



YUKON LAND USE PLANNING COUNCIL

YUKON LAND USE PLANNING COUNCIL (COUNCIL)

## **Annual Report 2018-2019**

### **Report Introduction**

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

1. Role of the Council, Relationship to the Commissions, Relationship to the Planning Parties
2. Support to Planning Commissions
3. Other Council Activities
4. Council Meetings and Activities
5. Work Plan Variance
6. Successes and Challenges
7. Work plan Summary 2019-2020

### **Members**

Pearl Callaghan, Chair  
Lois Craig, Member  
Dennis Zimmermann

**Staff:** Ron Cruikshank, Director  
Joe Copper Jack, Senior Policy and Planning Coordinator  
Sam Skinner, Senior Planner  
Heidi Hansen, Senior Financial Administrator

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

## **1.1 Role of the Council**

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

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

The Council works collaboratively with the Parties on regional land use planning related initiatives and facilitates issue delineation and resolution. The Council also reviews the annual budgets and work plans prepared by the planning commissions, organizes an annual meeting of commission Chairs, and advises YESAA based reviews as to whether a project is consistent with the North Yukon Regional Land Use Plan.

## **1.2 Relationship to the Commissions**

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

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

To help define this relationship, the Council enters into Transfer Payment Funding Agreements (jointly with the Yukon Government) that define the standards and expectations of the commissions and a Memorandums of Understanding that define the assistance the Council will provide. While the Dawson Regional Planning Commission was established in December of 2018, it did not become operational before the end of the fiscal year and therefore no Memorandum of Understandings was signed with the commission.

## **1.3 Council to Parties**

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

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

## **1.4 Council Members**

The Council operated with a full contingent of members throughout the year and Pearl Callaghan served as Chair.

## **Support to Planning Commissions**

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

The following is a summary of the status of planning in the seven planning regions recommended by the Council (as of March 31, 2019):

- North Yukon Planning Region: no active commission. The plan is approved and being implemented by the Yukon and Vuntut Gwitchin governments, with extensive assistance from the Council including technical work related to cumulative effects assessment and management (historical linear and surface disturbance levels and regeneration rates);
- Peel Watershed Planning Region: Commission is no longer operational. The Final Recommended Plan was consulted on by the Parties in the 3<sup>rd</sup> quarter and the plan is being considered for approval;
- Dawson Planning Region: In 2017, the Parties requested that the Council begin the process of re-establishing the commission and new a Terms of Reference was developed by the Senior Liaison Committee based upon issues identified by the Council. The Council recommended a Terms of Reference in July 2018, making minor modifications to the work of the Senior Liaison Committee. The Commission was appointed in December 2018 but training and orientation did not occur before the end of the fiscal year due to membership appointment issues;
- Teslin Planning Region: no active commission: Requested by Teslin Tlingit Council
- Kluane Planning Region: no active commission; Requested by Champagne and Aishihik
- Whitehorse Planning Region: no active commission;
- Northern Tutchone Region: no active commission.

### **2.2 Overview of Support Provided by the Council to the Commissions**

There were no Commissions operational in 2018-2019. The Dawson Regional Planning Commission was appointed but did not receive its training and orientation during this period. In preparation for its reestablishment, the Council recommended a Terms of Reference for the Commission, hired a Senior Land Use Planner, re-established a website for the Commission, prepared for the Commission's training and orientation, developed draft Policies and Procedures, established a financial accounting system, invited newly appointed members to the Council's *Total Impact: Our Collective Footprint* workshop (March 12-13) and began updating the Resource Assessment Report.

## **Information Storage and Maintenance**

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

## **3. Other Council Activities**

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

The Council's workplan in 2018/19 identified five priority work themes for the Council:

- building a solid foundation for regional planning commissions to begin their work, including clear roles, responsibilities and relationships;
- improving the operations of the commissions as they journey from a new organization to a high performing agency;
- developing agreement amongst the Parties as to the post final recommended plan implementation processes;
- the future of regional commissions beyond plan production;
- develop mechanisms for engagement and dialogue with the Parties, stakeholders and public.

### **Dawson Regional Planning Commission Preparation**

(Priority Theme(s): Foundation for Regional Planning Commission Processes and Commission Operations)

The Terms of Reference (ToR) for the Dawson Regional Planning Commission delineates in greater detail than the previous DRPC ToR, the roles and responsibilities of the Parties, the Commission and the Council. This included the changes the Council recommended to the Terms of Reference for the Dawson Regional Planning Commission regarding the role of the Council in assisting the Commission and providing the Commission with its human resources. The Terms of Reference also provided a detailed planning process chart delineating the expected products and timeframe for the Commission. While the training and orientation of the Commission did not occur in the fiscal year, the Council, working with the Parties, prepared material for the Commission that focussed upon the stages of development new agencies experience and drafted the Commission's Policies and Procedures to provide an operational foundation for the Commission. The Commission's financial operating system was also developed in advance of the commission starting. The Council also hired a Senior Land Use Planner for the commission in October 2018 (six months prior to Commission training) to allow for a familiarization and learning period for the planner. The Council, upon request by the Parties, lead the revisions on the Commission's Resource Assessment Report.

### **Assisting with the Yukon Forum Joint Priority Action Plan**

(Priority Themes: Foundation Regional Planning Commission processes, implementation processes, engagement with Parties, stakeholders and public)

The 2017 Yukon Forum Joint Priority Action Plan indicates a “workshop to carry out a review of land use planning generally in the Yukon and Chapter 11 of the Final Agreements in particular”. This workshop occurred on June 4-5, 2018 at the Kwanlin Dun Cultural Centre. To prepare for the workshop, the Council developed a submission that addressed issues associated with planning regions and boundaries, the process of establishing a commission, the future of regional commissions after regional plan submission, the role of the Council and commissions, sub-regional and district planning, the role of First Nations without final agreements and the plan approval process. The Council and planning staff attended the workshop as a delegate and an observer.

### **Meetings with CYFN Grand Chief Peter Johnston and Minister Ranj Pillai, Energy Mines and Resources, Yukon Government**

(Priority Theme(s): Foundation Regional Planning Commission processes, plan implementation processes, engagement with Parties, stakeholders and public)

The Council continued to have meetings with both the Grand Chief of the Council of Yukon First Nations (Peter Johnston) and the Minister of Energy, Mines and Resources (Ranj Pillai). These meetings occurred in May (separate) and December (joint). Topics covered in these meetings include: the progress the Parties are making approving the Peel Watershed Land Use Plan, the review of Chapter 11 stemming from the Yukon Forum, the work needed to successfully restart the Dawson regional commission, the Common Land Use Planning Process, sub-regional and district planning, role and responsibilities, the 2019-20 Adequacy of Funding review and the Council’s annual workshops. These meetings have proven to be very successful at building the working relationships needed for the successful implementation of Chapter 11 and regional planning in the territory.

### **Total Impact: Our Collective Footprint Workshop**

(Priority Theme(s): Foundation Regional Planning Commission processes, plan implementation processes, engagement with Parties, stakeholders and public)

The Council hosted a two-day workshop (March 12-13, 2019) that explored the challenges of managing cumulative effects on Yukon communities and landscapes. Over 80 people from across the Yukon resource management community attended sessions that included:

- a keynote speaker that introduced the topic and identified the challenges associated with cumulative effects assessment and management;
- an elders panel that reflected upon the changes they have witnessed in their lifetime;
- regional biologists observations on changes in their regions;

- the challenge of managing cumulative effects within the Yukon governance structure;
- examples of successful approaches and potential actions for the managing cumulative effects in the territory;
- break-out session allowed participants the opportunities to reflect on the presenters presentations and express their own thoughts on the cumulative effects assessment and management.

A resolution from the gathering was created and presentations were up loaded on the Council's website while the proceedings are being produced.

### **2019-2020 Adequacy of Funding Review Preparation**

Priority Theme(s): Foundation for Regional Planning Commission Processes and Commission Operations)

The Council wrote a letter to Canada, Yukon and CYFN regarding the upcoming *Adequacy of Funding Review* that was identified in the 2014 Amended Implementation plan. The letter inquired as to how the review would be conducted, the expected outcome and the scope of the review. The Council received back a reply from Canada on June 28, 2018, indicating a scoping meeting was planned for early in the 3<sup>rd</sup> quarter. The Council provided the financial records of the Commissions in support of this review.

### **Sub-regional Planning Discussion Paper**

A discussion paper regarding sub-regional planning was produced by a contractor that includes an examination of the types of plans (based upon scale) that can be produced via the land claim agreements. This paper built upon an examination of how planning is conducted in various Canadian jurisdictions.

### **North Yukon Land Use Plan Implementation**

(Priority Theme: plan implementation)

Working with the Technical Working Group for the implementation of the North Yukon regional plan, the Council's staff completed a draft determination of the historical levels of linear and surface disturbance in the North Yukon planning region (LMU9). These were shared with the Parties through the plan implementation committee.

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

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

## **Yukon First Nation General Assemblies, Public Relations Opportunities and Workshops**

The Council attended five Yukon First Nation General Assemblies: Little Salmon Carmacks, (June 8), Na-cho Nyak Dun (June 20), CYFN (June 26, 27), Teslin Tlingit Council (July 11), Kluane First Nation (July 14), Champagne and Aishihik First Nations (July 20). The Chair made a presentation at the Teslin Tlingit Council General Assembly and the Director at the Na-cho Nyak Dun Industry Day. The Council conducted education and engagement at the Dawson City Gold Show (May 19 - 20). Staff attended a Wetlands Roundtable Gathering (June 19) and a policy development meeting regarding resource roads (June 13<sup>th</sup>). Presentations were made at the Geoscience Forum (Nov. 20), to Federal official's (Nov. 7) and to the Kluane First Nation Chief and Council (January 24).

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

### **4.1 Member Activity**

Council member's activities included:

- attending regular meetings: the Council met six times plus two working sessions;
- meetings with the Parties (First Nations and the Yukon Government): two meetings with Grand Chief and Minister Pillai), one meeting with Senior Liaison Committee: DRPC, attendance at the Yukon Forum Workshop (June 4- 5, 2018);
- presenting at and/or attending conferences, attending training, workshops and gatherings (see *Yukon First Nation General Assemblies, Public Relations Opportunities and Workshops* above);
- tending to financial and administrative matters of Council.

## **5. Work Plan Variance**

### **Significant Variance from the 2018-2019 Work plan**

As noted in the previous sections, the Council addressed several of the priorities in its work plan. Delays both in appointing of the Dawson Commission and receipt of the Yukon Forum Joint Priority Action Plan pertaining to Chapter 11 deterred the Council from achieving progress on selected matters including finding a path forward regarding post final recommended plan implementation processes, addressing the future of regional commissions beyond plan production and further work on the Yukon Regional Land Use Planning Framework and its implementation. The Council anticipates collaborating with the Parties on the Joint Priority Action Plan.

## 6.0 Success and Challenges

### Successes

#### **Continued High Level Communications: Yukon Government, CYFN and the Council**

The Council continues to meet with the Grand Chief of the Council of Yukon First Nations and the Minister of Energy Mines and Resources regarding a wide range of topics related to planning in the territory. These meetings have proven to be very successful at building the working relationships needed for the successful implementation of Chapter 11 and regional planning in the territory.

#### **The Council's Annual Workshop: *Total Impact: Our Collective Footprint***

The Council's *Total Impact: Our Collective Footprint* workshop drew over 80 participants from the across the Yukon and the feedback from the event indicted a high level of satisfaction with the topics and gathering.

#### **Dawson Regional Planning Commission: Terms of Reference Development, Memorandum of Understanding and associated preparation work**

The preparation work associated with the re-establishment of the Dawson Regional Planning Commission has been more extensive than previous commission start-ups, including a Memorandum of Understanding between the Parties, more detailed Terms of Reference early staffing, draft Policy and Procedures development and financial and administrative organization.

### Challenges

#### **Peel Watershed Regional Plan Approval**

The Parties completed their consultation on the Final Recommended Peel Watershed Land Use Plan and anticipated approving the Peel Watershed Land Use Plan before the end of the fiscal year. This did not occur. The final approval decision associated with this high-profile land use plan is needed to advance the implementation of the Chapter.

#### **Dawson Regional Planning Commission: Parties Issue Statement**

The Council recommended that the Tr'ondëk Hwëch'in and the Yukon Government present the Dawson Regional Planning Commission with a reconciled statement regarding the issues the commission is to address in its planning process. This did not occur (as of April 1, 2019) and separate issues statements are expected, which will require additional reconciliation work and lengthen the process.

## **7.0 Work plan Summary for 2019 - 2020**

### Priorities:

- assisting the Dawson Regional Planning Commission and providing the human resources for the production of the Draft Regional Land Use Plan;
- participate and/or contribute to the Adequacy of Funding review of Chapter 11 and review
- work with the Parties in improving regional land use planning in the Yukon outcome of the Yukon Forum's review of the Chapter 11;
- outreach, education and advocacy work with the Parties, planning partners and the public about implementing Chapter 11 and the Council's role.

### Other work:

- assisting the Parties with any work associated with the implementation of the approved Peel Regional Watershed Land Use Plan;
- hosting regional planning workshops: timing and theme to be determined in the first two quarters;
- preparing a recommendation regarding priority planning regions for the unplanned planning regions;
- consider what land use planning initiatives, policies or actions could contribute to regional land use planning in the Yukon.

### **Specific areas of work include:**

#### **Dawson Regional Planning Commission:**

The Council members will attend DRPC meetings when required to assist the Commission as it follows its Terms of Reference and the annual workplan. The Council will lead the training and orientation of the Commission. The Chair will meet with the Commission Chair to assist the Commission with resolving problems that may arise during its process. The Council's Secretariat will provide substantive assistance to the Dawson Regional Planning Commission and this will be delineated in a Memorandum between the Commission and the Council.

#### **Adequacy of Funding Review**

The Amended Implementation Plan for the Umbrella Final Agreement (2014) indicates a review of the Chapter 11 funding in 2019-2020. A Terms of Reference for the review is currently being developed by a committee established to undertake the review. The Council's submission will support the work defined in the Terms of Reference.

### **North Yukon Cumulative Effects Technical Work**

The Yukon Government and Gwitchin Government have asked the Council under Clause 11.3.3.5 of the Vuntut Gwitchin Final Agreement for a recommendation regarding the historical linear disturbance and surface disturbance in the Eagle Plains (LMU 9) area. The goal is to better define the current level of disturbance and understand the recovery of historical disturbances. This will assist in the tracking of disturbances as required under the North Yukon Regional Land Use Plan and understand how to best implement practices for monitoring surface disturbance levels. The draft historical disturbance level was determined in early 2019 and the focus of further work in 2019-20 will relate to monitoring surface disturbance.

### **North Yukon Conformity Check Work**

The Parties to the North Yukon land use plan have asked the Council to express its opinion as to whether projects from YESAA based reviews conform to the North Yukon Land Use Plan.

### **North Yukon Regional Plan: Process for Changing the Plan, Evaluating the Need for Plan Review**

The North Yukon plan was approved in 2009 but the means by which the plan is to be changed was not articulated in the approved plan. To date the process of plan variance, amendment and review has not been delineated and further work on this topic is expected by those implementing the Plan (led by the Yukon/VGFN), with input from the Council. The adequacy of funding review will need to address this issue if plan review is envisioned within the next 5 years.

### **Priority Planning Regions Recommendation**

The Council anticipates making a recommendation regarding priority planning regions by end of December 2019. The remaining planning regions envisioned by Council include Whitehorse, Teslin, Kluane and Northern Tutchone.

### **Peel Regional Plan Consultation/Plan Implementation**

It is anticipated that the plan will be approved in 2019-20. The Council will assist with the development of an implementation strategy for the plan if required and participate in any implementation activities identified for it in the implementation plan.

## **Advocacy and Communication Work**

The Council will advocate for the implementation of Chapter 11 in all regions of the territory with settled land claim agreements. This work will include continuing regular meetings with the Minister and Grand Chief, and seeking meetings with Yukon First Nations as well as key public groups. The Council may initiate public open houses, meetings and community visits as part of its communication effort. Plain language documents may also be updated and/or produced for distribution and its website.

## **The Annual Council Sponsored Conference/Workshop**

Each year the Council hosts workshops or conferences on topics relevant to regional planning. The Council envisions hosting (or co-hosting) a gathering in 2019-20, with the topic and timing identified by then end of the second quarter.