottawa, ON: The Conference Board of Canada.
- Mascarenhas, M. & Scarce, R. (2004). The intention was good: Legitimacy, consensus-based decision making, and the case of forest planning in British Columbia, Canada. *Society & Natural Resources*, 17(1), 17-38.
- Margerum, R.D. (1999). Getting Past Yes: From Capital Creation to Action. *American Planning Association Journal*, 56(2): 181-191.
- Margerum, Richard D. (2002). Evaluating Collaborative Planning: Implications from an empirical analysis of growth management. *Journal of the American Planning Association*. 68, 2: 179-193.
- Margerum, R.D. (2008). A typology of collaboration efforts in environmental management. *Environmental management*, 41, 487–500.
- Moote, M.A., McClaran, M.P. & Chickering, D.K. (1997). Theory in practice: applying participatory democracy theory to public land planning. *Environmental management*, 21 (6), 877–889.
- Morton, C., Gunton, T. I. & Day, J. C. (2012). Engaging aboriginal populations in collaborative planning: an evaluation of a two-tiered collaborative planning model for land and resource management. *Journal of Environmental Planning and Management*, 55(4), 507-523
- Nadasdy, P. (2005). The anti-politics of TEK: The institutionalization of co-management discourse and practice. *Anthropologica*, 47(2), 215-232.
- Ostrom, E. (1990). *Governing the commons: The evolution of institutions for collective action*. Cambridge: Cambridge University Press.
- Patton, M. Q. (2002). *Qualitative research & evaluation methods*. Thousand Oaks, Calif: Sage Publications.
- Pope, A. 2012. "The Road to Certainty on the Peel." *The Yukon News*, February 24. <http://yukon-news.com/opinions/columns/27303/>.

- Putnam, R. (2000) *Bowling alone: The collapse and revival of American community*. New York, NY : Simon & Schuster
- Rice, P. & Ezzy, D. (1999). *Qualitative research methods: A health focus*. Melbourne: Oxford University Press.
- Sandercock, L. (1998) The death of modernist planning; Radical praxis for a post modern age, in Douglas, M. And J. Friedman (eds.) *Cities for Citizens*, New York, NY: J. Wiley, 163 – 184.
- Selin, S. & D. Chavez. (1995). Developing a Collaborative Model for Environmental Planning and Management. *Environmental Management*, 19: 189-195.
- Shamir, Y. & Kutner, R. (2003). Alternative dispute resolution approaches and their application. *Unesco*.
- Staples, K., Chávez-Ortiz, M., Barrett, M. J. & Clark, D. (2013). Fixing Land Use Planning in the Yukon Before It Really Breaks: A Case Study of the Peel Watershed. *Northern Review*, (37).
- Statistics Canada (2011) *Population and dwelling counts, for Canada, provinces and territories, 2011 and 2006 censuses*. Retrieved October 23, 2012 from <http://www12.statcan.ca/census-recensement/2011/dp-pd/hlt-fst/pd-pl/Table-Tableau.cfm?LANG=Eng&T=101&S=50&O=A>
- Susskind, L., Sarah M. & Jennifer T-L eds. (1999). *The Consensus Building Handbook*. Thousand Oaks, California: Sage Publications.
- Susskind, L., Wansem, M.W. & Ciccarelli, A., (2003). Mediating land use disputes: pro and con. *Environments*, 31 (2), 39–58.
- Takeda, L. & Røpke, I. (2010). Power and contestation in collaborative ecosystem-based management: The case of Haida Gwaii. *Ecological Economics*, 70(2), 178-188.
- Umemoto, K. (2001). Walking in another's shoes: Epistemological challenges in participatory planning. *Journal of Planning Education and Research*, 21(1), 17-31.
- Williams, P. W., Penrose, R. W., & Hawkes, S. (1998). Shared decision-making in tourism land use planning. *Annals of tourism research*, 25(4), 860-889.
- Wondolleck, J.M. & Yaffee. S.L. (2000). *Making Collaboration Work: Lessons from Innovations in Natural Resource Management*. Washington, D.C.: Island Press.

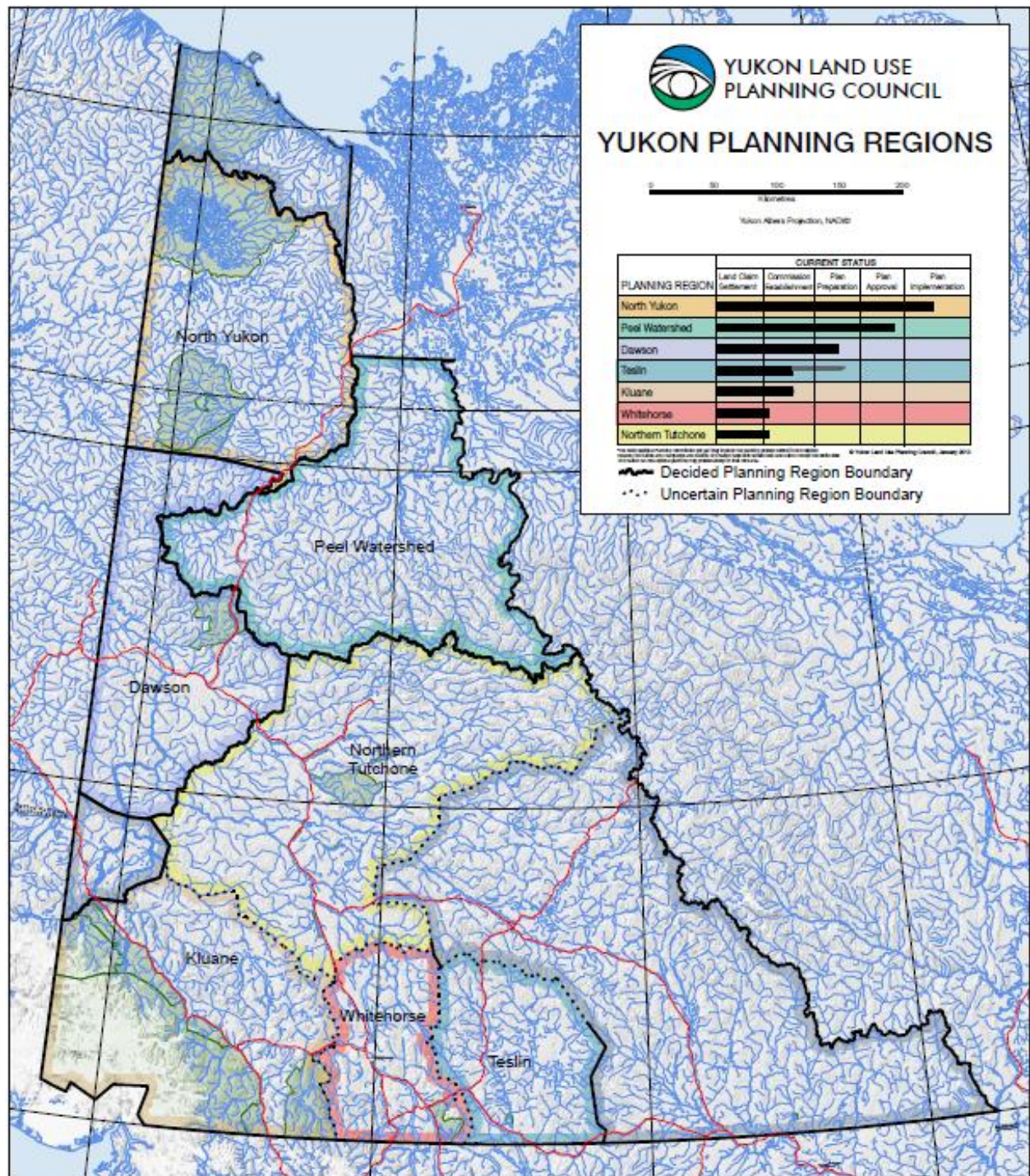
APPENDICES

Appendix 1 First Nations Traditional Territories



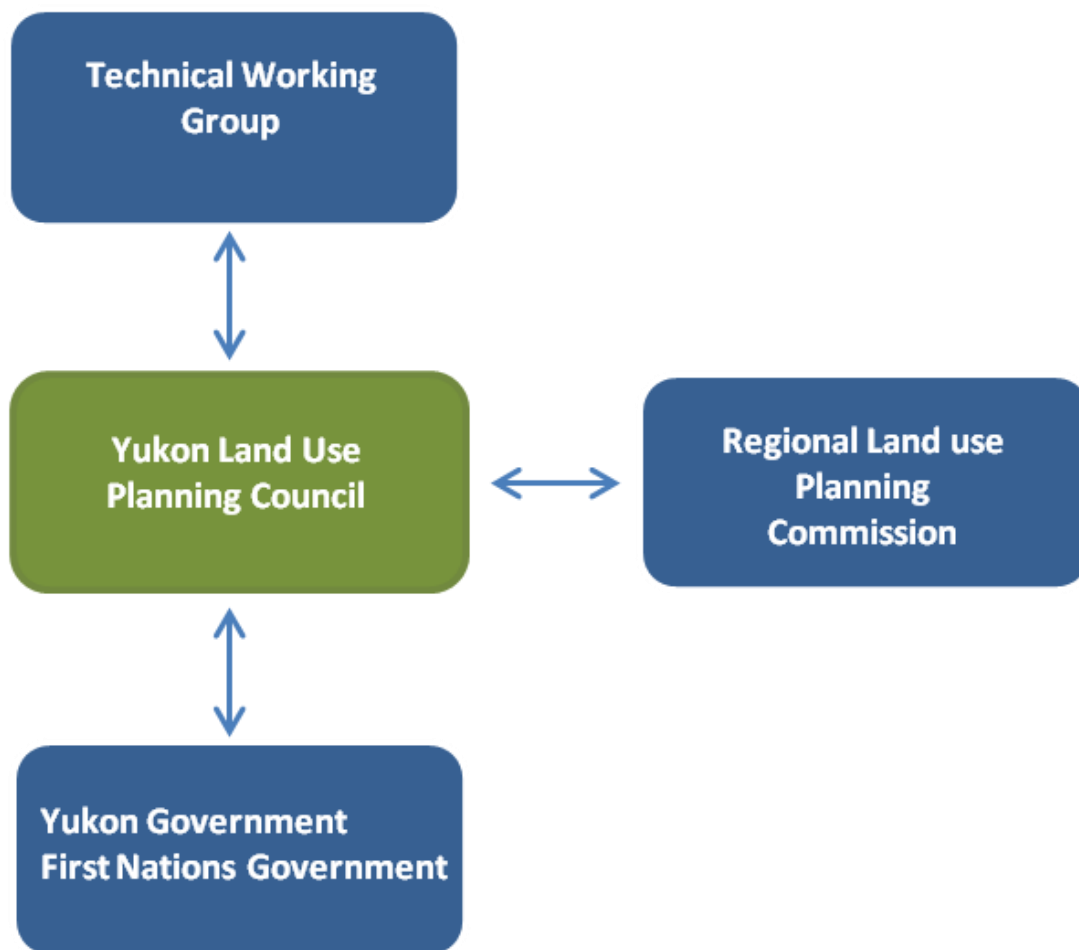
Note. Yukon government website: www.environmentyukon.ca/maps/view/detail/1/10/74

Appendix 2 Yukon Planning Regions



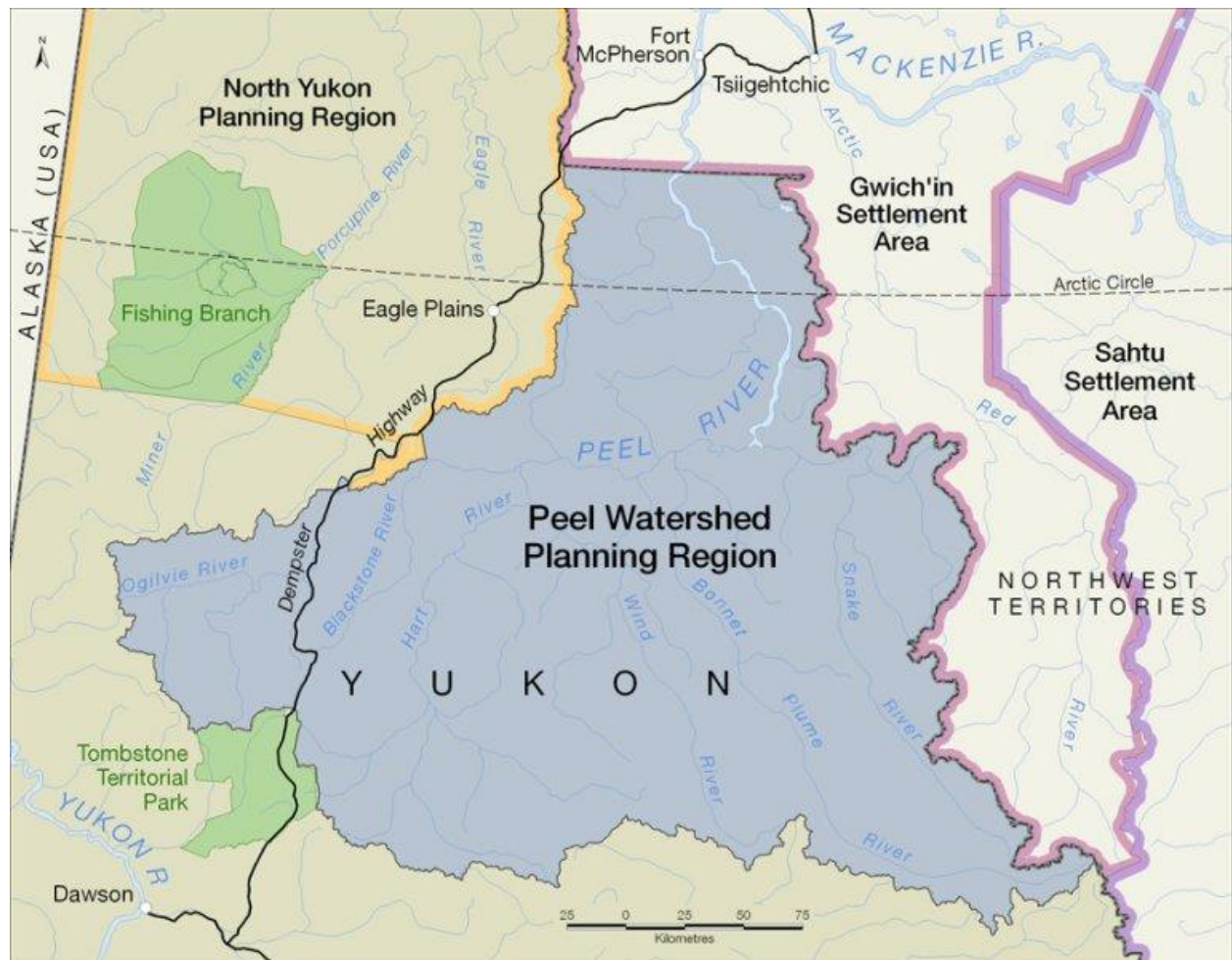
Note. From Yukon Land use Planning website: www.planyukon.ca

Appendix 3 Yukon Land Use Planning Council Organizational Chart



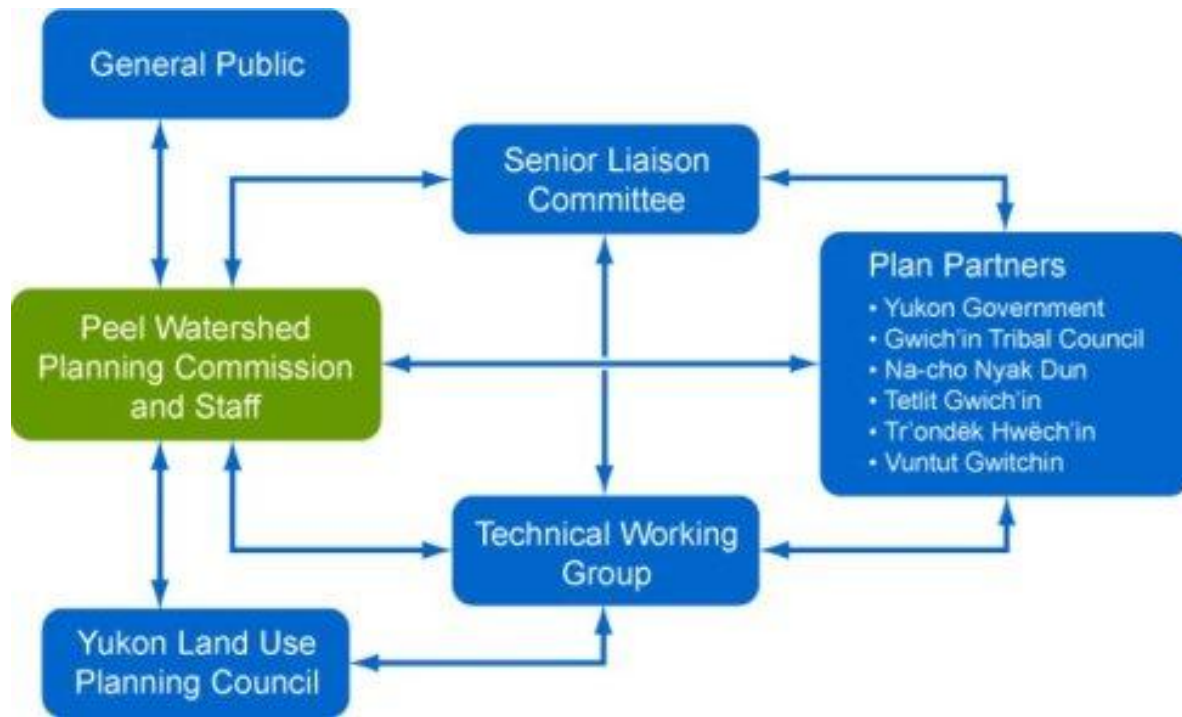
Note. Adapted From Peel Watershed Planning Commission website: www.peel.planyukon.ca

Appendix 4 the Peel Watershed Region



Note. From Peel Final Recommended plan (2011)

Appendix 5 the Peel Watershed Planning Commission Organizational Chart



Note. Peel Watershed Planning Commission website: www.peel.planyukon.ca

Appendix 6 the Peel Watershed planning Commissions statement of intent

The goal of the Peel Watershed Regional Land use Plan is to ensure wilderness characteristics, wildlife and their habitats, cultural resources, and waters are maintained over time while managing resource use. These uses include, but are not limited to, traditional use, trapping, recreation, outfitting, wilderness tourism, subsistence harvesting, and the exploration and development of non-renewable resources. Achieving this goal requires managing development at a pace and scale that maintains ecological integrity. The long-term objective is to return all lands to their natural state.

Note. From Peel Final Recommended plan (2011)

Appendix 7 Key Recommendations of the Peel Final Recommended Plan

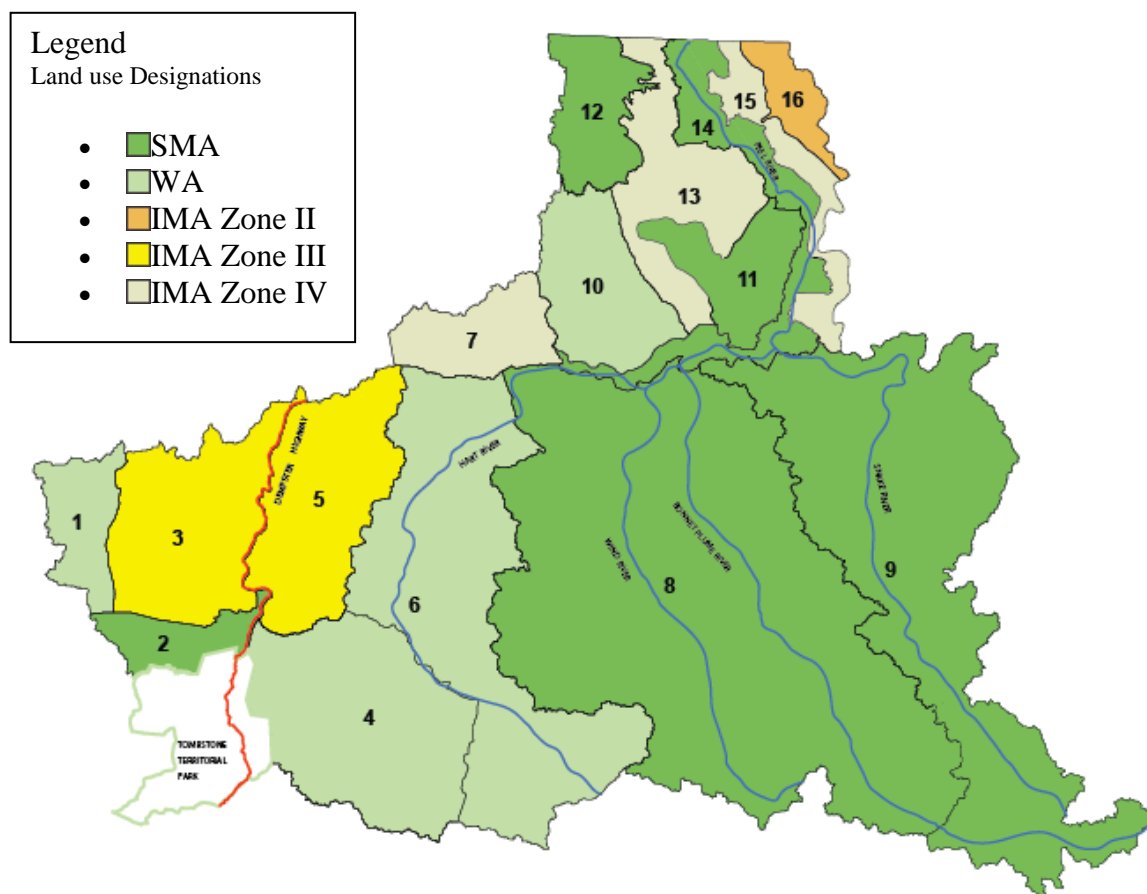
The Plan divides the Peel region into sixteen landscape management units. It assigns each unit to a land use category. Of the total region:

80 percent is **Conservation Area** - Areas where the most important goal is protecting and conserving ecological and heritage resources and maintaining wilderness character. Existing mineral claims and leases are respected and can be developed, but the issuing of new rights, and surface access, is not allowed. In the Conservation Area, there are two categories of land:

Special Management Area (SMA) - Areas with permanent protection that make up 55 percent of the region.

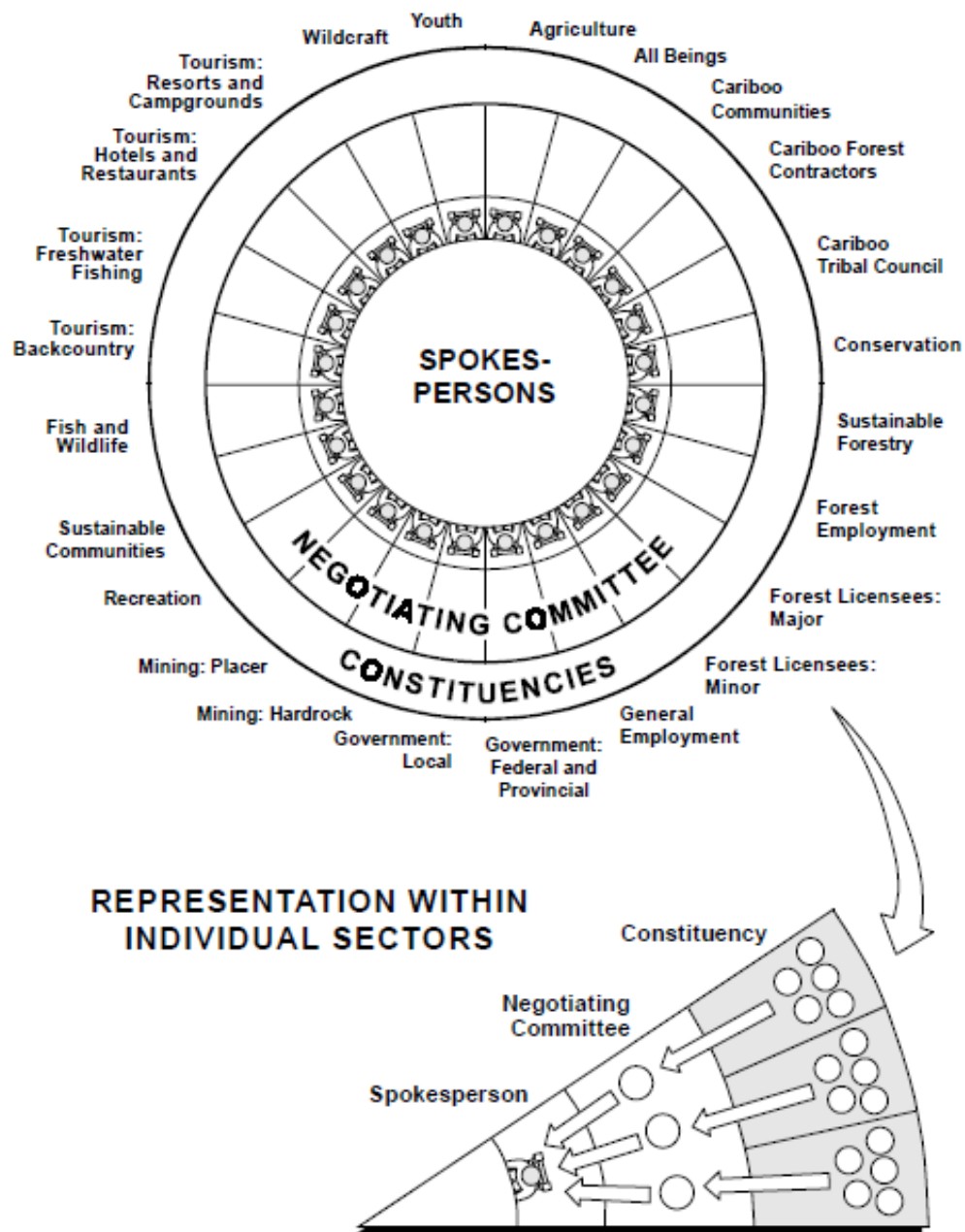
Wilderness Area (WA) - Areas with interim protection that make up 25 percent of the region. The interim status of these areas will be reviewed periodically, as part of Plan implementation.

20 percent is **Integrated Management Area (IMA)**- the working landscape, where a variety of land uses and new surface access can occur. In this area, there are different zones based on levels of development and surface disturbance.



Note. From Peel Final Recommended plan (2011)

Appendix 8 Example of Collaborative Planning Table



Note. From Day, Gunton and Frame (2003)

Appendix 9 Process Criteria

Process Criteria	Description
Purpose and incentives	The collaborative planning process is driven by a shared purpose, and provides incentives to participate and work toward consensus.
Inclusive representation	All Parties with a significant interest in the issues and outcome are involved throughout the process
Voluntary participation	Parties participate voluntarily and are committed to the process
Self-design	Involved Parties work together to design a process that suits the particular needs of that process and its participants
Clear ground rules	As the process is initiated, a comprehensive procedural framework is established including clear terms of reference and ground rules
Equal opportunity and resources	The process provides equal and balanced opportunity for effective participation of all Parties
Principled negotiation and respect	The process operates according to the conditions of principled negotiation, including mutual respect, trust and understanding
Accountability	The process and its participants are accountable to the broader public, to their constituents and to the process itself
Flexible, adaptive, and creative	Flexibility is designed into the process to allow for adaptation and creativity in problem solving
High-quality information	The process incorporates high-quality information into decision making
Time limits	Realistic milestones and deadlines are established and managed throughout the process
Implementation and monitoring	The process and final agreement include clear commitments to implementation and monitoring
Effective process management	The process is co-ordinated and managed effectively, and in a neutral manner
Independent facilitation	Throughout the process, an independent, trained facilitator is involved

Note. From Frame et al., 2004

Appendix 10 Outcome Criteria

Outcome criteria	Description
Perceived as successful	The process and outcomes are perceived by participants to be successful
Agreement	The process results in an agreement that meets the interests of stakeholders
Conflict reduced	The process and outcomes reduce conflict among stakeholders
Superior to other methods	The process is superior to other decision methods in terms of costs and benefits
Creative and innovative	The process produces creative and innovative ideas
Knowledge, understanding, skills (Intellectual Capital)	Stakeholders gain knowledge, improved skills and better understanding by participating in process
Relationships and social capital	The process produces new relationships and social capital among stakeholders
Information	The process produces information that is useful for stakeholders
Second-order effects	The process produces changes in behaviour and relationships that are useful for other projects outside of the process
Public interest	Outcomes of the process serve the public interest
Understanding and support of collaborative planning	The process increases support and understanding of collaborative planning
First Nations Participation	Inclusion of First Nations in the process influenced process outcomes

Note. From Frame et al., 2004; Morton et al., 2012

Appendix 11 Interview Guide

Interview Questions

Common Land Use Planning Process Questions

Here is a flow chart of the Common Land Use Planning Process (CLUPP) from April 2002 – July 2011 for the Peel Watershed region. Much of this interview will be based on the different stages of the CLUPP that are illustrated here.

Section A. Commission Start up

1. When did you enter into the process and how would you describe your role within the Peel Watershed planning process?
2. From your perspective, what training and orientation (if any) assisted you or other planning participants work through the CLUPP?
3. Can you comment on how the general terms of reference and the precise terms of reference provided direction throughout the CLUPP?
4. What about the policies and procedures?

Section B. Information Gathering

5. Can you speak to how the issue and interest gathering stage captured the issues and interests of the planning partners? Do you have any recommendations on how to effectively engage planning partners during this stage for future regional land use planning exercises?
6. During the information gathering stage, were there any significant pieces of information that you felt were missed? (Resource Assessment report, Conservation Priorities Assessment report).
7. What types of challenges was there when integrating First Nation Traditional Knowledge? On the other hand what worked well?

Section C. Plan Development

8. In your view during the Planning Scenarios stage, how well were the trade-offs assessed and mitigated? What was challenging about this stage? What worked well?
9. In your view what was most challenging for you or other participants during the draft planning stage? What worked well during this stage?
10. In your view what was most challenging for you or other participants during the recommended planning stage? What worked well during this stage?
11. Do you feel that the Final Recommended plan adequately reflects the issues and interests that were raised? Why or why not? What was challenging? What worked well?

Section D. Plan Partners

12. During the various public consultation events what worked well? What was challenging?
13. In your view was there adequate involvement and participation from the stakeholders, the Parties and the public to assist you or other planning participants with making decisions through the CLUPP process?
14. This question will address the communication between various planning bodies and participants. In your view how was the communication between the:
 - The Parties (Senior Liaison Committee, Technical Working Group) and the Commission
 - YLUPC and the Commission
 - YLUPC and the Parties
15. From your perspective, how could the Yukon Land Use Planning Council board and staff have better supported you or other planning participants through the CLUPP?

Wrap Up

1. Thank you very much for your time. Is there anything else you would like to add?
2. Is there anyone else you feel I should talk to?
3. Do you have any questions for me?

Planning Process: General Terms of Reference to Plan Review



Appendix 12 Peel Watershed Planning Process Recommendations

