

ASSESSING YUKON'S CURRENT APPROACH TO REGIONAL LAND USE
PLANNING: PERSPECTIVES FROM THE NORTH YUKON PLANNING PROCESS

By

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Abstract

Regional land use planning in the Yukon has a long and unfortunate history of failed efforts. Under Chapter 11 of the Yukon First Nations Umbrella Final Agreement, a new process for planning has been in place since 1993. Through qualitative, interview-based research, I explore possible factors that either hinder or facilitate successful planning. I used the North Yukon regional land use planning effort as a case study example of the first plan to be successfully approved in Yukon history. A number of challenges resulting from poorly defined roles and responsibilities caused notable struggles and conflict throughout the process, but fortunately, strong political support and micro and meso – level organization, combined with a solid team of skilled and dedicated people, allowed the process to ultimately succeed. Lessons learned and recommendations for future regional planning initiatives are discussed.

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Glossary of Common Acronyms and Terms

The Commission, NYPC	North Yukon Planning Commission
The Council, YLUPC	Yukon Land Use Planning Council
Chapter 11	Referring to Chapter 11 of the Umbrella Final Agreement
GTOR	General Terms of Reference
Government	Referring to both Yukon and First Nation governments
Land Use Planning	Regional land use planning
The Parties	Yukon Government and Vuntut Gwitchin Government
The Process	The North Yukon regional land use planning process
PTOR	Precise Terms of Reference
TWG	Technical Working Group
SLC	Senior Liaison Committee
UFA	Umbrella Final Agreement
VGFN	Vuntut Gwitchin First Nation
VGG	Vuntut Gwitchin Government
YG	Yukon Government
YLUPC	Yukon Land Use Planning Council

Chapter 1: A Struggle for Balance

As with anywhere, the land within Yukon, Canada, is highly valued in numerous and often opposing ways. The struggle to acknowledge and manage these values is a complex and difficult process--one that is understudied and ever-evolving. Regional land use planning is a common tool used to research, analyze, understand, and make decisions regarding various land uses and values. In Yukon, there has been an overwhelming lack of successfully completed, approved and implemented land use plans, despite the long history of numerous attempts.

By way of this thesis research, I will attempt to provide insight on Yukon's current approach for regional land use planning. Beginning with a short description of some of the competing values, I will explain the importance of regional land use planning for Yukon. I will provide background on the two most significant periods of regional land use planning in Yukon--before and after First Nation land claims negotiations--and introduce the North Yukon regional land use planning process that made history by producing the first approved regional land use plan for Yukon.

In Chapter Two I explore possible theories that suggest why regional land use planning processes and other collaborative processes sometimes falter. The bulk of current literature focuses on various aspects of collaboration, but I also discuss Government and First Nation collaboration and political barriers.

I conducted my research by means of a qualitative interview-based data collection. A description of my methods for selecting participants, conducting interviews, and data analysis is covered in Chapter 3.

My results are presented in two chapters. I present the challenges and barriers experienced in the North Yukon process (Chapter 4), and follow-up with an assessment of factors that contributed to the overall success of the process (Chapter 5). Finally in Chapter 6, I provide recommendations for improving the process and moving forward with future regional land use planning initiatives.

Competing Values and the Importance of Regional Land Use Planning

Economic values.

Primary interests for economic resource development include oil and gas, forestry, mining (quartz and placer) and agriculture. Oil and gas exploration and development potential exists primarily in the north, especially along the Dempster Highway in an area known as Eagle Plains (Government of Yukon, 2010). Development pressure is expected to intensify with the building of the Mackenzie Valley Pipeline in the Northwest Territories. The Alaska Pipeline is another potential pipeline project which is expected to cross Southern Yukon.

Mining has a long history in Yukon. From the Klondike Gold Rush to present, gold placer mining has remained strong. In addition to gold, the Yukon has significant deposits of silver, lead-zinc, tungsten, copper, molybdenum, and nickle-platinum (Lewis, 2009).

The majority of Yukon's power is provided by hydroelectric generation. The increasing demand for electricity is pushing the hydroelectric sector to find new sources of power to supplement its existing 75MW capacity (Yukon Energy Corporation, 2009). New initiatives are being undertaken and explored to add to the existing generating

capacity including enhancing existing hydro infrastructure, new transmission projects, wind and geothermal projects, and enhanced storage opportunities.

New forestry legislation has been developed to enhance long-term tenure opportunities, ensure planning provisions are in place, and to increase investment opportunities for developers (Government of Yukon, 2008). Opportunities to harvest white spruce and lodgepole pine are being marketed to sustain niche market products including mining and construction timber, lumber products, fuel wood, and pre-fabricated homes. The Government of Yukon is offering low taxes and other incentives to attract developers to Yukon.

Agricultural activity is primarily limited to southern Yukon and seventy percent of Yukon farms are located within 100 km of Whitehorse. Other significant areas exist near Dawson City, Mayo, and Watson Lake. Forty percent of agricultural land is used for crops. The Government of Yukon has a variety of programs to encourage the development of agricultural activities in the territory.

Cultural and social values.

Fourteen separate First Nations claim traditional territories in Yukon, many of which overlap with each other. Eleven of these First Nations are currently implementing signed land claim agreements which acknowledge their culture and historical use of the land (Indian and Northern Affairs Canada, 1993). There is a strong history of, and current dependence on subsistence hunting, fishing and trapping off the land. Yukon First Nations thus have a powerful voice and vested interest in all discussions surrounding land use.

Many non-First Nations people also rely heavily on the land for recreational activities including hunting, fishing, trapping, camping, canoeing, and numerous other outdoor activities. Because of the environmental and wilderness values, Yukon is a destination of choice for many wilderness and adventure tourists. Vast open areas, mountainous terrain, and large pristine rivers attract many visitors.

Yukon has a strong history of entrepreneurial spirit forming the identity of many Yukoners. This culture of resource extraction and land use including placer mining, wood cutting, farming and ranching is closely connected with the economic values mentioned above.

Environmental values.

Yukon is a place that many people choose to live in, or travel to, because of its wilderness values. Arguably one of the last remaining pristine environments on Earth, Yukon supports a diversity of fish and wildlife species as well as unique habitats.

Yukon supports the westernmost swath of Canadian boreal forest, one of the largest intact forest systems in the world. The forest cover makes up much of the alpine and sub-arctic habitats in the boreal and taiga cordillera ecozones (Smith, Meikle and Roots, 2004).

The boreal forest, numerous wetlands, peatlands, and mountainous regions throughout the territory provide habitat for a variety of valued charismatic wildlife species including grizzly bear, black bear, wolf, wolverine, thin horn sheep, mountain goat, moose, and caribou. Introduced bison and elk also call Yukon home. Wildlife and their habitats are valued by many Yukoners and local non-government organizations

including the Yukon Conservation Society, Canadian Parks and Wilderness Society, and Ducks Unlimited Canada.

Thinking sustainably.

Regional land use planning, herein referred to as “land use planning,” in its very essence, is an exercise in sustainability. The idea of planning suggests that a responsible use of land is desired, and that a careful analysis of the associated values is warranted. An effective and working land use planning process can give planners, managers and Yukoners a good opportunity to recognize and address multiple values and live more sustainably.

Consistent with the provisions in Chapter 11 of the Umbrella Final Agreement, the North Yukon Planning Commission embraced the idea of sustainability and kept sustainable development at the core of the planning process. They recognized that there would be competing economic, ecological, and social values in the North Yukon region and built sustainable thinking into the process at the outset. As a result and discussed later in this research, a significant amount of data and information was gathered to defend their final planning decisions.

A 35-Year History of Regional Land Use Planning in Yukon

Unfortunately, regional land-use planning in the Yukon has a long history of stalled processes, incomplete plans, or completed plans that were never approved or implemented. These processes have occurred both before First Nation land claim agreements were in place, and later, under the mandate of land claim settlements (Table 1). Land-use planning efforts have been attempted across much of the Yukon, have used

a variety of planning process models, and have involved a number of different stakeholders, partners, and governments.

Some of the earliest discussions that led to the establishment of formal land use planning processes for the Yukon began in Old Crow. The residents approached the federal government in 1972 with concerns regarding oil and gas exploration on the Old Crow Flats. Consequently, an inquiry was undertaken to explore these concerns. It was recommended that northern First Nations settle their land claims and put specific conservation measures in place before the onset of large scale development in the north (Berger, 1977).

The Berger Inquiry initiated a flurry of activity regarding land use and land ownership discussions, and resulted in the negotiation of northern land claim agreements and the establishment of subsequent land use planning processes. The Inuvialuit, whose traditional territory encompasses portions of Nunavut, Northwest Territories, and Yukon, settled their land claim in 1984. The Gwich'in Tribal Council, which represents Gwich'in citizens in Ft. McPherson, Tsiigehtchic, Aklavik, and Inuvik, Northwest Territories, claimed a portion of their traditional territory in Yukon when their claim was settled in 1992. One year later, comprehensive land claim agreements were first settled for Yukon First Nations. Eleven of fourteen Yukon First Nations have since signed their respective land claim agreements.

Two primary planning periods exist where land use planning has occurred in Yukon. The first includes all planning processes that occurred before the Council of Yukon First Nations (formally the Council of Yukon Indians), the Government of Canada, and the Yukon Territorial Government signed the Umbrella Final Agreement

(UFA)—the template for land claim agreements in the Yukon. The second is after the signing of the UFA and respective First Nation final agreements.

Land use planning before Yukon First Nation final agreements.

Two significant planning mandates provided for regional land use planning initiatives before the signing of land claim agreements for First Nations—the Northern Land Use Planning Program, approved by federal cabinet in 1981, and the Yukon Land Use Planning Agreement signed in 1987 between Yukon and Canada (Department of Indian and Northern Affairs, 1987; Mackenzie Delta Beaufort Sea Regional Planning Commission [MDBSRPC], 1991).

Under the Northern Land Use Planning Program, the Mackenzie Delta Beaufort Sea Regional Planning Commission was established primarily to plan for land within the Northwest Territories and what is now Nunavut, but also included a small portion of north Yukon (Table 1). A number of major problems were identified with the draft plan and process that led to the rejection of the draft including inadequate justification for areas restricting development, a disregard for the Yukon/NWT border and respective jurisdictions, and poor linkages between the various information sets that were collected (Gwich'in Interim Land Use Planning Board, 1995). Unfortunately, before this commission could rectify the problems with the draft, the Northern Land Use Planning Program was abolished (MDBSRPC, 1991).

The Yukon Land Use Planning Agreement marked the first formal process for integrated regional land-use planning in Yukon. This agreement led to three unsuccessful regional planning attempts for the Greater Kluane Region (Department of Renewable Resources, 1998; Greater Kluane Regional Planning Commission, 1988; Greater Kluane

Regional Planning Commission, 1991) and one unsuccessful attempt for north Yukon region (Land Use Planning Policy Advisory Committee, 1990) (Table 1).

Regional land use planning and the final agreements.

In May, 1993, the Council for Yukon First Nations (CYFN), the Government of Canada, and the Yukon Territorial Government signed the Umbrella Final Agreement acknowledging aboriginal rights and interests to the land within their traditional territories. The agreement set up a framework for individual First Nation land claim agreement negotiations.

Yukon's current process for land use planning was negotiated and included as Chapter 11 of the final agreements. Chapter 11 describes the organizational structure for land use planning, identifies the parties, and states the core principles that govern the process. By signing individual land claim agreements, both the Yukon Government and the respective First Nation governments agree to work collaboratively towards developing land-use plans (Indian and Northern Affairs Canada, 1993). There is no formal process in place for land use planning in regions where Yukon First Nations have not settled land claims.

Except for plan approval, the Umbrella Final Agreement is vague concerning the process for developing a land use plan. It specifies a number of things that the process should include, but does little to 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 for interpretation. The chapter also fails to specify the number and boundaries of planning regions and the funds

to be allotted per region. Essentially, Chapter 11 does little to articulate a process that is clearly understood or interpreted equally by the parties it mentions.

Through Chapter 11, the Yukon Land Use Planning Council (YLUPC or “the Council”) was established, officially replacing the Land Use Planning Policy Advisory Committee (Indian and Northern Affairs Canada, 1993). The Council is responsible for making recommendations on land-use planning priorities, policies and goals, identifying planning regions, and assisting in the development of general terms of references for regional land-use planning commissions. The Council is comprised of one member nominated by the CYFN and one each from the Canada and Yukon governments.

The YLUPC serves as an advisory and support body to Regional Planning Commissions. The commissions are established to carry out land use planning for the regions identified by the YLUPC. Land use planning commissions are responsible for ensuring public participation, incorporating scientific and traditional knowledge, promoting integrated planning, and recommending measures to minimize land-use conflicts (Indian and Northern Affairs Canada, 1993). Commissions are made up of one-third members 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. Planning commissions are a recommending body that provide a land use plan for approval to Yukon Government and the affected First Nations (includes those First Nations whose traditional territory is within a planning region). Although Chapter 11 also mentions the involvement of planning commissions with plan implementation and review, their role following submission and approval of land use plans has been

controversial among planning commissions and planners, Yukon government and the Yukon Land Use Planning Council. This will be addressed later in the thesis.

Upon receiving the final recommended land use plan for review, Yukon Government and First Nations on settled lands have the options to accept, reject, or make modifications to the plan relating to all Yukon Government owned lands (Indian and Northern Affairs Canada, 1993).

Since the UFA was signed, eight planning regions have been delineated: North Yukon, Peel Watershed, Dawson, Northern Tutchone, Dakh Ka (includes Teslin), Whitehorse, Kluane, and Kaska (Figure 1). Five regional land use planning 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 for a portion of the Dakh Ka region (disbanded), the North Yukon Planning Commission in a second effort to plan for the North Yukon region (process complete), the Peel Watershed Planning Commission (in progress), and the Dawson Planning Commission (in progress).

History of regional planning commissions.

Two failed regional planning attempts have occurred since the signing of the Yukon First Nation Final agreements—the North Yukon and Teslin regions (Table 1). In both cases the commissions were disbanded and not reinstated. For North Yukon, a number of internal challenges including the resignation of three commission members, and a lack of administrative support were to blame (Yukon Land Use Planning Council, 1999; Yukon Land Use Planning Council, 2002). Planning ceased for the Teslin region partly because of an unresolved dispute over reappointing commission members (Yukon

Land Use Planning Council, 2005), but also due to a change in the political regime-- Carcross/Tagish First Nation had just successfully negotiated their land claim settlement (Indian and Northern Affairs Canada, 2005).

The North Yukon Planning Commission (NYPC) was established in 2003 to attempt, for a third time, to produce a land-use plan for the North Yukon planning region (North Yukon Planning Commission, 2004). This planning commission advanced the furthest along in the process since the signing of the UFA. As of June 29, 2009, the NYPC was the first planning body in Yukon to produce a land use plan and have it approved by all affected parties (North Yukon Planning Commission, 2007; North Yukon Planning Commission, 2009) (Table 1).

Currently, there are two regional planning efforts in progress (Table 1). The Peel Watershed Planning Commission submitted a recommended plan to Yukon Government and the affected First Nations (Peel Watershed Planning Commission, 2009a; Peel Watershed Planning Commission, 2009b), which was rejected and sent back for revision. The Dawson Planning Commission has been established as of early 2011 and is in the early stages of a regional planning process.

With the pressure to engage in land use planning from First Nations awaiting implementation of Chapter 11, there is a need to retrospectively learn from processes that have experienced the process entirely. Because the North Yukon planning process is the first of its kind to achieve success in getting to the approved plan stage, a unique opportunity exists to use it as a case study in assessing hindrances, bottlenecks, and successes under Yukon's land claim agreement regime. If land use planning can be completed successfully for all regions within Yukon, First Nations will be further ahead

in implementing their final agreements, and managers will be well-poised to sustainably conduct land use activities for future generations of Yukoners.

The North Yukon Planning Process

From the start, the North Yukon planning process, or “the process” has put stakeholder involvement at the forefront. The Vuntut Gwitchin First Nation (VGFN) were consulted at all phases of the process, as were non-government organizations, the general public, and various levels of government. The NYPC hosted numerous workshops in Whitehorse and Old Crow, Yukon, to gain insight on issues that mattered to the stakeholders and partners, to gather traditional, local, and technical knowledge, to review findings, and to seek input. The above-mentioned groups were encouraged to provide information, concerns, and comments throughout the process.

At the highest level, four main bodies were responsible for the North Yukon planning process: the two parties to the plan, being the Yukon and Vuntut Gwitchin governments (YG and VGG respectively), the Yukon Land Use Planning Council (YLUPC), and the NYPC. Essentially, NYPC was responsible for developing the plan for YG and VGG to approve, and YLUPC played a support role. The Parties provided input into the process by way of two sub-committees: the Senior Liaison Committee (SLC) for political direction and the Technical Working Group (TWG) for technical support. A description of the make-up and role of the planning bodies is provided in Table 2. An illustration of the network used to communicate and provide information is shown in Figure 2. Although they do not have ability to make decisions regarding the planning process or plan content, plan partners and the citizens of Old Crow were involved during the process and shared technical and traditional knowledge of the region which

contributed to the agreed-upon basis for prioritizing land uses for various parts of the planning area.

North Yukon plan phases.

The process was made up of seven major planning phases (Figure 3). Although appearing to be a linear process, many of these phases overlapped with each other and did not necessarily occur in the sequence outlined, however; certain products or deliverables were often required before continuing to subsequent phases.

The Start-Up Phase commenced in late 2003. The YLUPC worked with Yukon Government (YG) and Vuntut Gwitchin Government (VGG) to develop a general terms of reference (GTOR) to establish the NYPC and start the three-year process for developing a land use plan. Together, the NYPC developed a precise terms of reference (PTOR) which: 1) outlined principles for commission members that would guide the development of the plan, 2) provided a work-plan and specified a timeline for draft plan and interim product creation, 3) described the planning methods and intended deliverables, and 4) identified potential plan partners that could be used as sources of information or support through the process (North Yukon Planning Commission, 2004). The PTOR was a product developed solely by the NYPC, and never required a formal sign-off by the parties (YG and VGG). Commission training and the development of a policy and procedures manual that identified staffing requirements was also included as part of the commission start-up phase.

Second, was the issues and interests identification stage. The PTOR lumps issues and information gathering into one phase, but they were conducted independently of each

other at different periods in time. The issues and interests piece was sent to the parties for validation and verification before assessing and collecting the information needs.

For the information gathering phase, existing datasets were compiled to help inform planning for the key interests identified during the issues gathering stage. Most of the data was expected to be provided by government through the technical working group. Twelve economic, environmental, and human-use datasets were identified for development to support creation and implementation of the plan. The commission worked with YG, VGG, YLUPC, and other plan partners to develop these datasets, and the work included numerous public and plan partner workshops in both Old Crow and Whitehorse, Yukon. Although expected to be complete by March 2005, the information gathering stage took nearly two times longer than planned, finishing in late 2006.

The fourth phase was the regional assessment phase where the planning commission was responsible for interpreting the gathered information, producing a resource assessment report, and dividing the region into planning units. Although the resource assessment report was to be completed by March 2005, it was completed approximately two and a half years later in 2007--the same time when the draft land use plan was published.

The regional area assessment phase involved the production of scenarios, through computer modeling, which compared various land use trade-offs and development projects. These scenarios were then assessed and used to generate thresholds and indicators of sustainable development activity that would be permitted in the various planning units. The NYPC chose not to present land use options for discussion and consultation, but instead relied on the comprehensive data that was collected to make

informed decisions that would ultimately support the original goals and key issues identified at the start of the process. Due to process delays and pressure to produce a draft plan, the Land Use Scenarios Report was put aside and not produced until late 2009-- after the final land use plan had been approved.

The sixth phase was to produce a draft land use plan for the Parties to review. Once the draft land use plan had been reviewed by the public and parties, a recommended plan was submitted to the parties in March 2008. It was reviewed again by the parties, and their comments resulted in a final recommended plan that was submitted in January 2009. In June, 2009, this plan made Yukon land use planning history when it was approved by the Yukon and Vuntut Gwitchin governments. The Parties are currently working through the implementation process.

The process of producing a final approved land use plan for the North Yukon is important to study because it provides insight and learning for future planning efforts, particularly given the historic record of failed attempts and stalled processes as described earlier in this chapter. Furthermore, there were challenges experienced by those involved with the North Yukon planning process including missed deadlines, conflicts over deliverables and expectations, and misunderstandings. The process took longer and spent more money than participants intended. The next chapter addresses factors that have been shown to hinder planning and other collaborative processes, such as the North Yukon planning process.

Chapter 2: Potential Limiting Factors to Successful Land Use Planning and Other Co-Management Processes

The indication of a successful land use planning process could be measured in a variety of ways depending on the perspective. Very simply however, it can be defined as a process which produces a land use plan that is approved and implemented by the appropriate committed management authorities. By this definition planning agencies, across many jurisdictions, have a poor record. Despite numerous land-use planning efforts that have occurred over time, few plans have been successfully implemented (Burby, 2003; Day, Gunton, and Albert, 2003). Even when planning mandates are in place through legislation, implementation of the process may still prove difficult (Berke, Crawford, Dixon, and Ericksen, 1999). A host of different barriers or process complexities could be responsible for preventing these processes from reaching their endpoints. By means of this review, I will attempt to identify recurring themes regarding process hindrances.

Collaborative Dynamics

It is widely believed that a key criterion for producing a successful plan is deliberate and extensive collaboration and consensus building (Beierle and Konisky, 2000; Burby, 2003; Day et al., 2003; Frame, Gunton and Day, 2004; Innes and Booher 1999; Mutagh, 2004). Generally, regional land-use planning processes attempt to be both collaborative and consultative in nature, and rely on cooperation and information from a variety of interest groups and stakeholders.

Collaboration can occur when all persons with interests in the outcome of a particular issue work together to find a solution that fully satisfies each person (Thomas

and Kilmann, 1974). Beierle and Konisky (2000) stress the importance of three key factors integral to successful collaboration: communication between participants and government; consensus as a goal; and commitment by government to act on decisions. Beyond the process, collaboration is also an outcome, reliant on the synthesis of perspectives from all key stakeholders (Gardner and Cary, 1999). By the definitions above, a successful collaborative outcome would be achieved through consensus where all parties fully communicate and understand the varying perspectives of all stakeholders and interested parties.

Gardner and Cary (1999) argue that despite collaboration being fundamental, there is often an inherent lack of collaborative competency. Considering the components of collaboration introduced above, there are a number of places where collaboration can go awry. From the appropriate involvement of stakeholders, to good communication, the ability to achieve consensus, and meaningful commitment from decision and management bodies, to genuine sharing of power, true collaboration can be very difficult to achieve.

Involvement and participation.

Burby (2003) contends that the broader the stakeholder involvement, the better chance a plan will have of being implemented. This is because a greater involvement of stakeholders should ensure a better understanding of the issues and make it easier to influence action by government, or the respective management agency. Too often though, participatory processes fail to achieve what they were mandated to do, and as Harwood and Zapata (2006) summarize, overly broad stakeholder involvement can be counter-productive. Problems surface when processes focus more on operationalizing broad

participation than by focusing on key stakeholders needs for specific process goals. The information and participation needed for the process to be successful can be mired down in the involvement of stakeholders not critical to the original objectives, especially when the resources are not available to commit to extensive and meaningful trust and relationship-building.

Involving the public requires a skilled collaborator that can effectively identify and work within the constraints of the participants' technical knowledge and skills. Land use planning in the Yukon, and elsewhere, typically has a strong public involvement component to it, but often and despite the best intentions, there are barriers to public participation. In environmental assessment processes, Diduck and Sinclair (2002) observed both structural and individual barriers to participating. They observed such structural barriers as consultation fatigue, process deficiencies such as inadequate notice, and the general feeling that participant input would fail to influence the ultimate end decision. Barriers to individuals participating in collaborative processes included a lack of understanding of the consultative process, a feeling that interests were already being raised by others, or an assumption that their concerns were already being addressed (Diduck and Sinclair, 2002). These examples showcase why individuals, or even interest groups, may choose not to be publicly involved in process. This in itself is a barrier to process, because it limits the ability of the process to be fully representative of all interests, and could subsequently lead to conflict over the end product or decision.

There is also a struggle to balance public participation with the maintenance of government responsibility over the process. Murdoch and Abram (1998) contend that although there is a push to broaden public involvement in collaborative processes,

strategic policies of the final decision-makers may override demands by interest groups. This again supports Diduck and Sinclair (2002) observations that many participants fear their input does not influence final decisions.

Understanding communication and conflict.

There is the potential for differing perspectives and assumptions to form when issues or policies are vague, ambiguous, or do not provide clear direction. This has the potential to lead to conflict, but Hooper, McDonald, and Mitchell (1999) show that it is possible to deal with ambiguity and vagueness by developing indicator measures from the start to determine desired outcomes. Talen (1996) suggests that a consistent inability to achieve planning goals may indicate that the wrong goals are being pursued and that poor implementation may arise from the inability to articulate outputs and activities from the onset. Both studies argue the importance of clear communication from the start of any process or activity.

Harwood and Zapata (2006) make the point that planners sometimes land in the middle of conflicting views of stakeholders. Often planners become political strategists, fearful of conflicts between development and community values. This in turn makes for awkward collaborative processes with the community, which raises an interesting point regarding conflict and collaboration. As defined above, collaboration occurs when all interested parties can both communicate and understand the values each other possesses (recognizing that understanding the values does not mean parties necessarily share in those same values). In this example, I would argue that the process referred to by Harwood and Zapata (2006) does not fit this definition of collaboration because the planner was not working to ensure both the community and the developers fully

understood all perspectives. In cases like these, I suspect that ineffective communication of what collaboration means to all parties leads to an inability to deal with conflict (by talking past each other and about what is fundamentally expected from each other and the process itself), and thus affects the process outcome.

Several public participation scholars suggest there is an inherent need for plans and planning processes to be evaluated by set criteria that represent professionally approved standards, so that both planners and government can be held accountable for decisions made in response to plan recommendations (Baer, 1997; Talen, 1996). If criteria such as these were in place, it may assist planners and stakeholders abilities to communicate about their desired outcomes.

Often communication is about making linkages between ideas, plans and action. For example, one participatory waste management assessment study revealed that although the public fully understood the process agenda, they found it difficult to make the linkage between the plan and the existing regulatory framework (Petts, 2004). Thus, an inability to effectively communicate all aspects of a specific process, including existing or potential linkages to regulatory frameworks, could prevent a process from meeting its objectives.

Achieving consensus.

Consensus is being used more often in collaborative and co-management processes. Good consensus building can occur when it is self-organizing, represents all interests, fosters creative thinking, and occurs after comprehensive discussion has been allowed (Innes and Booher, 1999). In many cases though, achieving consensus can be difficult. Reaching consensus may be hindered in situations where competition,

skepticism, and distrust are not resolved. In these instances, unrealistic expectations and assumptions may prevail, and the ability to produce results cooperatively is compromised (Hooper, et al., 1999).

However, consensus achieved through collaboration does not necessarily lead to stakeholder satisfaction of outcomes (Frame et al., 2004) and therefore potential dissatisfaction with outcomes may impede plan approval or implementation. Adkin (2009) clarifies this paradox by suggesting that the issues which are agreed upon through consensus may not adequately resolve the original conflict to everyone's satisfaction. It is the tendency to assume that traditional consensus decision-making processes will lead to successful outcomes that Adkins is skeptical of, given consensus may work toward a lowest common denominator that misses the core issues of the conflict, and may work to silence lone dissenting voices for fear of social exclusion or reprisal.

Commitment and capacity.

Planning mandates can be effected by poor commitment at the grassroots level to the goals of higher government (Burby 1998), but the reverse is also true. Planning mandates may be influenced by the level of commitment from government to implement the plans as well. The lack of a coordinated government-wide approach" to natural resource management in Australia was seen to be an important barrier to effective decision making (Mitchell, Norton, Grenfell, and Woodgate, 2007). The authors also identified the barriers of poor allocation of funding and a lack of information to support decision making. The latter two barriers could arguably be a consequence of poor government commitment to process.

Commitment to planning processes by government in the Yukon is double-edged—there is the obvious need for commitment from the Territorial Government, but yet there is also the need for commitment from First Nation governments. Dacks (2004) speaks to First Nation capacity issues and suggests that Yukon First Nations must make decisions about how to strengthen capacity within existing institutions versus further advancing self-governance. This is important because capacity issues in First Nation communities are at the forefront of a host of issues. The inability of governments to deal with decreased capacity leads to reduced opportunities for consensual decision making (Jackson and Curry, 2004), and this likely applies to First Nation governments as well.

It is possible that an imbalance in resources and capacity to participate in land use planning processes may lead to problems of dominance within a process by a particular player. Pinkerton (1999) identified domination of policy by major stakeholders as a significant barrier to co-management of British Columbia fisheries. Derkzen, Franklin, and Bock (2008) also observe that the most powerful partner can sometimes dominate as the authority on the matter at hand, and be counterproductive to process. They also point out that it is possible to mitigate an imbalance of capacity. But if poorly managed over time these imbalances in capacity of key stakeholders have the potential to undermine collaborative processes. Further to capacity-related power struggles, under-resourced stakeholders or interest groups can potentially burn-out and become frustrated with the process as well, and many times support is needed from agencies with more available resources (Hooper et al., 2000).

Government and First Nation Collaboration

Collaborative planning with First Nations has been occurring in different jurisdictions with varying success. In British Columbia, Borrows (1997) claims that First Nation participation in environmental planning processes is hindered by limitations of the Indian Act and that the province does not make provisions for their participation. Other barriers to effective collaboration between First Nations and government exist elsewhere. Research in the United Kingdom and the United States suggests that different ethnic or racial groups may be limited by participatory processes because the system reinforces racial stereotypes, and that biased assumptions are made by planning officials that misrepresent the intentions of particular interest groups (Beebeejaun, 2006).

Consultation and co-management, via land-use planning processes on Crown land where First Nations claim to share rights to resources, works well according to Jackson and Curry (2004). In theory, it is a good fit for the Yukon as well because both parties can safely discuss their values and interests within a process backed up by a binding land claim agreement. Nadasdy (2003) cautions however, that co-management is a vague term and can mean anything from simple consultation to complex joint decision-making processes.

Political Barriers

Government agencies and other groups tend to use standardized approaches to process because it is what they have always done and can relate to, but the reality is that planning processes differ from one another depending on the region, time, stakeholders, or resources (Hooper et al., 1999). Sometimes a barrier to process is the inability to embrace flexibility. This is similar to research done by Petts (2003), who also speaks to

how decision authorities tend to be dominated by a culture of procedure, and that this “proceduralisation” can undermine participatory approaches.

This is made clear when looking at co-management and the use of traditional environmental knowledge (TEK) in Yukon (Nadasdy, 2003). Often there can be a lack of trust from First Nation governments and citizens about how TEK will be used. At the same time, there is frustration from scientists and managers from government about the requirement of using TEK without clear direction on how to integrate the information with scientific knowledge. Nadasdy suggests that in order for First Nations to contribute to integrated processes, they must conform to existing wildlife management practices institutionalized by government. Consequently, the balance of power is then skewed to large administrative centres rather than in local communities with the people and First Nations providing the TEK.

Swain and Tait (2007) discuss a trust-crisis that has been growing in recent years regarding institutions, governments, and planning. They argue that tension is inherent in planning because usually the public sector is responsible for “resolving the multiple interests within the public interest” and this makes it difficult to secure confidence in the planning system. Because planning demands public trust and support of the public sector, it is easy for a lack of trust to become an impediment (Swain and Tait, 2007). In British Columbia, a tendency to always manage fisheries in a “single-species” approach, rather than consider alternatives has also led to a distrust of management agencies in fisheries co-management processes (Pinkerton, 1999). This distrust was amplified by the resistance of government to allow public access to fisheries stock data. Unfortunately in

this case, although there was political will for the co-management process, existing government policies created a barrier of distrust from the onset.

Processes are vulnerable to complicated institutional structures. Petts (2004) identifies cases where decision responsibilities are split and result in an impact on public participation opportunities and fragmentation of the decision process. This is especially a concern when a problem addressed by one decision body has already been dealt with in isolation by another decision body. Unless care is taken by the decision makers to effectively cooperate with each other, the process is at risk.

The lack of clear legislation or regulations to support a planning mandate can be a significant barrier to land use planning or other collaborative processes. Petts (2004) identifies the need for strong government support for participatory processes, especially where the allocation of financial and human resources need clear definition. For example, park planning for two Yukon territorial parks (Kusawa and Agay Mene) was suspended ultimately due to conflicting interpretations of the respective First Nation Final Agreement provisions, under which these parks were identified. The Yukon Land Claims and Implementation Secretariat, a division of Government of Yukon, felt that the Department of Environment had final jurisdiction over the management of parks. This opinion was not shared by the respective First Nations who felt there should be a larger co-management role for the parks. This made entering into park planning discussions with First Nations difficult, and the processes stalled (A. Jones, personal communication, April 7, 2011).

Changing political regimes can either hinder or help processes depending on the objectives of that particular government. Sandwith (2003) showed this to be the case in

the conservation of lands in South Africa. He also noted that trans-boundary political issues can be a barrier to process. As described in the previous chapter, this was an issue with land use planning for the North Yukon under the old Yukon Land Use Planning Agreement, when disputes with the Inuvialuit prevented the planning commission from beginning its work. Todd (2002) also notes that a Yukon wolf management plan that had full support of the government in place during its development was not endorsed when the government changed at the next election.

Summary

Capacity issues, problems with collaboration and consensus building, and poor identification or communication of goals, are some of the issues surrounding land use planning processes. These and other political or inter-governmental factors could be contributing to failed land use planning attempts in the Yukon. A 10-year review of land claim implementation in the Yukon also looked at regional land use planning as per Chapter 11 of Yukon's First Nation final and self-governing agreements (Implementation Review Group, 2007). This review expressed concern that a land use plan had yet to be approved under the existing final agreement framework, despite considerable effort and expense. The review also identified issues regarding the reactive approach to planning, a lack of clarification of roles and responsibilities, and the need for assessing the funding required to develop regional land use plans.

With the North Yukon plan furthest along in Yukon's current process for regional land use planning, there is an opportunity to provide further retrospective insight on Yukon's regional land use planning process. This insight will give land use planners, government, First Nations, and other stakeholders insight about the factors that both

facilitate and impede process success, thus allowing future planning initiatives to adapt as necessary.

Chapter 3: Methods

With this research, I am trying to determine where there are both hindrances and catalysts to successful regional land use planning in Yukon. By suggesting ways to improve upon the barriers and enhance the successes, I hope to contribute to more efficient and successful regional land use planning in the future. To identify hindrances and catalysts, I have chosen to interview the people most connected to the planning process. The interviews provide the opportunity for me to more freely acquire the information I need from participants. I can also better provide a safe environment for participants to express their opinions on an issue which has been contentious in recent years.

Interview Preparation

To obtain the most relevant insight into the North Yukon land use planning process, I used a purposive-snowball sampling method to select participants for interviews (Babbie, 2008). Purposive indicates that I selected a non-random group of individuals based on my knowledge and judgment of the specific knowledge they have with respect to North Yukon regional land use planning; and snowball, or network sampling means that each participant may suggest other suitable participants, for the research.

My interview participants were purposely selected based on their direct knowledge and experience with the North Yukon land use planning process. Participants were chosen from four primary groups: the Government of Yukon, Vuntut Gwitchin Government, the Yukon Land Use Planning Council (YLUPC), and the North Yukon Planning Commission (NYPC). The cohort of interview participants had a cross-section

of experience ranging from operational and technical to political. Regarding participants from the YLUPC and NYPC, I interviewed both hired staff and appointed members.

Interviews were planned to be approximately one hour, however the duration varied among interviews. In total, 13 interviews were conducted ranging from 39 minutes to slightly over two hours. All interviews were recorded with a hand-held digital recorder, except for one participant who felt more comfortable not being recorded. In this case, detailed notes were taken instead.

Conducting the Interviews

Before each interview, I reviewed the letter of informed consent with the participant and obtained their signature, thereby indicating their approval to proceed. Participants were assured anonymity and confidentiality via the letter of informed consent. Of the thirteen participants, two expressed that they did not mind having their identity made known, however; I have none-the-less attempted to maintain each participant's anonymity to protect the identity of all participants against accidental disclosure. This is because only a limited number of people have direct involvement and familiarity with the North Yukon regional planning process, and all are known to each other. There is risk that the interview content from any identified participant could accidentally allow readers of this thesis to identify the speaker.

To most accurately obtain the large array of perspectives I anticipated at the onset of the research, it was important for me to build rapport and trust with my participants (DiCicco-Bloom and Crabtree, 2006). To develop a relationship and ensure a comfortable setting for the interview participant, I conducted interviews at a setting chosen by the participant. I began each interview with casual conversation to make both the participant

and myself more at ease. I was open and transparent with each of my participants as they asked questions about my interest in the study, how the information would be used, and any perceived conflicts of interest that I might have.

I designed the interview questions to be open-ended and allow for elaboration by the interviewee. The interview also allowed for additional comments to be given by the participant that he or she felt was necessary and that were not covered by the questions. At the end of every interview I asked participants whether they recommended that I speak to anyone else in particular and as well if they had any questions for me.

An interview guide for the semi-structured interviews was put together based on a review of the current process for regional land use planning under chapter 11 of the final agreements. The interview was designed to first obtain some general knowledge of the participant's familiarity and role specific to the North Yukon process. The interview was then to obtain perspectives from each of the participants on the various phases of the North Yukon planning process (Figure 3): 1) Terms of Reference and Commission Start-up; 2) Issues and Interests; 3) Information Gathering; 4) Regional Areas Assessment; 5) Land Use Scenarios; 6) Plan Production; and 7) Implementation.

Figure 3 shows that a "regional area assessment" occurred after the information gathering stage. This phase essentially involved the analysis and synthesis of the data collected in the "information gathering" phase. In my interviews, information regarding this phase was included as part of my questioning about information gathering.

My interview guide was detailed to obtain all the information I needed for my analysis of the North Yukon case study, but depending on the interview, the guide was used quite differently. In some cases participants were very forthcoming with information

and they answered questions before I had asked them. In these cases, only mild probing for each of the interview categories was needed. In other cases, participants required a more structured approach. Furthermore, for some participants certain questions were not relevant, such as a technical person not being familiar with the political details, and therefore I omitted irrelevant questions on a case-by-case basis.

Data Analysis

I assigned all interview participants with a 3-digit code number, and only I had access to the identity of these codes. Along with three volunteers, I transcribed all interviews into Microsoft Word verbatim. To preserve anonymity of the interview participants, the volunteers did not have access to the names of the people I interviewed. I gave each volunteer digital files of interviews, labeled with the 3-digit codes, to transcribe from their own personal computers. Before transcription began, I required each volunteer to consent to non-disclosure of the information they would transcribe, and to delete all related files off their computer once I received the completed transcriptions.

I reviewed each completed transcription to correct mistakes, and where possible, fill in the portions that were inaudible to the volunteer. In the end, there were very few inaudible segments that could not be resolved—averaging approximately one short segment per interview.

I conducted three primary rounds of coding my interviews. The first involved a simple read through each of my interviews to obtain a general idea of any initial high-level trends or patterns in what my participants were saying.

A second, more detailed, look went through each category of my interview guide and tabulated a cursory summary of opinions. This was done to see where major areas of

disagreement or agreement existed within the process among the interview participants. I used the information from this stage to begin developing an outline for presenting the key findings of my research. Finally, a thorough read of each interview was done to pick out quotes and information that pertained to the major headings I outlined in the previous step.

In the following chapters, references to quotes made by participants are labeled according to the primary group they represented, followed by a sequential number for the group. Revealing the group is important in helping to demonstrate the perspectives held by each. To protect anonymity, I have not disclosed whether the participants had technical versus political roles, or whether they were hired staff versus appointed members.

Limitations of Research

The availability of desired interview candidates was a minor limitation to this research. Many of the potential candidates lived in Old Crow, a fly-in and isolated community in north Yukon. Although I was able to travel to Old Crow to meet with participants, I was none-the-less unable to interview two selected candidates. One of these was due to an illness and the other had to travel out of the community unexpectedly. I did not consider telephone interviews because it was important for me to keep the interviews personal and face-to-face, so as to better ensure trust with the participants, especially at the community level. I was still able to ensure a cross-section of participants from each of the planning bodies and at different political and technical levels.

At the time of my research, the North Yukon planning process was not yet complete. The plan had been approved, but the final step to plan for implementation had not yet been developed. Regardless, this process showed successes unlike any other before it and proved to be an ideal process to study.

Chapter 4: What Went Wrong: Unclear Roles and Responsibilities?

Because the language in Chapter 11 of the Umbrella Final Agreement (UFA) is so vague, there was not a clear path forward that explained exactly how the Parties, the YLUPC, and the NYPC were to work together throughout the process. The information distribution and support network (Figure 2) was not an outcome of UFA provisions, but instead a model that was developed based on the best interpretation of Chapter 11.

Although it was fundamentally understood that the council would assist in commission start-up, the commission would develop the plan, and the Parties would approve the plan, different perspectives persisted throughout the process regarding the assumed roles. The main areas of confusion which will be discussed in this chapter are: 1) the role and authority of the Yukon Land Use Planning Council; 2) the role of the sub-committees, namely the Senior Liaison Committee (SLC) and Technical Working Group (TWG); 3) responsibilities and expectations concerning information gathering; and 4) expectations and opinions regarding roles and responsibilities for implementation. The general assumptions made by different people created tension and caused communication barriers during the process.

The confusion about roles and responsibilities, in my view, was a critical threat to the current process, and if not resolved could have derailed future planning efforts. Fortunately, these major conflicts did not condemn the North Yukon process to failure for reasons I will discuss in Chapter Five.

Conflicts Over Power and the Yukon Land Use Planning Council

The role of the YLUPC was not clearly understood throughout the process. Different perspectives from government, the commission, and the council, at both the

staff and political level were evident. “Well, I think there’s still, you know, a lot of confusion over what the role of the planning council is in all this. I think they’re almost confused too, and they have visions for it, and the Commission has visions for it, and I think the YG has perspectives on it, and they’re not all necessarily the same” (Interview NYPC-1). Participant YLUPC-3 goes further and says: “Well, even half the council staff didn’t really know what their job was.”

Most participants agreed that the council was there to provide support to the commission. The level of support envisioned by participants included program management training, administrative, technical and logistical support. “I see a very big role that when commissions struggle with something, they don’t fall down to ground zero again, the council acts as a level [to support the commission by providing resources]...because it’s a long way to crawl back up” (Interview YLUPC-1).

Beyond having a support role, the YLUPC role becomes less defined and is not clearly explained in the UFA, nor well understood by all involved. I observed that conflict began to appear when the YLUPC was perceived to be directing the process or the commission. “I think, there are some people within the council; their perspective is that they’re the boss and the commissions work for them, and this led to a lot of conflict throughout the planning process” (Interview NYPC-1). Where disagreement persisted about the appropriateness of this, offense was usually taken:

You could play a coordinating role, you could play a facilitating role, whatever role you play if it’s done with respect, that’s different.... if you do that then they, this Council, would be a powerhouse of a body for land use planning in the Yukon. But, the way the process works now, this current Council, there’s no

respect. It's all 'my way or the highway', it's an autocratic kind of style.

Well...we don't embrace those types of leadership styles anymore in our society.

We look for more cooperative engagement with a lot of respect. Those are my very deep feelings (Interview NYPC-3).

Participant YG-2 explains that the commission would, from time to time, bypass the council and go directly to the parties for direction. Sometimes this direction and guidance was not supported by the council, who felt the direction they had already given the commission was adequate. Consequently, misunderstandings and breakdowns in communication resulted. Often, as I heard from commission members and staff, these breakdowns resulted in power struggles and feelings of resentment.

It was added that bypassing the council may have been appropriate and justified in some cases because according to Chapter 11, the commissions are established to independently produce land use plans. The commissions are established by the parties and therefore the council should act as: "a director and advisor, a supporter, and not always setting the direction and the policies and so on..." (Interview YG-2).

There is the recognition, however, that the council and the Parties should be working together throughout the process, even though the Parties have ultimate responsibility over approving the final plan: "And I think we need both the parties and the Council to monitor the process [ensuring the timelines, budgets and parties' interests in the process are being met] as we're going along" (Interview VGG-1).

Working With the Parties: The Role of the Sub-committee

"The bottom line is the Commission needs to act in independence, but the other bottom line is that we have to have a plan that's workable from our perspective and on a

reasonable schedule” (Interview VGG-1). The method by which the Parties elected to oversee and guide the process was to introduce joint sub-committees, namely the Senior Liaison Committee (SLC) to provide policy direction, and the Technical Working Group (TWG) for technical support (Figure 2). Both sub-committees were represented by members from Yukon and Vuntut Gwitchin governments. Still, frustration regarding the Parties feeling their way through this new model for communication was evident. Participant NYPC-5 felt that the Parties placed a larger burden on the commission by not knowing what the process was or how their sub-committees fit within that process.

Over time and recognizing that this was a new process requiring learning by everyone involved, patience and understanding allowed some initial struggles to be overcome: “Being the first Commission...in the beginning we really didn’t know the purpose I guess, or the role, of the technical working group or the senior liaison committee, but...just meeting with them and keeping the communication open, you know, we understand, we understand how they operate” (Interview NYPC-4).

Participant YG-2 suggests that SLC and TWG added to an already complicated reporting structure: “I honestly think that if we kept it on a higher level, commission, council, parties, things didn’t go too badly, but the parties were usually managed and represented by the SLC or the TWG, and the commission had the TWG, and the council was sort of somewhere in the middle of a number of these things.” This participant goes on to explain that communication at the highest level was fairly well managed, but where the model went awry was when communication became linear. “If you have a triangle, where all three are equally sharing and exchanging, you have a much better opportunity and a much better transparent communications process” (Interview YG-2).

The idea of the SLC was to engage senior level management and have them provide strategic direction and broad policy guidance to the planning effort. As participant YLUPC-3 explains, it was an effective way to engage the upper levels of government: “As a senior team we’re supposed to come out and figure out what is the department message...” (YLUPC-3).

Some members from TWG and NYPC felt that SLC also provided an oversight role to TWG, but not all agreed that this happened in reality. It was stated that “...SLC, in this case did not have much communication with the TWG and the commission....that was a bit of a problem” (Interview YG-2). This was also a concern for participant NYPC-1 who felt it was difficult to get messages up to higher political levels and resolve differences in perspectives regarding policy direction and technical advice.

The TWG was meant to provide technical support to the commission, but according to Participant YG-2, this did not necessarily go according to plan: “They weren’t always invited in a way that was providing the technical support to the commission...and I think there could have been a better engagement there.... There has to be a real effort to ensure that again there’s Yukon, Vuntut and Commission, as a team supporting the planning, and the staff support the planner, and the TWG supports the planner and the commission, and I don’t think that was always happening” (Interview YG-2). It was felt that TWG could have been used to better align technical perspectives among government, the council, and various plan partners.

The involvement of the YLUPC in the reporting structure between the commission and Parties’ sub-committees was challenging but eventually worked out through open and transparent communication. Eventually, as some participants explained,

SLC meetings were held with the commission where YLUPC representatives were invited: "...everybody was in the same room at the same time, and that helped improve communications..." (Interview YG-2).

The Information Gathering Conflict

The information gathering stage was the point in the process where things began to get off track as far as timelines and expectation were concerned. Subsequently, conflicts over deadlines, budgets, and roles began to surface at this point and continued for much of the process afterwards. Every person I interviewed had an opinion about what was good or bad about this phase. This part of my interview was the most contentious and showed the greatest variety of perspectives. The debate revolved around three primary lines of thought: 1) there was too much information and it was too detailed, 2) the right amount of information was collected and justified the types of decisions that needed to be made, and 3) the information was satisfactory, but the commission should not have been doing the bulk of the work. This was one of the most apparent places where poorly defined roles and responsibilities negatively affected cooperation to complete the plan.

Too long, too much, too detailed.

I heard from a number of interviews that the information gathering and analysis stage was excessive and unwarranted. The information gathering phase alone took almost two years to complete out of a total of three allotted for the entire land use planning process. As participant YG-2 puts it: "yeah, far too much time spent on information gathering." Participant VGG-1 adds: "Our system in the North Yukon, as you know, is relatively simple in terms of data. It seemed to me that it took an awful long time....The

whole damn process took twice as long as it should have.” It was likely the process of gathering information and over-analyzing it that contributed to the entire process taking longer than it should have, according to Participant YG-2.

Interview YG-2 acknowledges that the information was “brilliant stuff, but it was overkill...” and points out that “...we, everybody, get bogged down into collecting and gathering more information than we, all of us, really need. A LUP cannot collect everything, cannot meet everyone’s expectations.” Instead of the effort put into the gathering and analysis of information, more time should have been spent on determining what information was really needed according to Participant YLUPC-1. They question: “Out of all the information that the North Yukon actually collected, what did they end up actually using?”

Participant YLUPC-1 stressed that because of the relative lack of data in the region, but also the need to get a land use plan out in a timely manner, the first plans need to be broad, and then built on, as more information becomes available. “...if you have bad information, don’t make big decisions because you’re going to make bad decisions” (Interview YLUPC-1).

According to Participant YG-1, there was a “mandate creep” by the NYPC. Instead of simply gathering the data, the NYPC was developing their own datasets, when other data would have been as effective. “They didn’t really need to do the habitat suitability; it was supplemental and not really filling in gaps” (Interview YG-1). This opinion was shared by participant YLUPC-1 who felt the commission should have worked within the confines of existing datasets and made recommendations on what data

was needed in the future. “If the North Yukon would have said that, they would have finished this plan way before they did” (Interview YLUPC-1).

It was also felt that if there was more communication about the type, quality, and extent of information being collected earlier on in the process, more conversations and discussion around what was needed could have occurred. “Had for example we’d seen one of the chapters come out in the resource assessment report with that level of detail and the level of scientific rigor, we could have said hold on, we don’t have the time or money to do this type of work” (Interview YLUPC-1). The NYPC ultimately wanted to release the resource assessment report as one product instead of in individual pieces. Consequently, the first draft of the regional land use plan was being produced concurrently with the resource assessment report and its excessive detail was recognized too late.

Appropriate information necessary to make best decisions.

Working with existing datasets was not an option according to Participant YLUPC-2 who felt the extent of information gathered was justified: “The status quo with information is clearly not enough because we’re not able to make integrated decisions now, and we can’t just say, ‘go forth and be integrated.’ We have to demonstrate that there’s some commonality of interests, and find a common way to express those interests, and measure those interests, and then move forward to a common objective for those interests; and that takes information” (Interview YLUPC-2).

Participant NYPC-5 adds, “The single most important part of the plan process is to have adequate knowledge of the region, based on the issues that are raised, to move forward. And that is a technical exercise....I think that information, the level of detail that

was collected, although of a technical nature, was what we needed to produce a quality plan.” These sentiments were repeated by both participant NYPC-4 and NYPC-2 who were pleased with the level and quality of information gathered. “Yes, very important. Like without [good information], I don’t think you’d have much of a plan, like that’s the basis of the plan I think....No, I think that’s an ultimate part of the planning” (Interview NYPC-2).

Both participants NYPC-5 and YLUPC-2 agree that the North Yukon planning process was the opportunity for these lacking datasets to be collected and analyzed for the use of decision making. “...You have to recognize that there are information gaps in all areas where planning is being done and if you don’t try to fill some of those gaps at every step of the way, they don’t get filled. Nobody takes responsibility for filling those knowledge gaps and [then managers] continue to make isolated decisions” (Interview YLUPC-2). Considering the demand for the information by the public and other interested groups, participant NYPC-5 argues that the time delays and dollars spent were justified in producing the data that was required.

Speaking to a larger issue around a lack of communication on strategic direction, a suggestion was made that information gathering should not be blamed for process downfalls: “I feel the data collection has been made out to be more of a scapegoat than anything for a process where the direction wasn’t clear at various stages” (Interview NYPC-5).

Participants NYPC-1 and NYPC-5 both felt that it was important to have good information early on, so that the decisions would be justified and people do not come back and dispute them. Avoiding these bottlenecks, but also being prepared for the

unexpected was important to participant NYPC-5: "...the parties involved in the plan had already pulled a few fast maneuvers that made the commission wary about not moving forward without having all their ducks lined up." It was felt that by ensuring there was adequate information to back up decisions in the plan, the Parties would be unable to pressure the NYPC into making alternate decisions they did not feel were appropriate.

Right amount of information, wrong people doing the work.

The level and extent to which information was gathered was defended by a number of participants who also felt there was no alternative to the commission doing the work on their own. "Did the Commission do too much? Yeah, the Commission did too much, but it's because it really needed to be done to move these planning concepts forward" (Interview YLUPC-2).

To this extent, many participants blamed government for not being prepared or equipped to handle the responsibility of supporting a regional land use planning process. Participant YLUPC-2 says: "...we recognized that although the Government has a wealth of data, it's not packaged very efficiently for regional views or for regional planning....it wasn't a priority in government...." Participant NYPC-3 explained that the commission had to set up the programs and processes to gather the information themselves because the Parties did not have it. Unfortunately, this caused "a lot of grief for the Commission, for the staff, and it took longer in essence for that whole information gathering process" (Interview NYPC-3). This participant describes that while there were complaints about the commission taking too much time and spending too much money, it was not being acknowledged by the commission. The commission failed to communicate back to the

Parties that they were taking longer because the information was unavailable and that various government departments were taking too long to respond to commission requests.

An evident struggle that the commission faced regarding the collection and analysis of information is described as follows:

So you're going to [the technical experts] who are saying don't skimp, and don't be quick, we want the details, but [the land use planning branch at YG] are saying we don't want the details, just give us the map and the 1-pager. So you're sitting there in a pinch between the [technical] expert who will crucify you if you don't do it and the land use planning branch which is sort of global and will give you your money and time, and this is a problem for them, you're just the one caught in between the two. So the trick is to get [the technical experts] to write the damn things (Interview YLUPC-1) [so you can satisfy everyone and move the process along].

A number of participants felt that although the work needed to be completed, the commission was not the appropriate body. This was partly because the commission did not have the capacity to do it, as Participant NYPC-1 suggests: "we just didn't have the horsepower to do it." The commission was limited by staff resources, access to government expertise, and as well were facing very strict deadlines.

From within government one participant felt that the North Yukon plan was not given the resources it should have. "I think [with] that new analysis of existing data, the onus seemed to be on the Planning Commission staff [to collect, manage and analyze information]. In my mind, that probably wasn't appropriate.... I think as a Branch and potentially as a Department we could have provided more staff time and resources to

collect more information. I think that's definitely clear in my mind" (Interview YG-3).

Although this acknowledgment is made, Participant YG-3 also cautions that even if government had taken on a larger role, it would not have necessarily meant that the work would have been completed faster given the usual challenges of coordinating research, writing, and final approval of information for a formal planning process.

Responsibility for Implementation

At the time the interviews were conducted, the final recommended plan had not yet been approved, and therefore no attempts had begun to implement it. Regardless, I questioned my participants about implementation because of the vague language in the UFA and that it was a topic of contention between the Parties, the NYPC, and the YLUPC. These questions elicited perspectives from those people who may have a role to play in the implementation of the North Yukon plan or subsequent regional land use plans.

There was uncertainty concerning implementation of the land use plan, once approved. This uncertainty is described by one participant below:

I don't see implementation without challenges. I certainly don't... I don't have that much confidence and I'm not that optimistic about it. I just hope and pray to God that we are able to implement it. But you can only do as much as you can. This entire process burned out a lot of people. Some bridges were burned along the way. It makes it very difficult. I'd like to think that it can be implemented, but it won't be without its challenges (Interview NYPC-3).

As per Chapter 11, the planning commission "may monitor the implementation of the approved regional land use plan, in order to monitor compliance with the plan and to

assess the need for amendment of the plan” (Umbrella Final Agreement, clause 11.4.5.10). The use of the word “may” has left a lot to interpretation, and invariably the different interpretations have caused conflict and uncertainty within the process. There is uncertainty regarding how the council and Parties should be involved, but the substantive debate concerns whether, and to what extent, the NYPC needs to be involved.

Yukon and Vuntut Gwitchin governments.

Most participants feel that the Parties have a significant role to play in implementing the plan. “But understanding that responsibility for implementation is not the commission’s responsibility, per se, it is the governments’; they approve the plan and they live by the plan and they implement the plan” (Interview YG-2). This is fully supported by the statement “Now, what government is saying here it is, [but] you don’t tell us how we’re going to implement it. We’ll get together after we agree on this plan on what we are, or are not going to implement, and how we’re going to do it” (Interview YLUPC-3).

Agreeing with Participant YLUPC-3, another participant goes further and talks about overseeing the implementation of all future land use plans: “I think that there should be some kind of position within government that oversees this kind of thing. We’re (Government of Yukon) the ones who permit developments, we’re the ones who permit any kind of a land access, we’re the ones who permit the harvest of wildlife generally for resident hunters” (Interview YG-3). This person is suggesting that the process of permitting activities could naturally complement the implementation of a regional land use plan, and should be coordinated and overseen by the Government of Yukon.

The planning commission.

Beyond YG and VGG implementing the plan, some government participants do not see a role for the commission: “I don’t think there’s much of a role for the commission, because of, well, like I said in the beginning, there’s no formal training for the commission members and most of the aspects that will need to be dealt with are probably more technical or political...” (Interview VGG-2). Participant YG-1 suggests that the role of the commission regarding plan implementation primarily exists when developing the plan. Their role is to make recommendations about implementation in the land use plan, but to leave the actual plan implementation to the Parties. Participant VGG-1 agrees and says: “They’re finished....there is currently no need to have a commission in place.”

Another perspective indicates that it is less appropriate for the commission to be involved in a primary implementation role: “Well, when we first produced the plan I thought the Commission had a major role....They are not one of the parties to the plan, and they’re not going to be playing a regulatory role or an oversight role, outside of producing the plan, that I thought originally that they would. It does make sense now that the commission would play more of a limited role. The commission is crucial for the review of the plan though” (Interview NYPC-5).

For Participant YLUPC-1, the obvious choice for a champion is the planning commission: “Having that Commission continue to exist is crucial, otherwise it’s entirely possible that the thing gets dropped into the ether of Yukon Government.” They go on to suggest that annual meetings should occur to monitor activity in the region and assess the

need for plan reviews. Both participants NYPC-2 and NYPC-3 agree that the commission could serve in a monitoring role and keep the plan alive.

The idea of commissions as permanent bodies was raised by participant NYPC-1: “And, I think that could be achieved very cost effectively.... you need to have some kind of an ongoing regional assessment checkup.” In this case though, the participant reportedly felt that the monitoring and data collection role would be best done by the Parties. Together the Parties and the commission would implement the land use plan over time.

For Participant NYPC-3, however, the role also becomes more of a responsibility to the stakeholders:

Because of the corporate knowledge and the processes that the Commission...the confidence of the public, we engage the public and stakeholders from the beginning, then all of a sudden we're not there? There is definitely an advisory role I believe that the Commission needs to play. Keep an eye on it, know where it's at, how are we implementing it...be part of the implementation... (Interview NYPC-3).

Overall, two primary theories regarding the role of the planning commissions in implementation was clear from the interviews. Either the commission's sole responsibility is to produce the land use plan and then cease to exist (most commonly expressed by government participants) or that it should continue to exist in some form to monitor and advise the Parties over time.

The Yukon Land Use Planning Council.

As with a number of opinions above, Participant VGG-2 feels that the role of the commission ends after the plan has been approved by the Parties. They do however see a role for the YLUPC in plan implementation: “the council does have adequately trained people with the technical experience and knowledge to be able to bring up points that perhaps the Parties have missed...” (Interview VGG-2).

As has been pointed out by a number of participants, the role of the YLUPC is unclear. There is a stated need, but some feel that the council may not play as big a role as it could: “I think the council will create tracking mechanisms and reporting mechanisms to see how well the parties are implementing the plan. But I don't think the council [members] are going to push hard for implementation of the plan itself, or play a major role in implementing the plan” (Interview NYPC-5).

There was a sense from some of the participants that the YLUPC serves the role as the holder of corporate memory for all planning processes and as the warehouse of data supporting the plans. It seems as though participants feel that the YLUPC has a role to provide technical support to the Parties in the implementation of land use plans.

Summary

Unclear direction concerning roles and responsibilities manifested itself in a variety of ways throughout the process. It presented some fairly serious challenges, but luckily those involved were able to persevere and find a way to work through the issues. Unfortunately, the process likely took longer and a few bridges were burned, as one participant stated above. The following chapter looks at what helped the process succeed despite the numerous challenges presented in this chapter.

Chapter 5: Elements of a Successful Process

There were certainly challenges along the way that made it difficult to produce a land use plan that would ultimately be approved by Yukon and Vuntut Gwitchin governments, but other approaches worked well. So well in fact, that a land use plan was formally approved by the responsible authorities for the first time in Yukon history. It is important to remember and highlight the achievement of this significant milestone. To give future planning efforts the best chance at success, planners and managers need to address and solve the current problems within our existing land use planning process, but also highlight and build upon what is working well. By following the lead of strong process management, future planning efforts are better positioned to succeed.

I found overwhelming agreement among participants that success was due largely to time taken at the front-end to build a strong team, both at the planning level and at the political level. Participant YG-1 stresses that a key highlight of the plan was being able to focus as a team, getting away from personal agendas, and focusing on trust and consensus building.

Building an Effective Team

Participant YLUPC-3 feels that: "...there's been too much time spent on getting commissions up and running..." yet regarding selecting and training commission members another participant says: "Oh, I think it's brutal. The people on the commission lack the formal knowledge, and what I mean by formal is academic, to be able to make qualified and educated decisions on land use..." (Interview VGG-2), adding that it is imperative that the commission members receive more technical training to lessen the burden of the planning staff.

According to the majority of participants, a well trained and properly functioning team was critical to the success of the process. “My personal perspective...it was the people involved...it was the people involved. Nothing else really changed. It’s not like magically Yukon was a more mature region... there wasn’t this wild acceptance of land use planning all of a sudden. It was just the people involved” (Interview NYPC-1). Comments from other participants support this statement and suggest that there was an overwhelming commitment to get the job done and produce a plan. With the disbanding of the Vuntut Planning Commission prior to the North Yukon planning process as well as a long Yukon history of failed plans, participants felt that there was a strong desire to see this process through to the end, to overcome previous challenges.

Of the people involved, most of the credit is given to the planning commission members and staff. “The number one reason that we got a draft plan or recommended plan out was the leadership of the commission and the good working relations between commission members that kept the commission together. This is really the first time that a commission had functioned properly during a regional planning process. That’s the only reason that the draft plan or recommended plan came out” (Interview NYPC-5). The participant adds that the leadership skills of the commission chair and the hard work of commission staff helped the NYPC work well together. Despite the struggles with deadlines one participant says: “I will say right now at the outset, I think [the planning staff] and the commission were leading edge and they had a tough time in that part, so you would expect it would take a little longer” (Participant YG-2).

The GTOR requires, within one year, that the commission receive training in team-building, decision-making, budgeting, staff-board relationships, operating

procedure, conflict resolution, chair and board responsibilities, land use planning, information management, and consensus building (Yukon Land Use Planning Council, 2003).

The effort put into building a strong working commission was criticized by a couple participants as taking too much time away from planning. From the majority of the interview participants however, it was the this front-end commitment to team-building that gave the NYPC both a solid foundation to begin planning from, and the skills needed to work through many of the challenges met with later on. “I think that as a commission you have to learn to work along with one another and with the staff” (Interview NYPC-4). “You had a group of people that stuck it out and were able to work together....whereas, in the other two exercises it was the commission that imploded for a whole bunch of reasons....I just give absolute credit to those commission members for sticking it out, and it was hell... it was hell at times” (Interview NYPC-1). Other NYPC participants explained that there was a commitment made early in the process, by the appointed NYPC members to each other, that they would persevere through challenges and not give up on this process.

Not only was it the commission members that worked well with each other and the staff, one participant also suggests that it was their ability to work well with the YLUPC: “Because along the way Council, even though we have our, have our disagreements the Council helps us out quite a bit along the way. Working together, planning, that’s just what I mean by you know, partnership. If you work along with partners in that planning you know how it could go wrong; we have our disagreements but in the end can come up with something that we all agree on” (Interview NYPC-4).

Intergovernmental Accord and Political Support

Beyond team building at a planning level, the interviews indicated that cooperation at a political level was equally important. Participant YG-3 says: "I'm just guessing and maybe assuming that a push from the First Nation at a political level to get it done was big as well." Based on my research there was a political push to get this plan completed due in part to many of the failed processes of the past. One of the most important factors that helped move the North Yukon process through at a political level was an intergovernmental accord between the Premier of Yukon Government and the Chief of Vuntut Gwitchin Government (Vuntut Gwitchin Government and Government of Yukon, 2003). This accord was set up independently and before the establishment of the land use planning process.

"In effect, what it does is it says – there's an annual review of priorities between the two governments in North Yukon that's signed off by the Premier and the Chief. Then, there's two senior officials to provide oversight.... [it is stated] quite specifically what we want to achieve in that year, and who's going to provide accountability for achieving it" (Interview VGG-1). As a couple of participants explained, this accord was a vehicle for the Parties to get together in a venue unrelated to the planning process, discuss issues and agree on a course forward. This allowed the Parties to include discussions regarding the land use planning process at their meetings, agree on issues and paths forward, and then subsequently provide common policy direction to the process via the established Senior Liaison Committee.

Summary

The North Yukon planning process was able to overcome the obstacles discussed in Chapter 4 for two main reasons. First, a committed group of people from government, the council, and the commission, combined with a significant effort to build strong team skills, allowed all individuals to stay focused on the end-goals. Second, the Parties strongly supported the process from senior levels and were able to work through common issues through an in-place intergovernmental accord. If there was not this political support coupled with a highly prepared planning team and dedicated group of people, this process almost certainly would have succumbed to the numerous conflicts that presented themselves throughout the planning process.

Chapter 6: Recommendations for Continued Future Successes

Despite following a mandated, collaborative, and inclusive process, planning officials and stakeholders have had a difficult time getting the North Yukon Regional Land Use Plan approved and in place for implementation. The Yukon is not alone and many other jurisdictions have also struggled with the same problems (Burby, 2003; Day et al., 2003). From the challenges and successes presented in the previous chapters, I suggest that the bulk of the work to streamline Yukon's land use planning process simply involves strengthening the process at the front-end. Gardner and Cary (1999) say that collaboration is both a process and an outcome reliant on the synthesis of perspectives from all key stakeholders. It is important that these perspectives be made transparent beginning early in the process to help foster communication and trust thereafter.

In this chapter, I'll describe five primary recommendations for future regional land use planning initiatives to consider. These include: 1) Creating stronger Terms of Reference that place more accountability on government, the YLUPC, and the commission; 2) continuing the process of commission training and team-building; 3) having the commission produce a work plan that is formally approved and overseen by the Parties; 4) providing a political mechanism for Parties to resolve issues and build relationships; and 5) having a plan and budget in place for implementation before the regional planning process begins. The first three recommendations, as well as the fifth, are intended to provide clarity on process, and for all involved to come to a common understanding regarding the interpretation of Chapter 11. The fourth recommendation recognizes the importance of the intergovernmental accord to the North Yukon planning process, and encourages a similar approach for other processes.

Recommendation 1: Meaningful and Clear Terms of Reference

An underlying problem with developing terms of reference is that the UFA does not provide meaningful direction, and as a result, the Parties are left to guess at the best approach along with the Council. It states that a General Terms of Reference (GTOR) “shall” be recommended by the YLUPC, that it specify timelines, and that it be in place before a commission is established (Yukon Land Use Planning Council, 2003). Other than this, no further direction is provided. I agree that the GTOR should be in place before a commission is in place because it lays out the process by which they are to be established and creates a framework they will operate by. This is consistent with Kennett (2010) who feels that terms of reference is an appropriate tool for setting objectives and defining political priorities, but warns that it may require difficult choices to be made from the start. Correspondingly, time to allow these negotiations about terms of references should be expected and supported by the YLUPC and the Parties.

There is an important balance to maintain between allowing the commissions to function at an arms-length capacity from the Parties and ensuring the Parties have provided enough direction to receive a final plan that they are able to implement. I think that it is possible for the Parties to provide direction on expectations and resource constraints while still allowing the commission to decide the best approach to meet the final deliverables. I suggest there is a need for a modified and enhanced GTOR completed by the council and the Parties to include the following additional elements: budget, scope and expectations, roles and responsibilities, and communication network and response protocol.

Budget.

First, I think it is important for the Parties to accurately detail exactly how much funding is being allocated to this process. It is a critical piece of information missing from the land claim agreements and terms of reference, a sentiment felt by many of the participants. Commissions need to be aware, from the start, of the financial constraints under which they must operate. Different perceptions of the funding available to the NYPC created conflict late into the North Yukon planning process. If funding and resources had been clearly described from the beginning, the NYPC would have been better positioned to accurately evaluate their program and produce reasonable deliverables consistent with available resources.

There has been a recommendation that adequate funding be identified for the next ten-year planning period (Implementation Review Group, 2007). Completing this task allows the YLUPC and Parties to accurately describe funding availability to the subsequent planning commissions.

Scope and expectations.

Another element that I heard is lacking in the current GTOR is clearly outlined expectations. This is especially critical for first generation plans, according Kennett (2010), because it is easy to add on additional tasks that can cost too much and make it impossible to reach agreed upon deadlines. As mentioned above, the commission needs to remain at an arms-length from the Parties to the plan, but the Parties should still provide some detail around their interests, issues, policy priorities, and to what extent they would like those addressed in the plan. If this not done from the start, the commission runs the risk of not appropriately representing the needs of the Parties by

which they were appointed, and facing a draft plan that will not be approved by the Parties. Another risk is the potential for the commission to take on issues that are not appropriate to be resolved through land use planning (Kennett, 2010), such as recommending policies that conflict with existing government mandates or dealing with issues that are better resolved at a local area planning level.

For example, the Parties could provide direction on a ratio of protected areas versus areas for development that they could realistically meet, but it would be up to the commission to propose the best options for allocating the land to meet those ratios. Perhaps in another situation, a priority for the Parties is ensuring a particular wildlife species is not negatively affected by development. The commission would then have the freedom to determine how that could occur. If the Parties could better articulate what they wanted out of the land use plan, while still allowing the commission to act independently, I suggest that commissions would be more focused on plan production from the start, the process would be more efficient, and perspectives and communication around expectations would be better aligned.

Roles and Responsibilities.

Consistent with the Implementation Review Group (2007), I recommend that roles and responsibilities of the Council, Commission, and Parties be clarified and identified in document that details the terms of reference. This would resolve the vague language in Chapter 11 and help avoid conflicting interpretations of the UFA.

Critical to reducing conflict throughout the process, is clearly defining the role of the YLUPC so that everyone has the same understanding. Considerable conflict and misunderstandings resulted from the lack of clarity regarding the YLUPC for the North

Yukon process. Based on my interviews, the essence of the conflict was whether the YLUPC serves to advise and support, and whether there is an additional component of directing the process, work plan, and budget.

The Parties also need to clearly define how they fit into the process, both as the approval body and providers of political and technical support. This involves effectively communicating the role of both the SLC and the TWG, and how that interrelates with the commission and council. The Parties must also be able to specifically detail how they will contribute to the provision of information for the process. As was determined in the North Yukon process, the greatest source of conflict resulted around differing expectations about the level and extent to which the data was and should be collected. As holders of much of the information needed to make decisions, government has the responsibility to clearly demonstrate preparedness and willingness to support information gathering and analysis before the process begins. I support the opinion of the interview participants who felt it was not the job of the commission to be producing the datasets, and that the Parties fell short on their responsibilities at this stage of the process. There is a significant opportunity for TWG to better position themselves as the coordinator of technical information from the Parties.

Finally, the parties must detail the precise role and duration of the commission. This includes when the commission will come into effect, how it will function before and after a plan has been approved, and at what point will it cease to exist. For example, if the Parties feel that the commission will not be needed for implementation of the land use plan, wording in the GTOR would specify that it would cease to exist upon the effective

date of an approved regional land use plan. Part of this work includes thinking about how implementation will occur, which I discuss later in the fifth recommendation.

Communication network and response protocol.

In general, the model developed to communicate and exchange information support between the Parties, NYPC and YLUPC was effective, but not without challenges (Figure 2). The current GTOR is lacking in detail around the extent to which the reporting structure of the different planning bodies are related to each other and the commission (Yukon Land Use Planning Council, 2003). This created considerable uncertainty regarding relationships and reporting protocols among the different bodies, as described in previous chapters. Greater coordination is needed among the subcommittees, the council, and the commission and where possible, the terms of reference should outline the expectations of coordination and communication among these critical groups in the plan development.

In addition to the reporting structure, the GTOR should clearly describe the capacity and ability to respond to requests for information, or review of materials. Pointed out by some of the interview participants, deadlines appeared unrealistic for the work expected, both for the Parties and the Commission. Capacity and resources affected the ability of both government and the commission to respond in a manner consistent with the other's expectations. In the GTOR for the North Yukon, only one clause addresses responding in a "timely manner." I recommend that a section be added to the GTOR called "Response Protocol" which would clearly lay out the time allowed for review and response by the Commission, Council, and Parties for various products or

deliverables, and perhaps an agreed upon process for setting, in some cases renegotiating deadlines, and addressing missed deadlines as they occur.

Avoiding mandate creep.

It is important for the Parties to provide clear direction on regarding roles, responsibilities and expectations; however I maintain that the North Yukon GTOR went further than necessary regarding planning process and products. At the highest level, it is appropriate for the Parties and the Council to provide detail on the primary plan phases, and deadlines for expected products. Further detail about project management, however, should be the Commission's responsibility to determine as is discussed in the second recommendation.

Recommendation 2: Commission Project Management Plan

Along with provisions for a mandatory GTOR, Chapter 11 also provides for the optional development of a Precise Terms of Reference (PTOR) by the commission with detail regarding identifying issues, gathering and analyzing data, and preparing planning documents (Yukon Land Use Planning Council, 2003). Having two terms of reference documents was seen to be redundant by many of my participants, but others acknowledged the importance of elements within each of the documents. I suggest the purpose of the GTOR should be for the Parties to provide direction on the process, and that a Project Management Plan (PMP) be developed, instead of a PTOR, to allow the commission to sort out how to operate within that direction. This document would provide details on timelines, use of funds, potential plan partners, proposed planning tools, data deficiencies and sources, and strategies for meeting the expectations of the Parties.

With identified timelines stated in the PMP, there is a need to ensure that deadlines are enforced. I recommend identifying a protocol that would address missed deadlines and resolve the issue at hand. This protocol would require the commission to be accountable for its deadlines and provide rationale to the Parties when a deadline might be missed. Further, a plan for getting the process back on schedule should be presented and approved by the Parties.

The most important recommendation that I suggest regarding the PMP, is that it be formally reviewed and approved by the Parties and Council. This would make certain that the perspectives on process approach and expectations of the Council, Commission, and Parties will more likely align. The oversight role of the Parties, and perhaps the YLUPC, would not be intended to infringe on the independence of the commission, but instead to ensure the commission has adequate support and direction with which to operate effectively.

Recommendation 3: Commission Training and Team-Building

Task conflict can be a positive thing (Gardner & Cary, 1999), but conflict resolution and team skills are required to effectively work through issues and stay on course. A strong and dedicated team at the commission level was praised by many participants as the primary reason for the North Yukon process success. Although the amount of time spent on training the commission on land use planning, team building, and conflict resolution was criticized by some, it was critical to resolving conflict in a process that was very new to everyone involved. Often, groups such as planning commissions are comprised of individuals without sufficient planning or conflict

resolution skills, therefore providing adequate support and training can help avoid burn-out and frustration (Hooper et al., 1999).

I recommend that this training and support for the start-up of a new commission be continued. As mentioned by one of the participants in Chapter 4, commission members do not come to the table as skilled land use planners, therefore it only makes sense that there is a need for up-front training and education on the basic of land use planning. In the end however, it was the fact that the commission was able to work effectively as a team that resulted in a final approved land use plan, and not that they were professional planners.

Recommendation 4: Political Accord for the Parties

The intergovernmental accord that was in place between Vuntut Gwitchin Government and Yukon Government was independent of the North Yukon regional land use planning process. Despite this, the accord ultimately provided a successful method for the two governments to discuss and resolve issues related to the planning process. It helped the Parties approach the planning process and provide direction in a uniformed and coordinated manner. Early provision of policy direction was also important to Kennett (2010) in his review of northern land use planning in Canada. Like Kennett's study, this research suggests that after the planning process is underway, it is difficult to resolve certain issues, such as the level and extent of data collection and analysis as discussed earlier.

I recommend that where possible, agreements such as these be in place before land use planning starts in any region. In cases where there are multiple First Nation governments at the table, another mechanism or tool may need to be discussed that is

tailored to the needs and sensitivities of the First Nations at the time. Not only does it provide the Parties with an opportunity to approach the processes in a uniformed manner, it also helps to highlight divisive issues that exist among the various Parties. If these are identified early in the process, they can be taken to the commission for consideration and analysis.

Recommendation 5: Planning for Implementation

Consistent with Day, Gunton, and Calbick (2003), I recommend that a plan and budget be in place for implementation before the planning process begins. This would require establishing a formal mandate that would include clear descriptions of the authority and accountability of the Parties responsible for implementation, the operation jurisdiction, and roles and responsibilities of the commission, the YLUPC, and the Parties. My research suggests that articulation about how the commission should or should not be engaged in the implementation process is critical. Based on my interviews, I suggest that the commission remain engaged at a minor level. It is the responsibility of the Parties to implement the plan provisions, but the status of this implementation process could be made transparent if the Parties provided annual or biennial updates of implementation, problems that have come up, and new issues that need to be addressed. This would provide consistency and allow the commission to be well poised for plan review and revision.

I also recommend that a plan for implementation funding be in place. Negotiations about this should take place before the plan is drafted, especially in terms of who will fund the implementation recommendations and how the funds will allocated. Although it is unlikely that the Parties will know of an exact budget amount, clarifying

the scope to be consistent with existing capacity and resources of the implementation authorities, will help the commission be more realistic with their recommendations.

Conclusion

In an assessment of the North Yukon regional land use planning process, I attempted to determine why Yukon has had difficulties over time producing and implementing regional land use plans, and what factors contributed to the successful approval of the North Yukon Regional Land Use Plan.

Challenges were met regarding unclear roles and responsibilities. Specifically, there was uncertainty regarding the role of the Yukon Land Use Planning Council, Senior Liaison Committee, and Technical Working Group. There was also confusion and lack of clarity concerning the information gathering and implementation processes.

Despite the challenges, a final land use plan was approved largely due to a committed and well prepared team of people at both the political and commission level. Significant effort was placed on ensuring the commission members were sufficiently trained in basic planning principles, conflict resolution, and team-building. At a political level, the Parties were fortunate to have an intergovernmental accord in place and operating independent of the planning process. This allowed the Parties to work effectively with each other at resolving issues and coming to the planning process in a coordinated manner.

Based on the challenges and successes of the North Yukon process, I recommend that the front-end of the process be strengthened by developing a more detailed and relevant terms of reference document, having the planning commission develop and commit to a project management plan for approval by the Parties, continuing front-end

training of the commissions, encouraging future initiatives to consider developing political accords or agreements, and having a plan and budget in place for plan implementation before the process begins.

The Yukon has a long history of failed regional land use planning efforts. A number of attempts at the current process for regional land use planning, as set out in Chapter 11 of the Umbrella Final Agreement, has given us the opportunity to reflect on lesson learned. If the process can be strengthened and improved, especially at the front-end as I suggest, I am optimistic that Yukon can look forward to a more coordinated and positive land use planning environment.

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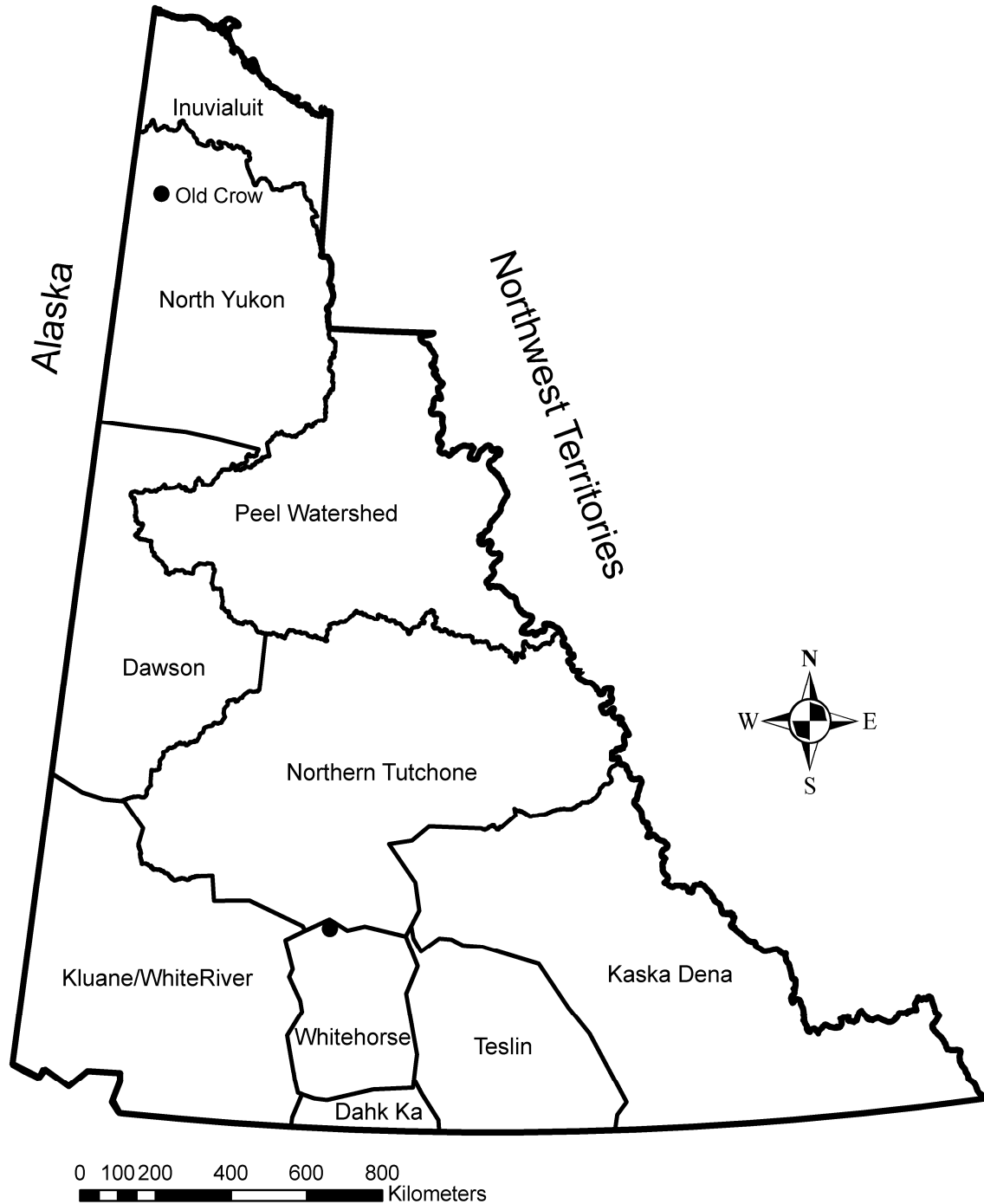


Figure 1. An illustration of the planning regions for Yukon. Note: New regional boundaries are being considered for the Whitehorse, Dahk Ka, and Teslin regions.

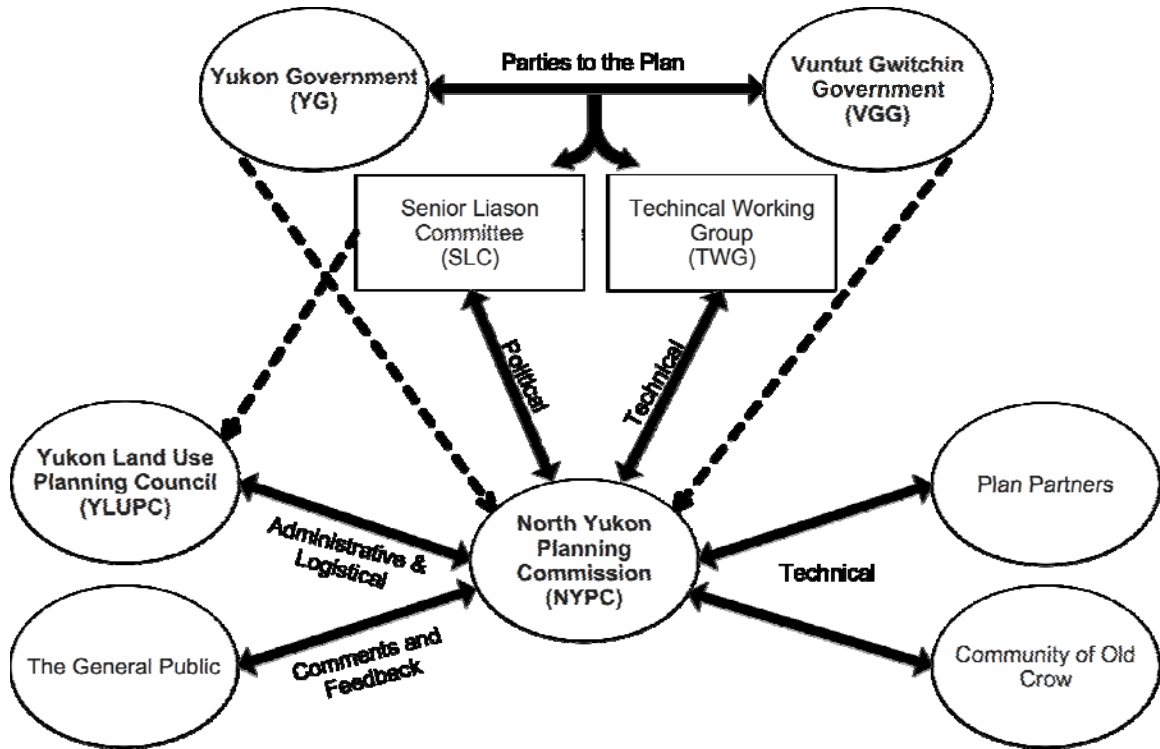


Figure 2. The communication and support network used to distribute information throughout the North Yukon planning process. The dotted lines represent ad-hoc communications that occurred.

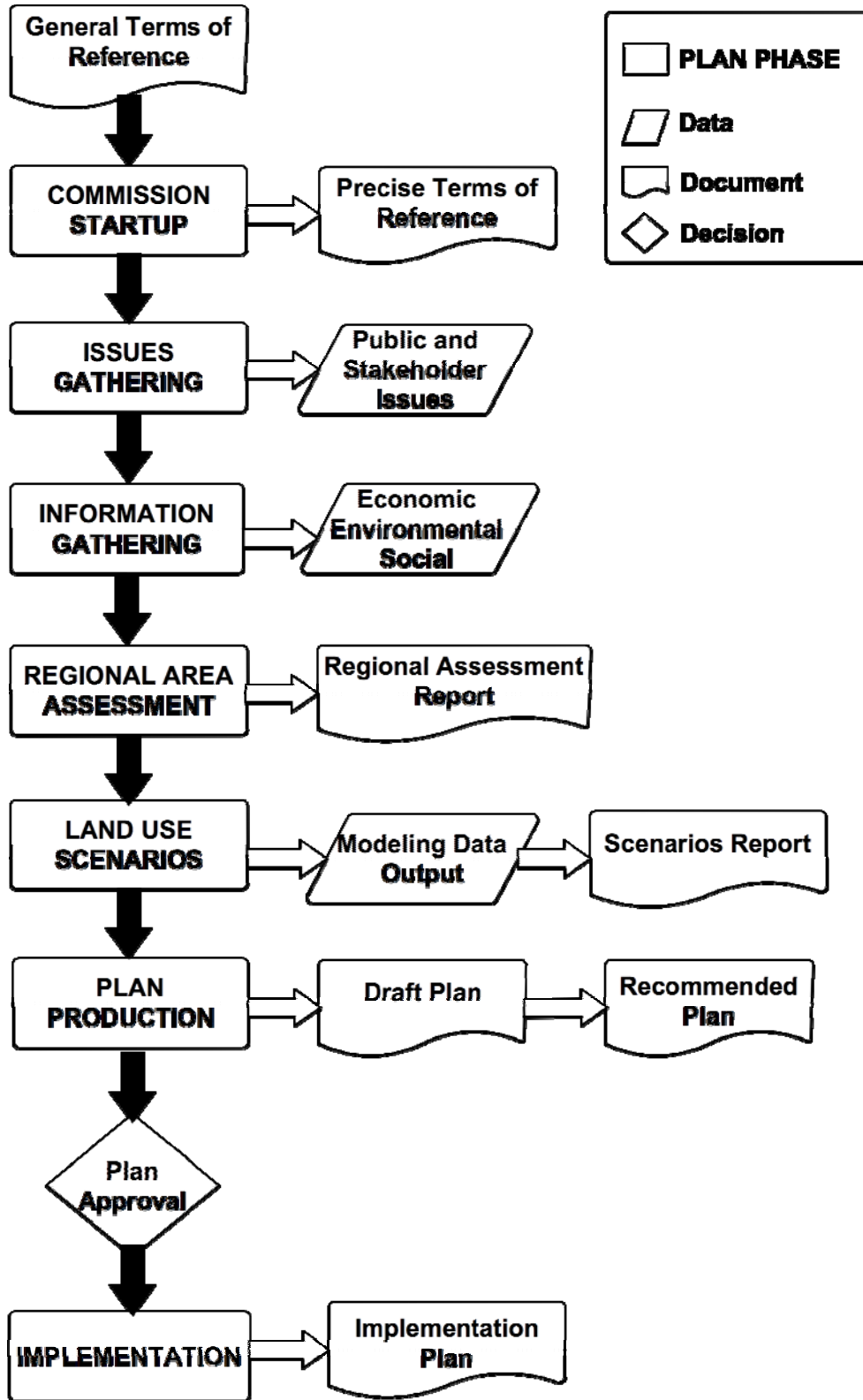


Figure 3. The land use planning process used by the North Yukon Planning Commission, including the products and deliverables intended for each phase.

Table 1

A summary of Yukon regional land use planning efforts

Planning Attempt	Mandate	Start	End	Status
Mackenzie Valley Beaufort Sea	Northern Land Use Planning Program	1987	1991	Draft plan rejected and Northern Planning Program abolished
Greater Kluane Region	Yukon Land Use Planning Agreement	1988	1991	Draft plan rejected
Greater Kluane Region	Yukon Land Use Planning Agreement		1992	Revised draft plan rejected
Greater Kluane Region	Yukon Land Use Planning Agreement		1998	Revised plan rejected; planning commission not reinstated
North Yukon	Yukon Land Use Planning Agreement	1990	1990	Commission disbanded due to conflict with Mackenzie Valley process
North Yukon	Chapter 11, Umbrella Final Agreement	1999	2001	Vuntut Planning Commission disbanded
Teslin Region	Chapter 11, Umbrella Final Agreement	2001	2004	Teslin Planning Commission disbanded
North Yukon	Chapter 11, Umbrella Final Agreement	2003	2009	Approved regional land use plan
Peel Watershed	Chapter 11, Umbrella Final Agreement	2004	2009	Recommended plan rejected. Awaiting decision on revised plan
Dawson Region	Chapter 11, Umbrella Final Agreement	2011	Present	In progress

Table 2

A description of the planning bodies involved in the North Yukon planning process

Body	Purpose	Formation	Appointees	Staff
YLUPC	Advisory, technical, and administrative support to Yukon regional land use planning	Chapter 11, Umbrella Final Agreement	1 member each from Yukon Government, Canada, and Council of Yukon First Nations	Yes
NYPC	Production of a regional land use plan for North Yukon	GTOR developed by YLUPC and the parties	3 members each from Yukon Government and Vuntut Gwitchin Government	Yes
SLC	Political direction and support to the NYPC, and oversight of TWG	By the parties	1 senior level staff person each from Yukon Government and Vuntut Gwitchin Government	No
TWG	Technical information and support to the NYPC	By the parties	1 technical staff person each from Yukon Government, Vuntut Gwitchin Government and NYPC	No