

## Notes for the Break-outs

### Breakout 1: Assessing the conditions that exist in their regions.

1. Conditions for successful planning:

a. *Group 1 (Mal Maloch):*

– None noted –

b. *Group 2 (Andre Gagne):*

- Conflicts do not preclude planning
- Political support from the Parties (capacity)
- White River First Nation (unsigned) Status Indian Band, under Indian Act
- (benefits of regional land use planning information needs to be conveyed to Chief/Council. Land use planning objectives, under Chapter 11 are completely different from the use of lands set aside or reserved for the sole use of the Indian Band and its status members)
- Support from governments to provide LUP information to interest /stakeholder groups
- Policies and politics require discussion
- Determine YFN's conservation priorities
- Determine YG's area development plans interest (Area Development Ordinance vs Land Claim Agreements)
- Identify conservation areas which are deemed untrammelled lands (protected/no development, likely polarize natural resource progression)
- Identify conflicts from the outset
- Commission to identify issues/conflicts, build relationships, improve communications, notify Senior Liaison of contention with land/boundary overlaps with 5 YFN's, YG, Feds
- Address oral history lost through translation (ie) Han language vs English language

c. *Group 3: Nick Gryzbowski:*

- There are planning (resource management) issues that need to be addressed;
- The issues are not so controversial that relationships have broken down;
- There are no unresolved constitutional issues or court cases with implications to the planning process;
- The issues are not emergency issues of public health, military, safety;
- Key players (managers and government) can be identified and decision making structures are in place;
- Key players are willing to commit to an inclusive, open and time-limited process;
- Sufficient factual information exists to address the issue;
- No one agency or organization has complete jurisdiction over solving the problem;
- Relevant government policy goals and parameters have been defined and the public (or FN members) supports them
- Boundaries of the planning region

d. *Group 4: Lou Villeneuve:*

- Governments to provide more funding
- Encourage/foster more Gov't to Gov't discussions
- Reinforce more positive and productive communication
- By increasing collaboration along with display of positive attitudes
- Explore more proactive than reactive avenues
- Celebrate success along the land use planning process

e. *Group 5: Mark Nelson:*

- Avoid assumptions as they are viewed as the “mother of all screw-ups”
- Consider land use designations within plan region
- Consider consistent language in Resource Assessment Reports
- Give thought to human resource needs related to availability and commitment

2. Which of the 10 conditions does the group think are most important?

a. *Group 1 (Mal Maloch):*

- line of communications
- land use conflict
- information about the land and resources
- any issues controversial
- relationships with other governments
- human resources available and committed

b. *Group 2 (Andre Gagne):*

- Need Information about the land & resources
- Need well developed policies relating to land use
- Need clear line of communications between respective governments

c. *Group 3: Nick Gryzbowski:*

- Political Support
- Public and Interest Group Support
- Land Use Conflict in the Region (A reason to plan)
- Need well developed policies relating to land use
- HR enough people available to get the job done
- Sufficient factual information exists to address the problem
- Relevant government policy goals and parameters have been defined and the public (or FN members) supports them
- Boundaries of the planning region (need agreement with FN without Final Agreements)

d. *Group 4: Lou Villeneuve:*

- Political support
- Public interest & group support
- Land use conflict in the region
- Controversial issues (may prevent planning)
- Established relationships with other governments
- Lines of communications between governments

e. *Group 5: Mark Nelson:*

1. Political Support

- Begins & ends the plans
- Political will is effecting existing/future plans
- “May” clause → need support to start
- Long process- need support all the way through
- Support is visibly high from all Yukon First Nations participants involved in “Planning for Success Workshop (January 21/22, 2014)
- Need to justify case for plans, benefits, with overall clarity related to intents, goals, objectives, interests, etc.

2. Issues

- Overlap with WRFN in Kluane region cannot be resolved through Chapter 11 process
- How do plans address common law obligations to consult and accommodate YFN’s
- with Final Agreements and without Final Agreements?

- Issues that go beyond the plan process (ie) free staking & Privy Council Withdrawal Orders

### 3. Policies

- Can't make plan contingent upon system, legislative regime changes
- Plan can't please everyone and can't accommodate many uses but can use tools like area protection designations to accomplish the ends (ie) Muskwa-Kecheeka Plan, Ft. Nelson/Kaska
- Let Protected areas be addressed through the planning processes and let the process provoke changes required
- Don't need all policies in unison in order to start but emphasize clarity in the process
- (Don't think Public will accept policy silence again (ie) Peel regional Watershed)

### 4. Land Use Conflicts

- Most areas have different uses
- Want to see plans build on each other (i.e.) Burwash area, Kluane Park, Kluane regions
- Rural residential and agricultural dispositions need policy applications (where and how)
- Land use plan templates used as guides but not necessarily the way to go

### 5. Human Resources Committed

- Regional Commission alone is \$1M of work plus additional costs involving YFNs, YLUPC and respective Governments
- Build on existing plans to supplement Forest Management Plans, Special Management Area Plans, Habitant Area and Area Development Plans. Their integration will improve the overall plan efficiencies
- The Parties had already established the Teslin Regional Planning Commission (2004); unfortunately, it did not complete a draft plan. \*Note: The TRPC is about to be resurrected. \* (only subject to the whims of the Parties: consider new approved Terms of Reference, membership nomination/appointment, office set up, hire staff, prepare budget/work plan, complete draft LUP)
- NND also initiated building capacity retention issue
- CAFN/KFN appear ready but will be stretched due to WRFN outstanding overlap and capacity issues

3. Additional Conditions identified but not on the list
  - a. *Group 1 (Mal Maloch):*
    - – None noted –
  - b. *Group 2 (Andre Gagne):*
    - “Free Entry: staking system predetermine LUP as resource planning and causes LUP to become unfairly directed, cause conflicts between conservation vs mineral interests
    - Planning: results in geographically delimited policy, regionalizing policies (unclear point?)
  - c. *Group 3: Nick Gryzbowski:*
    - Enough Resources available to First Nations Governments to participate, respond to the Commission and to implement a Regional land use plan
    - Commission needs a wide range of knowledge and expertise
    - Need to have lots of stakeholder and public input, need the public coalescing behind a plan
  - d. *Group 4: Lou Villeneuve:*
    - Clear land use planning process until final approval stage?
  - e. *Group 5: Mark Nelson:*
    - – None noted –
  
4. How many of these conditions are met or not met by your region (or territory)?
  - a. *Group 1 (Mal Maloch):*
    - – None noted –
  - b. *Group 2 (Andre Gagne):*
    - – None noted –
  - c. *Group 3: Nick Gryzbowski:*
    - NND – lots of Conflict plenty of reason to plan; Plenty of public and interest support
    - CTFN – Political Support/interest group support
    - SFN – Planning boundary not clear
  - d. *Group 4: Lou Villeneuve:*
    - None unanimous
    - Grey areas
    - Unclear
    - Some organizations can't answer
  - e. *Group 5: Mark Nelson:*
    - – None noted –

5. Discuss ways of creating the conditions that are needed for successful planning if conditions are not currently present in your region (or territory)?
  - a. *Group 1 (Mal Maloch):*
    - – None noted –
  - b. *Group 2 (Andre Gagne):*
    - *Need policy framework (without it, leads to polarization)*
    - *Traditional ecological knowledge needs to be addressed and to have Elders input and produced before planning begins, viewed as key YFN's product*
    - *Need on-going relationship building (takes time)*
  - c. *Group 3: Nick Gryzbowski:*
    - *Figure out a way to include FN without final Agreements into the planning process*
    - *Create many opportunities for Stakeholders to become involved*
  - d. *Group 4: Lou Villeneuve:*
    - – None noted –
  - e. *Group 5: Mark Nelson:*
    - – None noted –

## Breakout 2: Develop strategies to clarify roles and responsibilities

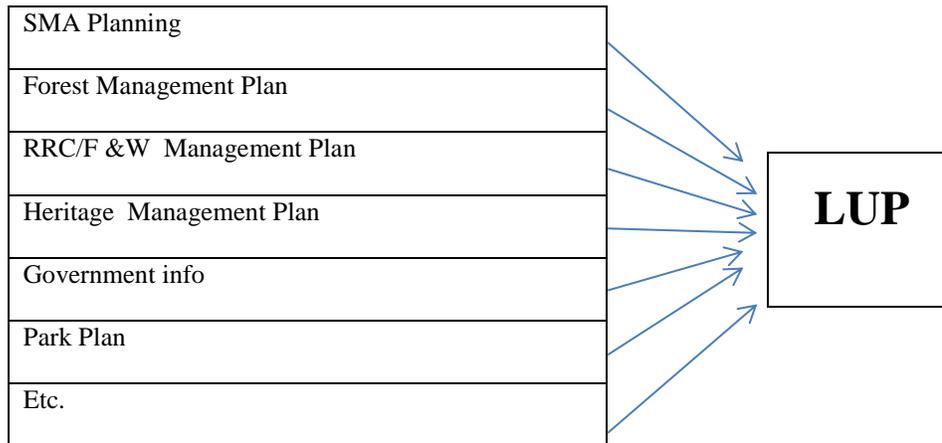
1. How can the relationships between the Parties be strengthened before the Commission begins its work?

a. *Group 1 (Mal Maloch):*

- YLUPC could provide assistance
- Parties open: government to government basis
- Parties to meet regularly
- Parties commit to approve TOR contents collectively
- Parties conduct regular, open, honest communications between Senior Liaison Committee (SLC) and Regional Land Use Planning Commission (RLUPC)

b. *Group 2 (Andre Gagne):*

### EFFICIENCIES & TIMELINES



\*Public input: completed already \*to LUP pre-Commission

- There is absence of working relationship between the Parties
- Good working relationship at technical staff level
- Variations of views at the political level related to YFN's vs YG and UFA interpretations
- YFN'S land use plans based upon conservation priorities
- (More multi-pronged, fundamentally different mandates)
- YG land use plans based upon pro- development priorities
- Send individuals with experience in government (YFN's and/or YG)
- Send key players to the meeting from the outlet

c. *Group 3: Nick Gryzbowski:*

- Parties clearly state planning principles up front agreeing on the planning process, their responsibility throughout the process, i.e. providing information and reviewing Commission products. (This can happen before or during the TOR).
- Know all -Best Alternatives to a Negotiated Agreement. (If some parties have a better alternative to reaching an agreement through the CLUPP, it needs to be discussed, high BATNAs not good for good faith participation)
- Establish working groups, these can work before the Commission gets rolling (this can form useful networks and sources of information for the Commission)
- Ensure that the parties have the resources available to produce equal data sets, information. When parties are bringing info to the Commissions not equitable if one party has access to more resources to produce more extensive information.

d. *Group 4: Lou Villeneuve:*

- Append instruments such as: Memorandum of Understanding (MOU); Letter of Understanding (LOU); terms of reference (TOR) Have all Parties on the same pages through these instruments
- Have clear contact information for each Party?  
(Does this mean that each party must identify contact person or does it mean that party must be clear about contact, regional, departmental, branch information sources?)
- Get Parties together (organize regular meetings)
- Organize “Orientation/Training Sessions” for representatives of all the Parties including local politicians to remind them of the land Use Planning goals and objectives outlined in Chapter 11, Land Use Planning and to also provide a basic understanding of the relevant Land Claims Agreement chapters
- Send “the right people” to the decision makers within the YFN’s and YG with a mandate to address the matters brought forward.
- The Parties must be prepared to discuss ways and means to improve working relationship between each other.
- What kind of policy advice is expected of the Parties?
- Land management information is to be made available during the plan development. (i.e.) Provision of information regarding OIC regarding mineral resources staking withdrawals and or respective legislative changes to Acts or Regulations.
- TWG & SLC Terms of Reference, outlining the roles, responsibilities and frequency of meetings must be completed prior to establishing a regional commission.
- Develop open line of communications between the Commissions, TWG & SLC.

*e. Group 5: Mark Nelson:*

- Clearly state planning principles up front: agree on procedure, agendas, review times, plan principles (philosophy) before/during the Terms of Reference (TOR).
- Avoid political turn-over challenges, political will appears to be wavering and seems to be favoring one side???
- Best Alternative to a Negotiated Agreement (BATNA) should be considered and in place. This will provide a basis for different ways of dealing with the issues.
- Establish technical working groups (TWG)
- Equalize information sources and human resource capacities
- Know the players (turnover consideration)
- Net-working (Individual relations)
- Broader issues need Gov't to Gov't attention to improve better relationships (elements of trust, respect and good consultation)
- Encourage more regular meetings and engagement (at technical and political working levels)
- Need to develop a better mutual understanding of "Why" rationalization
- Parties that see the benefits of a good plan, will support the plan by committing the necessary resources
- Senior Liaison Committee need to commit to organizational challenges and busy schedules
- Internal levels of commitment: Technicians may understand land use planning values and process, more than political leadership (there is need to convince leadership of buy-in)

2. What should be made clear about the roles and responsibilities of the parties prior to beginning planning?

*a. Group 1 (Mal Maloch):*

- Provide on-going support, commitment, sufficient resources and keep to the time lines
- Be clear about the planning process and who has the authority over the final approval process?
- Parties at the political level must commit to see the plan process through (stay the course)

*b. Group 2 (Andre Gagne):*

- Parties to develop joint principles
- Conduct senior level meeting to define and design initial relationship

*c. Group 3: Nick Gryzbowski:*

- Clear mandate from the parties
- Need the parties to stick to what they agreed to
- Parties need to be open and honest and put their interests to the commission clearly (document the parties interests, provide interest statements)
- Parties to disclose what they are willing to accept at the outset of the planning process
- Parties have a responsibility to connect back to the UFA spirit and intent, connect back to why we are doing this.

*d. Group 4: Lou Villeneuve:*

- What kind of policy advice is expected of the Parties?
- Land management information is to be made available during the plan development. (i.e.) Provision of information regarding OIC regarding mineral resources staking withdrawals and or respective legislative changes to Acts or Regulations.
- TWG & SLC Terms of Reference, outlining the roles, responsibilities and frequency of meetings must be completed prior to establishing a regional commission.
- Develop open line of communications between the Commissions, TWG & SLC.
- (Same coverage for breakout #1)

*e. Group 5: Mark Nelson:*

- Parties to provide clear mandate
- Need consistency throughout
- Parties to be open & honest about interests brought to the table
- Parties to disclose acceptable plans and consultation
- Need to connect back to UFA spirit and intent (Why are we doing this?)
- Consider establishing “ Intergovernmental mechanism” to review: 1) consultation protocol (i.e.,) government to government relations (Outside of Chapter 11, Land use planning process)
- Land Use Planning Principles developed by the Parties based upon the respective Final Agreements.
- Try to reconcile different world view of the Parties: attempt at high level (Chiefs, Premier & Ministers). The different world views can be used to guide the Regional Planning Commissions.
- Clarify definition of “Sustainable Development” which may vary between the Parties.
- Senior Liaison Committee (SLC) can help “stick handle” issues before advancing to the Parties (improves buy-in potential)
- Technical Working Group (TWG) must remain neutral and balanced. Discussion outcomes may become biased by sheer volume and type of information provided.
- Analysis decisions should be left to the Commissions (“Lay out the menu”)
- Planners must dispel their bias and refrain from advocating positions

3. What strategies could assist the parties in maintaining a strong relationship? At what stages?
  - a. *Group 1 (Mal Maloch):*
    - Identify emerging problems and help to solve them
    - Foster dialogue upon interest basis
  - b. *Group 2 (Andre Gagne):*

The Commission can:

    - Work with all Parties together
    - Improve communications between themselves and the Parties
    - Facilitate meetings-frequent –at senior levels (include details in MOU or TOR)
    - Hire the right people for facilitation, tasks, events or activities
  - c. *Group 3: Nick Gryzbowski:*
    - Go back to plan principles
    - Have planning chair at more SLC meetings – Could play a mediating role, help work out disagreements.
    - Parties recognize and keep an open mind to the different world views and ways of viewing/handling problems.
    - Yearly LOUs
  - d. *Group 4: Lou Villeneuve:*
    - – None noted –
  - e. *Group 5: Mark Nelson:*
    - Go back to plan principles, if you have them
    - Have the plan Chair attend Senior Liaison Committee (SLC) meetings to work out disagreements and undefined & outstanding issues
    - Recognize different ways of viewing problem with an open mind
    - Letters of Understanding (LOU) should be considered on a yearly basis
4. How can Commissions work to help strengthen relationships between the Parties?
  - a. *Group 1 (Mal Maloch):*
    - Consensus Decision-Making Process should be well thought out, laid out, understood and practiced.
    - The Commission and representatives of the Parties should try “Breaking bread” together in order to build trust.
    - The Parties and the YLUPC should recognize important milestones when they are achieved and also recognize other successful progress on related fronts in a regular and systematic way.
    - It may take up to ten years to complete a plan...so need to keep an eye on what’s happening.

*b. Group 2 (Andre Gagne):*

- – None noted –

*c. Group 3: Nick Gryzbowski:*

- Ensure all voices are heard
- Equal opportunity for meeting and input
- Social event out in the planning region (Commission and parties)
- Identify policy gaps forward them to the TWG and SLC
- Commissions attend FN GA's explain the process to increase understanding
- Find out why relationships are deteriorating during the process – make sure you mend the relationship, go back to planning principles agreed to at the start, mediate conflict as it arises.

*d. Group 4: Lou Villeneuve:*

- Ask more questions
- Be more involved with the Parties
- Be at arm's length from the Parties
- Be the first place of contact for information
- Have information readily available
- Request Parties to meet more often with the commission.
- Respect commission's Terms of Reference
- Ensure full working commission members (all times) and that there is prompt and timely appointment and replacement of commission members as required.
- Encourage good working relationship through pursuit trust, respect and improved communications.
- Commissions have requested the presence of key individuals to attend their scheduled meetings dependent upon the importance of an agenda item.

*e. Group 5: Mark Nelson:*

- Ensuring all voices are heard
- Provide equal opportunity for meeting & input
- Provide for social event out on the land in the planning region for both the Commission and Party members
- Identify policy gaps that should be forwarded to TWG & SLC for input/advice
- Regional Commissions should make a conscious effort to attend YFN's Annual General Assemblies to explain the planning process and provide briefing updates on matters of interest
- Determine the basis of deteriorating relationships by going back to review of plan principles

### **Breakout 3: Improve information provided to the Commission**

1. What information might the Parties provide the Commission to help the Commission fulfill the roles just identified? (SMA work, YESAB cumulative effects work, forestry, linkages to other management plans)
  - a. *Group 1 (Mal Maloch):*
    - All existing land use activities within the planning region should be identified (YFN's, YG, Private sector) so that their impact or benefits can be accommodated
    - The Commission will rely upon planning staff to secure important resource data, public land, resource and environmental interest in order to address their impacts and implications upon the planning process
    - Collection of traditional heritage sites and information will become part of the data gathering process
    - The Commission and the Parties should develop and have input into a planning vision or direction for the region
    - The Parties respective interpretation of words, hopes, dreams or aspirations should be conveyed to the Commission
    - Specific provisions from related Chapters from Yukon First Nation's Final Agreements should be reviewed for their implication upon draft plans
    - Important for Commissions to receive the Parties views on the significance of various land uses and their implications for land use planning
    - Preferred methods to establish thresholds must be explored and applied as required
    - Ideas that relate to plan timeframes, the nature or extent of land use activities and restorative measures should be brought by the Parties to the attention of the Commission
    - Existing baseline data, including wildlife surveys and radio-collared program information, water and soil sample records, mineral claim records should be provided and taken into consideration by the Commission
    - Traditional Ecological Knowledge information should also be taken into consideration to compliment the collection of scientific data
    - Representatives of the Parties are to express their views regarding balances between a variety of assorted land/resources interests and different and varied land uses

*b. Group 2 (Andre Gagne):*

- YFN's & YG have different starting points
- Oil & gas fracking has impact implications upon sub-surface rights
- Consider balance and diversity among Commission members
- Establish and maintain Parties relationships
- Clarify respective roles and responsibilities between the parties (ahead of time)
- Parties Planning Principles must be determined from the respective YFN's Final Agreements and should portray the Parties ideas of what is envisioned. This message or vision is to be conveyed to the Commission to assist them in developing a suitable "Vision Statement". It should include YFN's values related to spiritual, cultural, traditional and ecological interests (TEK)
- A resource and lands manual should be prepared up front for Commission's reference
- Information data that is shared must be provided by the Parties to the Commission on an equal basis (same playing field)
- Project information should be scoped (ensure correct information is given)

*c. Group 3: Nick Gryzbowski:*

- Traditional economy areas from First Nations i.e. Berry patches, harvesting areas, hunting and fishing zones.
- Mineral Maps base line information.
- Identify Contentious areas, conduct overlap analysis
- Identify what the parties don't know

*d. Group 4: Lou Villeneuve:*

- Clarity of terminology: (i.e.) sustainable development \*each party to provide their definition (agreement) be clear with expectations up front (i.e.) 50% forest protection or road construction
- Interest statements: through consensus or individually, if no agreement
- Heritage information: understanding that it may be difficult to access due to
- Sensitivity and /or availability

e. *Group 5: Mark Nelson:*

- Land & resource management planning to encompass Site Specific land selections (burial grounds, heritage interests, traditional campsites, cultural grounds, etc.)
- Planning in the Northern Tutchone region would integrate interest in Minto Landing Village, Historic Site of Ft. Selkirk, all HPA/SMA work related to fish & wildlife conservation/protection, McArthur Hot Springs Site, Nash Creek Hot Springs Site, watershed protection.
- Above all, Commissions require cohesiveness/unity through giving due regard to respect, trust, good communications and commitment to their obligations and duty to complete a Draft Land Use Plan.
- In review of the past operations of the Teslin Regional Planning Commission activities and foreclosure, the following observations were brought to light: Numerous land use applications within the planning region, continued to alienate TTC's rights, titles and interests. A review of the land use application process was difficult, but confirmed land alienations and "piece-mealing" of the intent of CLUPP (cooperative planning). Trans-boundary use and occupancy information further compounded the process. Staff capacity was also problematic. It was determined that other relevant Chapters including Chapter 11, Land Use Planning can affect YFN's Final Agreement rights, titles and interests.
- Undoubtedly, all future Commissions will be affected by any court ruling on the Final Recommended Peel Watershed Regional Land Use Plan, July 22, 2011.
- In the decision-making process affecting the Peel watershed, YFN's relinquished a high percentage of the planning region in favour of the Commission's recommended plan. In the final analysis, it appears that the Yukon Government favoured its own plan in support of industry positions for resource development.

2. How much can be prepared in advance of Commission needing it? What types of information can be prepared in advance?

a. *Group 1 (Mal Maloch):*

- The Commission and the Parties must consider how to incorporate sensitive traditional ecological knowledge into draft plans
- Commission and Parties planning principles must also be developed, considered and integrated

*b. Group 2 (Andre Gagne):*

- Consider Memorandum of Understanding (MOU) at Commission start-up, ensure provisions for respective roles and responsibilities for Party's representatives, including their expectations, identify meeting schedules and project timelines, section for gathering and distributing existing technical, scientific, cultural and other relevant information
- Provide more up front discussions on topics of interest
- Prior to pre-planning stage, the Parties will provide more definitions conducive to preparing to plan
- Outstanding issues, related the land use plan, must be identified by the Commission with assistance from the Parties

*c. Group 3: Nick Gryzbowski:*

- Main resource data, i.e. forestry, minerals, etc. At the very least provide the Commission with your best guess.
- All wildlife and habitat data
- Identify the contentious areas, which will allow the Commission and the parties to focus efforts and resources to gathering information for the areas marked as potential conflict areas. I.e. overlap of oil and gas deposit and caribou calving area.
- Gather how the parties make decisions and determine how various First Nations gather and handle traditional knowledge. Planning processes often involve various First Nations. Commissions need to be aware of the different formats for collecting and portraying info to the Commissions. If it is all different it will create more work for the Commission

*d. Group 4: Lou Villeneuve:*

- The YLUPC and Commission can assess and determine what data or information is needed and can give heads-up to the Parties on what is required

*e. Group 5: Mark Nelson:*

- There are much relevant materials stored in boxes and in basements (files, papers, research, document, and oral history research -tape recordings requiring translations). All of this information will require intense energy before presenting to the Commission for their input and review.

3. What policy direction should be provided to the Commission regarding these topics and when should it be provided?
- a. *Group 1 (Mal Maloch):*
- A well- defined planning framework outline is to be provided by the Parties to the Commission
  - Commission is to plan ahead to provide plan process briefing sessions to help prepare new government officials and new commission members
  - Commissions may need to extend planning process
  - Representatives of the Parties, the Commission and the Yukon Land Use Planning Council must consider signing a Memorandum of Agreement (MOU) which will be appended to the Regional Planning Commission's Terms of Reference as a guarantee that political or policy changes will not affect its directions to complete a draft Land use plan
- b. *Group 2 (Andre Gagne):*
- Consider the development of a Traditional Knowledge Policy that will encompass definitions, address specific sensitivities in connection with confidentiality
  - Policy must be developed, approved, implemented and used in good faith
  - Policies which are relevant and developed for the planning region must be consistent in their application
  - Notion of scoping policy details is to ensure compliance to the plan
- c. *Group 3: Nick Gryzbowski:*
- First Nations put forward certain aspects of their Final Agreements. i.e. Forestry
  - First Nations Acts i.e. Wildlife
  - Policy on Communication between the various planning bodies
- d. *Group 4: Lou Villeneuve:*
- Any policies related to land use and the plan process should be provided asap
  - (i.e.) YFN's determination to keep subsurface developments frack-free
- e. *Group 5: Mark Nelson:*
- Yukon First Nations who have developed/approved Lands & Resources Act, Oil & Gas Acts, Land Titles Act, Heritage & Resources Act along with other pertinent Rules & Regulations or Policy documents related to programs and services should share/provide this information to the Commissions for their vision and guiding principles with consideration for eventual inclusion in the Draft Land Use Plans.
  - Policy documents which are reviewed and approved by the Parties will require transparency and trust worthiness.
  - Commissions need certainty about how work will lead to products or "rules of engagement"
  - Disagreement over policy content can end up in the courts

4. How can changes in political structure/policy change be incorporated or prepared for in the planning process?

a. *Group 1 (Mal Maloch):*

- Once the Terms of Reference is endorsed by the respective Yukon First Nation (s) and is recommended by YLUPC to the Minister of Energy Mines & Resources for approval, its contents will be binding upon the Commission and all of the Parties

b. *Group 2 (Andre Gagne):*

- Signed agreements, like LOU, MOU, TOR should have "staying power" that will be binding upon the Parties which will provide plan direction that is intended to maintain the planning course
- The Parties should have some guidance policies laid out in advance of change of government through the development of appropriate use of templates, protocols and standards which will support the need not to re-invent the wheel. Such guidance policies must also be adaptable and modifiable for each planning region

c. *Group 3: Nick Gryzbowski:*

- Agreement up front amongst the parties
- Yearly Meetings between the parties and the Commission
- Commission aware of political structures and election times
- Agreement up front with room for flexibility i.e. the Commission needs to be able to respond to changes but the commitment from the parties

d. *Group 4: Lou Villeneuve:*

- During interim reviews of completed plans
- A well-defined review process
- Through plan amendments and variance
- By having agreements that identifies the Parties roles and responsibilities which are legally binding upon the Parties
- Take into account Vision Statement contents
- Take into account Treaty obligations

e. *Group 5: Mark Nelson:*

- The Parties need to provide good will and commitment to begin and complete planning in the Teslin, Kluane and Northern Tutchone regions.

**Breakout 4: What factors should influence funding decisions?**

1. What strategies might be employed to have the commission complete the plans within the budgets/timeframes set by the Parties? (How do we increase efficiency in the process?).
  - a. *Group 1 (Mal Maloch):*
    - Commission needs to review Budgets and work plans approved by the Parties
    - (YG/YLUPC)
    - Efficiency can be increased by use of a standardized planning methodology (with some flex)
    - Add a “Prepare to plan component” at the front end, including provision of information gathering process
    - Build on existing Terms of Reference vs developing new TOR “start from scratch”
    - Office establishment needs good Finance and Administration component (staff)
    - Prepare:” Preliminary” Resource Assessment Report from collected data: Yes, to some extent
    - Provide facilitation services for internal/external meetings: Yes, but need the right skills
    - Consider core technical services (GIS, Finance/admin, HR)
    - Human resource management-needs to be well laid out with lots of communication
  - b. *Group 2 (Andre Gagne):*
    - Local Renewable Resource Councils can play a larger role in regional land use planning process. Their involvement could provide more information to the process but will require additional funding
    - Elders involvement in planning process will ensure meaningful inclusion of traditional knowledge application
  - c. *Group 3: Nick Gryzbowski:*
    - Constant communication between YLUPC, parties and the Commission
    - Parties flush out CLUPP timeline that is outlined in the TOR. The parties need to be aware of their roles and responsibilities throughout the CLUPP. They need to be accountable to the process.
    - Presentation to the Commission on lessons learned from past planning processes help prevent reoccurring issues from arising
    - Efficient mechanism for resolving conflict to prevent unmanaged conflict from tanking the process. Build a Conflict Resolution mechanism into CLUPP
    - Have a project manager to prime the parties. Help the commission manage risk as well as keep the process moving along smoothly.

*d. Group 4: Lou Villeneuve:*

- Create guidelines/best practices to guide commission's work based upon previous experience
- Review the commission's decision-making process to increase speed of decision making
- Provide info'/ prep work/data gathering/basic resource assessment prior to commencing strategic planning
- Direct "Sub-Committee" do basic resource assessment in advance
- Provide confidence to the Commission and the Parties by ensuring that Government will accept the plan through re-establishing trust relationship and that membership appointment will allow for demographic ratios.
- Start work on upcoming Commission prior to the end of current timeframe.
- MOU to define overlap boundaries of the traditional territories (YFN'S)
- Use technology (i.e.) video conference for number of people which will reduce travel and attendance costs
- Have people prepared/up to speed when conducting meetings

*e. Group 5: Mark Nelson:*

- Regional planning needs will differ and the use or application of different tools may be required to address the variable planning needs.
- Need to develop strategy to access additional funding once remaining 4.6 million dollars available for planning is expended

2. How can we improve the accountability to each other with respect to timeframes, product needs and expectations?

*a. Group 1 (Mal Maloch):*

- Use of templates (timeframes, budget/work plan, product format, etc. provide budget support on staged basis...progress payments. Need activity but also can't unduly constrain the work-need a plan linked to financial needs

*b. Group 2 (Andre Gagne):*

- Non-renewable data gaps can be addressed by the Yukon Government and respective Yukon First Nations. Data formatting could be standardized (take and use existing information - no re-jig)
- Technical Working Group (TWG) can be engaged by Commissions to aid in compilation of technical data or other information as required

c. *Group 3: Nick Gryzbowski:*

- Agreed upon template for how to cook a plan
- Project management
- Commission submit annual work plan and budget
- Deadlines
- Regular Communication between planning partners

d. *Group 4: Lou Villeneuve:*

- Set clear deadlines/more commitment to meeting deadlines
- Get the public involved (get their input) through open houses, newsletters and workshops
- YLUPC to provide facilitation and technical support
- Be open to new ideas, new technology utilized to keep in contact, distribute information (i.e.) conduct video conferencing vs in person meetings

e. *Group 5: Mark Nelson:*

- Plan ideas need to be taken back to community for input and exchange
- Different issues may be addressed from different places

3. The Council is tasked with assisting the Commission. How can we best do this to decrease the expenses of the Commission? (e.g. host workshops on topics the Commission needs to know more about)

a. *Group 1 (Mal Maloch):*

- Need direction and request from Commission
- YLUPC consider sponsorship of Commission workshops which are conducive to plan development
- Consider use of contract services vs staff support, assess on case by case basis
- No corporate memory –maintain experience staff at YLUPC vs contractors
- YLUPC provide financial/administrative support services
- YLUPC provide facilitator services to Commission meetings
- YLUPC provide technical services (GIS, computer service/repairs/advice)
- YLUPC provide human resources management (planner, technical, communications)

b. *Group 2 (Andre Gagne):*

- Pay heed to YLUPC's cost cutting ideas: share office, equipment, staff, travel costs, etc.
- Assign high level and technical level point person to address accountability questions affiliated with planning exercise.
- Commission's annual budget and work plans to reflect actual needs
- Lessons learned from production of Atlin-Taku Land Use Plan
- Lessons learned from approval and implementation of Sahtu Land Use Plan, NWT

c. *Group 3: Nick Gryzbowski:*

- Ron's list, particularly staff support, financial, GIS, Facilitation
- YLUPC help Commission with logistics and procedural issues they have a ton of institutional knowledge
- YLUPC play a Conflict Resolution role in the process and in the Commission
- YLUPC clear up potential conflicts TOR, MOUs, Training

d. *Group 4: Lou Villeneuve:*

- Maintaining consistency through the process by ensuring that participants are prepared and up to speed on matters discussed
- YLUPC support Commissions by provision of administrative and financial services
- Appoint Commission members who reside in the region of the planning area
- YG should reimburse the Chapter 11 pool of funds allocated for regional planning that they wasted on the peel watershed
- Cost sharing between the Parties for scheduled meetings
- Using the past experience of past commission members

e. *Group 5: Mark Nelson:*

- Provide Financial Administrative assistance
- Help prepare Resource Assessment Reports by provision of adequate warm up time, address issues, ensure Party engagement
- Provide neutral Facilitators with involvement of Commission, including agenda input/design
- Provide CORE technical services as necessary (GIS)
- Aid with Human resource services (contracts, staff reviews)
- Consider product templates (i.e.) Issues & Interest Report content –samples, not shackles
- Council to host hot issues workshop (commission input on approach and agenda preparation)
- Should funding be given to commission on stage basis? (contract / pay as you go?)
- Provide Facilitation when DRPC schedules meetings in Whitehorse (3 commission members live in Whitehorse, viewed as benefit in cost reduction)
- Regional Planning Commission office should be established in the regions.
- Regarding “Resource Assessment Reports”: The Parties are to provide quality information based upon diligent research and should not create their own final product as editing will be needed from the Regional Commission and the YLUPC.
- “Issues & Interest Reports, likewise, will need input from the Parties. Start-up cannot proceed at full speed because there are components related to learning curves, growing aspects, timeframes and contextual contents.
- Commission need to take lead on hiring Senior Planner (thru involvement on establishment of a Hiring Committee, YLUPC/ local Commission members included)

4. Is there a need for an agreed upon overall strategy for funding the remaining commissions (“a once and for all” agreement) or should we continue to do it on a case by case basis as Terms of References are agreed to?
- a. *Group 1 (Mal Maloch):*
- No. Carry on, update CLUPP make the process more efficient and get the job done.
  - Do we really need 4 stages of the output? Does this refer to four planning stages? (1. Establish Commission 2. Commission Office 3. Prepare Plan 4. Plan Approval and Implementation)
- b. *Group 2 (Andre Gagne):*
- No need for agreed upon strategy for funding remaining commissions. Just carry on.
  - Update CLUPP to make the process more efficient and to get the job done.
  - As the regional planning funds are depleted. The Parties must consider the development of a strategy for plan completion by respective contributions of funding through transfer agreements or funds provided for completing and implementing land claims agreements.
  - Continue on case by case basis as each case is highly conceptual, unique and should not be limited by lack of funding, otherwise scoping will be funds, not necessarily rigorous, justification for more dollars: planning needs dictate it!
  - Other region precedents (forestry) may not apply in similar ways.
- c. *Group 3: Nick Gryzbowski:*
- No carry on, update CLUPP make the process more efficient and get the job done.
- d. *Group 4: Lou Villeneuve:*
- No need for an agreed upon strategy for funding the remaining commissions. Just carry on.
  - Update CLUPP to make the process more efficient and to get the job done.
- e. *Group 5: Mark Nelson:*
- No. Carry on, update CLUPP make the process more efficient and get the job done.

### Breakout 5: CLUPP Improvement Ideas

1 Top 10 rating List:

a. *Group 1 (Mal Maloch):*

Topics	Ratings
1 Plan Process Principles and Plan Principles in Terms of Reference	3
2 Parties state the issues they want the Commission to address in Terms of Reference or Memorandum of Understanding (appended)	4
3 Government policy/direction needs to be made clear (from the beginning)	1
4 Parties state the issues they want the Commission to address	1
5 A memorandum of Agreement is made at the start of the planning process YG/YFNs	5
6 Separate Agreement with Yukon First Nations without final agreements is to be created	1
7 Information needs to be prepared in advance (handed by Parties at fixed point)	2
8 Product expectation made through templates (appended to TOR)	1
9 Secretary/Treasurer made mandatory	0

(5 is high, 0 is low)

b. *Group 2 (Andre Gagne):*

1. Plan process principles & plan principles in TOR
  - Parties state issues they want commission to address (in TOR or afterwards: binding)
2. Government policy & direction needs to be made clearer, earlier
  - YLUPC does all communications/financial administration
3. Memorandum of agreement made at beginning between the Parties (plan agreement.)
  - Land policies/direction are provided in TOR
4. Separate agreement with YFN's without final agreements
  - Product expectation made through templates in TOR
5. Information prepared in advance
  - Provided by Parties to Commission

c. *Group 3: Nick Gryzbowski:*

1. MOU Agreement between YFN/YG at the outset – this should include how YFN without Final Agreement are to be involved
2. YLUPC provide Financial Administration and logistical support
3. Clear plan principles agreed at beginning

*d. Group 4: Lou Villeneuve:*

1. Political support
2. Public interest group support
3. Land use conflict
4. Controversial issues
5. Relationships with other governments
6. Lines of communications

\*NOTE: The importance of each rated CLUPP question varies between each YFN's and depends upon their respective needs

*e. Group 5: Mark Nelson:*

- – None noted –

2. Which topics need more research or thought?

*a. Group 1 (Mal Maloch):*

- Minimum needs: Expedite the Commission member appointment process
- Appoint alternate Commission members-up front (include in OHS, etc.)
- Develop strategies to involve recognized Yukon First Nations without Final Agreements in the implementation of Chapter 11, Land Use Planning Process.

*b. Group 2 (Andre Gagne):*

- Parties to readily provide information on land & resources, human resources coupled with commitment and traditional knowledge
- Need clarity on LUP process and better reference to definitions
- Need improved lines of communications between Parties & Commission including improvement on working relationships
- Commission members should consider their roles in leadership (e.g., endorse rotating chairs)
- Other Commissions may consider “Structured Decision Making” application, similar to the Dawson Regional Planning Commission’s approach to the production of alternate plans.
- Conservation area to be completed before public review
- Concerns expressed over miss-use and abuse of traditional knowledge (if protected via interim land withdrawal from staking)
- Land Use Planning process is seen to cause staking rush!

*c. Group 3: Nick Gryzbowski:*

- How First Nations without Final Agreements can be involved (can force them, needs to be voluntary)
- Lessons learned from other planning processes, both in the Yukon and elsewhere

*d. Group 4: Lou Villeneuve:*

- Set specific time to finish a sub-agreement
- In event of necessary feedback or unforeseen event
- Have sub-agreement on how to do a particular phase of the planning process (i.e.) consultation phase

\*NOTE: The group questioned the need for a sub-Agreement if the TOR is complete and the Parties have a good relationship

*e. Group 5: Mark Nelson:*

- Low priority planning projects have proven to be difficult to manage due to time constraints, monetary efficiency, failing deadlines, SLC meetings to address shortfalls, outstanding issues
- Area Development Projects require Yukon Government high level support
- Fox Lake Area Development Plans were funded in stages. Planners contracted to prepare plans.
- Public consultation managed by YG officials.

3. How much attention should CLUPP receive before moving forward? What should be given attention?

*a. Group 1 (Mal Maloch):*

- – None noted –

*b. Group 2 (Andre Gagne):*

- – None noted –

*c. Group 3: Nick Gryzbowski:*

- How to prevent parties from introducing policies in late
- How to include First Nations without Final Agreements
- How to rebuild trust and faith in the planning process, take stock with what happened in the Peel
- Degree of authority of MOUs might need to be binding

*d. Group 4: Lou Villeneuve:*

- Attention is on-going

*e. Group 5: Mark Nelson:*

- – None noted –