

Yukon Common Land Use Planning Process: *Recommendations for Success*

DRAFT

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LIST OF ACRONYMS

The following table contains acronyms used in the report.

<i>Acronym</i>	<i>Full Title/Meaning</i>
CLUPP	Common Land Use Planning Process
Council	Yukon Land Use Planning Council
CYFN	Council of Yukon First Nations
SLC	Senior Liaison Committee
RAR	Resource Assessment Report
TWG	Technical Working Group
UFA	Umbrella Final Agreement
YESAB	Yukon Environmental and Socio-economic Assessment Board
YG	Yukon Government

The Yukon Land Use Planning Council secretariat and the Government of Yukon representative reviewed this draft. The representative from the Council of Yukon First Nations has not reviewed or commented on this draft.

EXECUTIVE SUMMARY

Yukon has had many challenges implementing regional land use planning in the Territory. One regional land use plan (North Yukon) has been approved, a second plan (Peel Watershed) is subject to a court case, and the development of a third plan (Dawson) is on hold to await the outcome of the court case. Four more regional plans are to be produced (Northern Tutchone, Teslin, Whitehorse and Kluane). The Yukon Government, Yukon First Nations and the Council identified the need to conduct a review and identify areas of improvements to facilitate successful processes and approved plans.

The regional planning process in Yukon was initiated due to a modern day process of land claim negotiations that began in 1973. Approved regional land use plans provide a level of certainty for all involved in land management *‘...to ensure that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water, and resources in an integrated and coordinated manner so as to ensure Sustainable Development’* (UFA, 11.1.1.6.).

The Common Land Use Planning Process (CLUPP) is the process by which regional plans are created through the implementation of Chapter 11 in the Umbrella Final Agreement (UFA), signed by Canada, Yukon and Yukon First Nations in 1993. This review focussed on the CLUPP and the delivery of CLUPP.

Key Recommendations

The key findings in this review emphasise that regional land use planning is difficult. The diversity of interests, the large area, the complexity of information, the lack of an overall vision and no regional planning ‘champion’ has repeatedly caused the process to fail in Yukon. There is broad support for regional land use planning. Regional plans are recognised as adding value to the future prosperity of Yukon in regards to providing certainty through land allocations and co-management regimes for land use such as protection, development and traditional economy.

To achieve success there are 51 recommendations proposed (Section 8) and the development of a new governance model (Section 9) for CLUPP and for the Yukon Land Use Planning Council. Key recommendations include:

- **The overall planning approach should be changed from a comprehensive land use planning approach to a strategic land use planning approach.** The comprehensive nature and delivery of the CLUPP is at odds with the resources that are available for the development of regional plans in Yukon and as a process that includes economic, social and cultural considerations. In comparison, a strategic planning approach allows for broad and diverse involvement in the planning process. It develops a long-term vision and priorities and takes into account the different power structures, opportunities, threats, competing values and uncertainties. Strategic planning creates plan-making structures and decision frameworks for influencing and managing spatial change. Strategic planning is collaborative, generates understanding, and builds agreements and focuses on decisions and actions that move towards a goal. This creates actions that can be implemented, monitored and adapted. Approaching regional planning in Yukon strategically will require an overall land use strategy to be developed and agreed to by the Parties and Yukoners. This suggested new approach was broadly supported during this review by those interviewed.

- **A Yukon Land Use Strategy is needed that sets a clear vision, objectives and priorities for land use in Yukon to guide planning.** The development of a Yukon wide land use strategy will help to build trust, collaboration and understanding immediately and will provide clarity to the CLUPP going forward.
- **Governments need to commit to regional land use planning.** Regional planning was not meant to be either pro-development or pro-conservation but rather about striking the appropriate balance between these two views, and to consider current needs and future opportunities. The governments involved need to determine if they see regional planning as a valuable exercise, and that they are willing to fully commit to a revised CLUPP. With this commitment in place, there is potential for successful completion and implementation of remaining regional plans.
- **The Council needs to guide and facilitate a common regional planning process, monitor quality and ensure accountability and transparency.** There is a leadership void for regional land use planning in Yukon. There is support for the Council to take a leadership role (however, not a decision-making role).
- **A common process for gathering, presenting and using information is required.** There is broad support to standardise the information gathering and develop a Resource Assessment Report (RAR) template that the parties can populate with information prior to the Commission being established and that the commissions can augment with additional information in response to local and regional objectives and values.
- **There needs to be clear and agreed to understanding of the roles and responsibilities of the multiple players in the process.** There are many players participating in the CLUPP including Yukon government, First Nation governments (more than one), the Council, Commission members with community and regional expertise, sector technical experts, planners, resource boards and committees, stakeholders and members of the public. There needs to be clear understanding and agreement on the Goals, Roles, Obligations, and Expectations amongst all the players in CLUPP. All the players need to know how to ‘GROE’.
- **A common planning framework and decision-making tools, processes and products need to be developed.** Regional planning in Yukon needs to build upon the past experiences, tools and products. The Yukon regional planning program cannot afford (time, money and staff resources) to ‘reinvent processes’ for each newly created Commission and region. A common land use designation and zoning system should be established that is the same throughout the Yukon. A common planning process strongly suggests consistent products at the end. When all the regions are planned the plans should provide one integrated picture of the territory.

Creating success for regional land use planning will require commitment, collaboration and support from the Parties, the Council, stakeholders and public. The development of the 51 recommendations put forward to the Committee has been considered with the input of only twenty, purposely selected, participants. The next steps to revise the CLUPP need to include a comprehensive and inclusive Yukon-wide engagement process and creating a new governance structure to address authority, decision-making and accountability for the Parties, Council and Commissions.

It is hoped that this report will assist the participants to build on the successes and overcome the challenges of regional planning throughout the Yukon Territory. If the Parties and the Council can collaboratively work towards implementing the recommendations in this report, then it is likely that they can look forward to a successful regional land use planning program.

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1. INTRODUCTION

The Yukon Land Use Planning Council (Council) contracted Lesley Cabott Consulting and Associates (Nick Grzybowski and Bengt Pettersson) to conduct a review of the Common Land Use Planning Process (CLUPP) in Yukon. The CLUPP is the process by which regional plans are created through the implementation of the Umbrella Final Agreement (UFA), Chapter 11 – Land Use Planning.

The Council formed a steering committee together with the Yukon Government (YG) and the Council for Yukon First Nations (CYFN) to oversee this contract. This committee included Ron Cruikshank, Director of the Council; Renée Mayes, A/Manager, Regional Land Use Planning, Yukon Government; and James McDonald, Manager, Natural Resources & Environment, CYFN.

The progress for developing regional land use plans has been slow to date. One regional land use plan (North Yukon) has been approved, a second plan (Peel Watershed) is subject to a court case, and the development of a third plan (Dawson) is on hold to await the outcome of the court case. Four more regional plans are to be produced (Northern Tutchone, Teslin, Whitehorse and Kluane). The Yukon Government, Yukon First Nations and the Council identified the need to conduct a review and identify areas of improvements to facilitate successful processes and approved plans.

1.1. Project Team

The consultant project team for this project includes Lesley Cabott, Bengt Pettersson and Nick Grzybowski. Their respective roles in this project and their related experience are described below.

Lesley Cabott BA MA MCIP

Role for this project: Project Manager, Planner, Interviewer, Analyst and Writer

Lesley has a Master's degree in Regional and Town Planning and she is a member of the Canadian Institute of Planners. She has over 25 years of experience engaging with communities, First Nations, governments, businesses and nongovernment organizations, towards sustainable futures. Her work includes community land use planning, regional planning, stakeholder engagement, jurisdictional reviews, development and delivery of interviews, research and analysis, and development and implementation of evidence based collaborative planning and decision-making processes. Lesley is a past Chair of the Council. She has completed plans in Yukon, NWT, BC and the United Kingdom and has been awarded national and international awards for her northern research and planning work.

Bengt Pettersson BSc MA EP

Role for this project: Interviewer, Senior Resource Management Advisor, and Senior Reviewer.

Bengt has more than 30 years' experience in environmental and resource management, with about 25 years' in the Yukon working for the Yukon government, YESAB, and in consulting. This has provided him with extensive experience in Yukon's land and resource management regime. He has also acquired a solid understanding knowledge of the Umbrella Final Agreement and particularly its chapters on land use planning (Chapter 11) and development assessment (Chapter 12), and their interaction. He holds a Bachelor of Science degree in Environmental Protection and Public Health, and a Master of Arts in Environment and Management. He holds the Environmental Professional (EP) designation issued by ECO Canada.

Nick Grzybowski BSc MADR

Role for this project: Researcher, Analyst and Writer

Nick holds undergraduate degrees in geography and environmental studies. Nick recently finished his Master's degree in alternative dispute resolution at the University of Victoria. For his master's thesis, Nick reviewed the Peel Watershed common land use planning process. Nick developed and conducted interview questions aimed at determining the major challenges individuals experienced during the Peel Watershed common land use planning process and he completed a review of land use planning processes in other jurisdictions. Nick made a series of recommendations to improve the common land use planning process as it is currently being practiced in the Yukon.

1.2. Scope Of Work

The purpose of this project is to lay the groundwork for the CLUPP review and prepare recommendations for improvements. More specifically, the scope of this project includes:

- i) Consideration of ideas for improvements generated by the Council and partners through workshops and other means;
 - ii) Reviews of regional planning in other jurisdictions;
 - iii) Interviews with key people involved in the regional land use planning process in the Yukon;
- and*
- iv) Integration of these findings into a report with findings and recommendations for suggested improvements to CLUPP.

The final product will be a summary of recommendations for changes to the planning process used to produce regional land use plans in the territory.

2. BACKGROUND

Approved regional land use plans provide a level of certainty for all involved in land management in Yukon with respect to the sustainable use of the land, water, and resources within a planning region. Those involved include governments (Yukon, First Nations, Canada) land users (developers, private individuals, and others), resource boards (such as the Yukon Water Board and YESAB), specific interest groups (Yukon Conservation Society and Chamber of Mines), and the public (Yukon Land Use Planning Council, 2010) .

The regional planning process in Yukon was initiated due to a modern day process of land claim negotiations that began in 1973. After 20 years of discussions between the governments of Canada, Yukon and the Council of Yukon First Nations, a major agreement titled the Umbrella Final Agreement (UFA) was signed in 1993 (Grzybowski, 2014).

The UFA led to the establishment of boards, committees and tribunals to ensure the joint management of land, water and resources in a sustainable manner. The First Nations' Final Agreements comprise the legal agreements made by the three Parties (Canada, Yukon, CYFN) pursuant to the Umbrella Final Agreement. By signing individual land claim agreements, both the Yukon government and the respective First Nations government(s) have agreed (amongst other things) to work collaboratively towards developing regional land use plans (Indian and Northern Affairs Canada, 1993). Since the Umbrella Final Agreement document was signed, the Government of Canada devolved to the Government of Yukon in 2003, the land and resource management responsibilities once held by Canada. In this report the reference to the 'Parties' is specific to Yukon Government and Yukon First Nations.

Canada funds the regional planning program through financial contributions made to Yukon Government. The Council approves Commissions' budgets and workplans and submits those along with their own to Yukon for funding. The core administrative funding allocated to Council is approximately \$640,000 per year. This is typically under-subscribed by 20% annually. Of the 7.4 million dollars allocated for land use planning through the UFA, roughly half remains (1.3 million per planning region) currently.

The first objective of Chapter 11 in the UFA is to '*...encourage the development of a **common** Yukon land use planning process...*' (Indian and Northern Affairs Canada, 1993). The diagram below depicts the current CLUPP from the development of the terms of reference to the submission of a recommended plan to the Parties. The Parties are responsible for the terms of reference and each Commission is responsible for managing the other phases shown in Figure 1, below.



Figure 1: Current CLUPP (Adapted from Grzybowski, 2014)

3. METHODOLOGY

The logic model shown below (Figure 2) frames the methodology for this review and included examining: the resources and inputs; the activities associated with those inputs; the outputs; and short-term outcomes; and the long-term impacts.

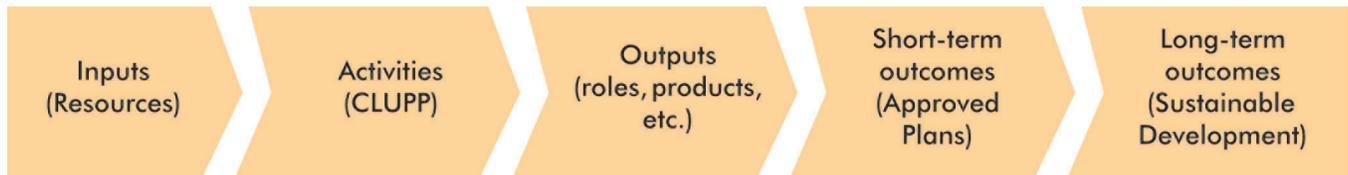


Figure 2: Logic Model for Review

Using this model the consulting team carried out a four-step process, which included:

1. Identification of the issues through the review and analysis of background documents, pertinent CLUPP resources, documents generated from YLUPC, YG and Yukon First Nations staff (primarily through workshops), Commission and Council member exit interviews, academic research and planning, the CLUPP Review Committee Workshop and dispute resolution and decision making theories. The theories examined included: collaborative planning, strategic planning, consensus decisions making, structured decision-making, rational planning, and comprehensive planning and dispute resolution.
2. Review and analysis of regional land use planning in other jurisdictions in Canada. The jurisdictional review was done primarily through a literature review with targeted email correspondence and telephone interviews with planners in Alberta, Saskatchewan, Nunavut, NWT and Aboriginal Affairs and Northern Development Canada in Ottawa. Regional planning programs in Yukon, Northwest Territories, Nunavut, Northern Quebec, Labrador, British Columbia, Alberta, Saskatchewan, Manitoba and Northern Ontario were reviewed. The focus of the jurisdictional review was informed by the issues and challenges identified in Step 1 and confirmed by the CLUPP Review Committee.
3. Twenty interviews conducted in January and February 2015, by Lesley Cabott and Bengt Pettersson with people who have been involved in CLUPP. The interviews were semi-formal; an agreed to (by the Committee) set of questions was asked, however the interviewees were encouraged to bring up their comments in the order they preferred and the interviewer recorded the responses in the appropriate place. The interviews were recorded by hand and later transcribed into electronic format for the purposes of analysis by the consulting team. One written submission was received and included in the analysis. Representatives from the following organizations/ interests were interviewed:
 - Champagne and Aishihik First Nations
 - Dawson Planning Commission
 - Dawson Senior Liaison Committee
 - North Yukon Planning Commission
 - Peel Watershed Commission
 - Peel Senior Liaison Committee
 - Commission Planners (North Yukon and Dawson)
 - Public Participant
 - North Yukon Senior Liaison Committee
 - Tourism Industry Association of Yukon
 - YESAB
 - Past Council Member
 - Council staff - past and present
 - Yukon Chamber of Commerce
 - Yukon Chamber of Mines
 - Yukon Government

The interview results were summarized in a Memorandum to the CLUPP Review Committee titled: Phase 2: Interview Summary and Key Findings.

4. The findings from the analysis of the background documents, the jurisdictional review, and the interviews were integrated and considered in the context of producing a summary of recommendations for changes to the way regional plans are produced in Yukon. A draft report titled: *The Yukon Common Land Use Planning Process - Recommendations for Success* was presented to the CLUPP Review Committee on March 24th and the Yukon Land Use Planning Council on March 27th. Based on the feedback, this report was finalized by March 31, 2015.

4. ISSUES IDENTIFICATION

Comprehensive regional land use planning is difficult. The diverse interests, the knowledge (scientific, local and traditional), technological and organizational requirements create a complex situation. This is a significant challenge for regional planning in Yukon and across Canada. The implementation of Yukon's regional planning process has had minimal success. There is a long history of failed land use planning attempts, both before and after the signing of the UFA. Consequently, many Yukoners are disillusioned with the land use planning process and cautious about engaging in subsequent processes. This in itself is a major issue that the Planning Council and the Parties need to overcome.

The absence of regional land use plans creates uncertainty and tension between the parties: Canada, Yukon, First Nations, land users (proponents, private individuals), resource boards such as the Yukon Water Board and YESAB, interest groups, and the public. The approval of land use and resource development projects in regions prior to the establishment of regional land use plans have also made the assessment and regulatory processes more difficult due to the fact that the regulatory bodies are being asked to make decisions in a context of unknown future land uses. This has created inconsistencies and fragmentation of the landscape and a situation where land and community values are affected prior to commencing the planning process, therefore making future regional land use planning decisions even more complex and challenging.

The issues presented in this section were identified through the review of pertinent CLUPP resources – such as the Commission Handbook and the regional Resource Assessment Reports (RAR), documents generated from the Council, YG and Yukon First Nations (primarily through workshops), Commission and Council member exit interviews and academic research and from the CLUPP Review Committee. The challenges identified through the interviews are summarised in this section of this Report.

The following issues were identified:

- Poor relationships between the parties – specifically between Yukon Government and First Nations;
- No overall land use strategy/vision for Yukon;
- Chapter 11 does not provide enough guidance and clarity which causes confusion and different interpretations;
- The CLUPP is not followed by the Parties, Council and Commissions;
- Lack of a common planning process and confusion of the terminology (e.g. scenarios, options, alternatives);
- Resource Assessment Reports – too detailed, costly and time consuming to complete;
- Information gathering – when, what, how and who;
- How First Nation and non-First Nation world views are incorporated/included/considered;
- Lack of agreement on issues and scope (gathering of issues and priorities);
- Development and agreement of work plans;
- Lack of clarity – process, who does it, who is accountable and how it is done;
- Role for the Council members and Council Staff;
- Role of the parties;
- Role of the Commission members and how to best use their local and regional expertise;
- Lack of capacity in the communities (planning and administrative)

As noted in the diagram below (Figure 3), four distinct themes emerged. The themes focussed on roles, information, resources and outcomes/implementation. The themes informed the development of the questions for the jurisdictional review and the subsequent interviews.

ROLES	INFORMATION	RESOURCES	OUTCOMES
Parties Council Council Staff Commissions (planning) Commission Staff (planning)	Resource Managers Parties Input Public and Stakeholder Input Commission (planning)	Money Time Capacity (to plan)	Objectives of the UFA Plan Land Use Decisions Implementation

Figure 3: Review Themes

5. JURISDICTIONAL REVIEW RESULTS

Regional planning programs in Yukon, Northwest Territories, Nunavut, Northern Quebec, Labrador, British Columbia, Alberta, Saskatchewan, Manitoba and Northern Ontario were examined in the context of: their legislative framework; role of First Nations/Inuit governments and land claim agreements; planning oversight; planning commissions/bodies/structure; planning process; land designation systems; planning products and implementation and review.

Detailed information for each jurisdiction is available on the Yukon Land Use Planning Council website at www.planyukon.ca. A summary report is included as Appendix 1 in this document.

Jurisdictional Findings

The key finding, consistent with all jurisdictions across Canada is regional planning is difficult. The jurisdictions share the same challenges of high costs, lengthy processes, diverse and complex interests, lack of planning capacity, information gaps and getting plans approved and implemented.

Legislated Frameworks

Regional planning in Canada is initiated and carried out under two different legislated frameworks. One is initiated through the ratification of a land claim and the other by way of provincial legislation and/or policy direction. In the case of the land claim initiated processes, planning for the residents and the Inuit and/or First Nation of the settlement region is a priority interest. There are regional planning programs in Yukon, NWT, Nunavut, Northern Quebec and Labrador because of Land Claim agreements with Canada and tripartite agreements with Yukon and NWT.

In the cases of regional planning occurring in jurisdictions without land claims/treaties, provincial interests take priority, except in the case of northern Ontario. The First Nations in Northern Ontario and the Ontario Government through the ratification of the Far North Act in 2010 have legislation that speaks to how the First Nation communities and government will prepare and approve land use plans jointly. Canada, provincial/territorial and First Nation/Inuit Governments have a role in regional planning depending on the jurisdiction. The Alberta regional planning program is the only process that includes planning within municipal boundaries. The roles of the various governments (Canada, provincial, territorial, first nation and/or Inuit) vary depending on the jurisdiction and can include appointing members to commissions, planning, setting priorities, approving plans, funding planning programs and implementing plans.

Process Oversight

There is limited process oversight in regional planning programs that originate from land claim agreements. The parties achieve oversight through funding contributions with Canada or the territorial governments and commission members nominated/appointed. In the provincial jurisdictions there is bureaucratic and political oversight. Ministers and Cabinet make the final decisions and approve the plans. The provinces have regional planning secretariats/departments, which have the responsibility and mandate for carrying out the regional planning program and the government's policy.

Commission Structure, Role and Staff

The planning structures vary from party appointed commissions in the land claim planning regions to stakeholder advisory and government committees in the provincial regional planning programs. In all cases there are planning staff and planning departments/secretariats. Some jurisdictions hire consultants to do the planning and carry out consultation programs, for example Alberta hires consultation experts for First Nation (1.5 million) and non-First Nation (1 million) consultation programs. There are no planning councils or boards in between the planning commissions and governments (parties) except in Yukon. The Labrador Inuit Land Claim specifically identifies a professional planner is to be appointed. Regional planners in the north are typically land managers and resource managers and not trained planning professionals.

Land Designation Systems

The land designation systems vary between the jurisdictions. However within the jurisdictions the land designation system is consistent across the province/territory, with the exception of NWT and Yukon. The designations are high level and strategic as are the plans. Typically the designations include Protected Areas, Special Management Areas, General Use Areas and Resource Extraction/Development Areas.

Planning Process

The planning processes are public, collaborative and consensus based. In the case of British Columbia the process was interest-based negotiations, which was informed by an overall strategic plan and goal to set aside a certain portion of the province as a protected area (Government of British Columbia, 2006). Interest based negotiations was not identified as a planning process/tool in other jurisdictions. Yukon land claim negotiations were interested based.

The Yukon's planning process can be categorised as a comprehensive rational planning process. Planning in the jurisdictions where the context for planning is land claims, the land use planning is focused on all lands within the settlement region (except for municipal). Land use planning in the provinces applies to crown land only, except in Alberta where the regional plans apply to all land with the exemption of First Nation land/reserves, treaty land and federal lands. In the case of the Alberta, BC and Saskatchewan regional planning processes the Cabinet approves the plans and makes the final decisions.

The planning processes in Alberta, Northern Ontario, Northwest Territories and British Columbia are informed by an overall land use strategy. Alberta has a Land-Use Framework (Government of Alberta, 2008); Northern Ontario is preparing the Far North Land Use Strategy, (Government of Ontario, 2014); the Northwest Territories has a Protected Area Strategy (Government of North West Territories, n.d.) and British Columbia began their regional planning program with a goal of doubling the percentage of land designated for protection from 6% to 12% (Day, Gunton & Frame, 2003). British Columbia's regional planning program has surpassed this goal and as of 2009, 14.3% of the province is designated as Protected Areas. Yukon does not have such overall guiding land use strategies in place.

Planning Products

The planning products from the planning processes are similar. There are resource and land use information reports/maps, issue identification, stakeholder and community input, analysis and draft, and final plans. Depending on the jurisdiction the agreed to objectives and priorities are arrived at in different ways. The provinces (with the exception of Ontario) set the overall goals and priorities. In Northern Ontario the priorities (terms of reference) is jointly developed with the First Nations. In Nunatsiaq (Labrador) the commission identifies the objectives and the priorities for the region and planning and in the case of the Yukon the Council makes recommendations to the parties on planning priorities, goals and terms of reference.

Plan Implementation and Review

The government that has the jurisdiction implements the policies in the Plans. In the NWT and Nunavut the planning commissions continue to have a role once the plans are approved. In Yukon and Labrador the commissions are disbanded following the approval of the plan. Most jurisdictions call for a review every 5 years. This has not occurred in any jurisdiction. The Gwich'in in the NWT are reviewing their plan now after more than ten years.

6. INTERVIEW RESULTS

As outlined in Section 3 of this report, 20 interviews were conducted (refer to Appendix 2) and one written submission was received. The interviewees were asked a set of questions on their assessment of: the overall CLUPP; on each particular phase of the process: the various roles of each of the players in the process, (Parties, Senior Liaison Committee (SLC), Technical Working Group (TWG), Council, Commission, Stakeholders and Public) and recommendations for improvement. The interview questions are attached to this report as Appendix 3. The following section summarises what was heard from the interviews. A summary was presented to the CLUPP Review Committee on February 11, 2015.

6.1. GENERAL

In general, those interviewed communicated that the CLUPP is a well thought out process that ‘looks great on paper’ but fails at implementation. There is consensus from those interviewed that the planning process is not achieving the intended outcome, the processes are taking too long and there is a lack of leadership and a regional planning champion in Yukon. There is broad support for planning and for revising CLUPP.

‘The CLUPP process works as long as you have the right people, follow the process and stay out of the politics. The CLUPP worked well for the North Yukon Plan but not so much for the Peel. For the North Yukon Plan, issues were discussed and resolved, but this was not the case for the Peel. The CLUPP process steps are appropriate’ (Interviewee).

The concerns include the slow progress to develop and approve plans, the capacity of commissions to carry out all the duties they are currently tasked with, the amount of available funding and the lack of an overall strategy/vision for the Yukon. As stated above the majority of the comments are focused on implementation and specifically:

- Trust, relationships and communication amongst the Parties, the Commissions and the Council;
- Clarity of roles;
- Leadership from the Council/Secretariat;
- Clarity from the parties as to objectives and priorities for the region at the start of the regional land use planning process;
- Commissions need more support both planning and administrative; and
- There needs to be increased level of accountability by all involved players to take responsibility of their respective roles in the process, communicate effectively, and provide guidance or seek clarification where required.

There was discussion of the need for a ‘holistic approach’ that would set the overall vision, goals, and possibly the percentage of protected areas for Yukon as well as a process that integrates various other plans, interests and industries, e.g. mining, forestry, agriculture, etc.

Some interviewees identified that Chapter 11 of the land claim agreements are not detailed enough to allow for consistent and straightforward implementation. The interviewees identified this as both an opportunity and a constraint. There was some discussion the draft plan stage was an extra step and extended the time to complete a Regional Land Use Plan (RLUP); but overall there was general consensus the process (on paper) was good.

6.2. CLUPP STAGES

This section will provide a summary of the views of the interviewees for each stage of CLUPP.

Pre-planning (Terms of Reference)

There is general agreement amongst the interviewees that this stage is taking too long and that there is a lack of coordination between the Parties and the Council to set the process up for success. Specifically, interviewees recommend the Parties identify their priorities and objectives and ‘put their cards on the table’ at this stage. It was suggested the Council could facilitate a process with the Parties. Some interviewees suggested the Parties could complete the RAR at this stage and that the Council could develop a template to guide with this exercise.

Another suggestion was to develop a land designation system that is agreed to in the Terms of Reference for use by the regional planning commission, with the goal of having similar systems applied to each region to make implementation more consistent and effective.

Commission Start-up

For the most part, interviewees were of the opinion that this stage was adequate. There was general agreement the Council provided good training to the Commissions. There was suggestion that the Council should regularly deliver training throughout the life of the Commission. More support (e.g. admin, planning, issues, information) from the Council was noted consistently for this stage. The Parties need to be clear with their expectations for the planning process and those need to be communicated to the Commission at the start-up. Many interviewees were of the opinion the Commissions should not be responsible for hiring staff and setting up an office as they should focus on the planning aspects.

Information Gathering

For the information gathering stage, those interviewed suggest the Parties need to be gathering the information prior to the Commissions being established.

Most interviewees have suggested the RAR development should be moved upfront in the process, and that this work should be guided by the Council staff and completed by the Parties. Some interviewees expressed the Yukon Government would be the main party with resources to do so, as most First Nation governments do not have the capacity/resources. Some suggested the Council should prepare the RAR. Others have suggested the Commissions need to feel ownership with this product and be part of its development. Others stated there might be an inclination by Yukon Government to develop a “cookie-cutter” approach to regional land use planning if they directed and completed most of the information gathering. There is consensus that regional issues need to be identified and addressed by the Commissions.

The RARs developed to date were generally overly complex. The RARs developed for the North Yukon, Dawson and the Peel Regions were too large, took too much time and were too detailed. This has resulted in difficulty for the Commissions and involved stakeholders to be able to see the big picture. The RARs should be shorter and balanced with an emphasis on maps. These take up too much time and can become be overwhelming for the Commission who should focus on ‘planning’.

Plan Development

Interview participants noted that there needs to be consistency and understanding of terms, planning processes and the tools available to make land use decisions. There were suggestions that one plan be developed, not options 1, 2, and 3; or in the case of Dawson 5 options. It also was noted that different plan alternatives create polarisation, and does not facilitate discussion of the land management and land use options and opportunities.

Plan Approval

Plan approval is linked to the expectations of the Parties. The Parties need to establish the criteria for decision-making and plan approval at the beginning of the process. Many interviewees deferred to the Peel lawsuit – suggesting the Court will dictate the approval process going forward. One person suggested the plans should be subject to a territory-wide referendum before being approved and implemented.

Implementation

There was a range of responses regarding implementation from: ‘working well’ - to ‘we do not have enough plans to provide comments’. There was general agreement that an agreed to process for post-commission land use planning decisions including conformity checks, plan reviews and plan amendments needs to be formalised and adopted by the parties and the Council.

6.3. ROLES

In general clarification is needed regarding the roles and expectations of all the ‘players’ in regional land use planning in Yukon. Many interview participants stressed that the Council needs to be the leader and champion of regional land use planning in Yukon.

The Parties

Many interviewees noted that currently there is a lack of trust between the Parties. The Parties need to be clear with their expectations going in and need to be involved throughout the process.

Comments were received that the Parties need to be more actively involved, provide the big-picture direction, clearly communicate their expectations and expected outcomes and provide guidance to the Commission. The Parties need to develop and communicate a vision for a planning region. The Parties need to agree on what the Commissions should work on, provide an issues list to the Commission and any policies associated with these issues. The Parties could prepare a framework that guides and clarifies the Commissions work.

Some interviewees suggested party-to-party agreements/side agreements at the beginning and throughout the process.

Senior Liaison Committee

The Senior Liaison Committee (SLC) is an important component of CLUPP, and can crucial to the success of the plan and the Commission. One interviewee commented the SLC is the ‘glue’ between the political level and senior level and ‘is the meeting place of the Parties’. The SLC needs to work well with the Council. Other comments received include: SLC needs to be more actively involved to provide issue resolution as required by the Technical Working Group (TWG) and the Commissions.

Council

There was strong consensus from those interviewed the Council needs to lead the regional land use planning program in Yukon and provide planning and administrative support to the Commissions.

One interviewee shared that ‘Yukon land use planning is off track here and part of the Council’s job should be about getting us back on track’. The Council needs to guide the regional planning process and provide the bigger vision. Some of the roles that were suggested the Council could play included:

- Holders of the knowledge and the expertise;
- Monitor progress;
- Monitor quality;
- Develop tools and templates;
- Deliver training;
- Ensure consistency between the plans;
- Advocacy; and
- Promote communication between the ‘players’.

Commissions

Interviewees emphasized that the Commissions need more support from the Council. The Commissions need to spend more time on planning and less on information gathering and analysis, staff recruitment and management and other administrative matters. Commission members should be used as experts in their regions. They are not administrative, financial or planning experts. Many (but not all) were of the view that commissions should not hire staff; the Council should supply staff.

There was not consensus as to whether offices in the region should be maintained. Past experience suggests that having planning offices in the regions do not work well. Interviewees provided comments and concerns regarding the high turnover of Commission members and staff. It was noted this turnover causes loss of qualified planners, momentum, continuity, consistency, and corporate memory. Some of those interviewed believe the Commission staff should be located in Whitehorse; which may result in staff staying longer and thereby avoiding the losses described above. Others believe the Commission staff should be located in the region. It was consistently stated that Commission members needed to have a strong history and connection to “their” planning regions. One interviewee said ‘...*the planning processes need to be community based because the rights are in the communities*’.

Interviewees stressed the importance of the Commissions regularly communicating with the Parties during plan development to ensure they are going in the right direction.

There was general consensus the role of the Commissions should be to provide the ‘*community industry and business word on the street lay perspective... and leave the plan details to the staff*’.

Those interviewed have expressed concern with the Commissions spending too much time on administration and budgets, and most have suggested this should be a support function provided by the Council to allow the Commissions to focus on planning.

TWG

The general consensus is the Technical Working Group (TWG) plays a critical role in plan development. TWG should supply support and capacity to the Commission throughout. TWG is needed as a liaison to the parties for information and to the SLC as a first indicator of problems.

Public

The public plays an important role. There needs to be meaningful opportunities throughout the planning process for the public to contribute. As one respondent communicated, *'...it has been said that the UFA is a document for all Yukoners and nowhere is this better exemplified than in Chapter 11'*. One interviewee responded the *'... public does not know about regional planning and how to get involved, they need to be more consistently involved in the planning regions'*. There was a suggestion the Council could assist the Commissions in managing public involvement and expectations.

Stakeholders

There are opportunities to use the stakeholders more effectively and to build trust through the planning process. Not all stakeholders groups feel welcome. The stakeholders can provide valuable input into the planning and future assumptions and have the resources to participate. Better clarity as to the involvement of the stakeholders is needed. Some stakeholders have the desire and the resources to be involved from the beginning and throughout the process.

6.4. FUNDING AND TIME TO COMPLETE PLANS

Many have expressed concern with the length of time regional planning is taking to complete. The general opinion is that three years should be the goal to complete a plan. There was consensus that this may be easier to achieve if the RAR is mostly complete before the Commission is established. This would allow the Commission to start planning, rather than spend the first year gathering data. Many also stated that the longer the plan development takes, the more costly the plan.

The response to funding was mixed. Some thought if used effectively and efficiently the funding should be okay, others thought the commissions should prepare plans in keeping with budgets allotted and others felt strongly the funding is not appropriate and additional funds are needed.

7. KEY OBSERVATIONS

Despite the poor success and the multiple challenges with carrying out regional planning in Yukon there is broad support. There is also a welcoming of this review to consider revisions to the CLUPP and enable the development of approved regional plans. The background research, the jurisdictional review and the participant interviews form the key observations summarised below.

1. Regional land use planning is challenging

Provincial and territorial jurisdictions across Canada share many of the same challenges as the Yukon. The complexity and diversity of interests, the gaps in information and the large and varying landscapes create significant challenges for developing and approving plans. The effects of land use decisions are far-reaching and long lasting; some will argue the stakes are so high that decisions are hard to make. However there are successful regional planning programs, (Alberta, B.C, GNWT). Success is achieved in jurisdictions where expectations, priorities and roles are clearly communicated, defined and agreed to at the beginning. Successful processes seem to follow the principles of democratic decision-making and include: openness, inclusiveness, fairness, efficiency, flexibility, and accountability. Planning needs to be done by professional planners and facilitators who have the training and the skills to work with the diversity of interests and players to reach consensus. Jurisdictions that are successfully reaching plan approval, such as Alberta are requiring professional planning and engagement certifications for the staff and the consultants hired to develop regional plans and carry out the consultation programs.

2. There is broad support for regional planning in Yukon

Those interviewed recognised the potential and the value of regional plans. They supported the CLUPP review as timely and necessary to achieve success and rebuild trust in regional planning. Regional plans were recognised as adding value to the future prosperity of Yukon in regards to providing certainty through land allocations and co-management regimes for land use such as protection, development and traditional economy.

3. There is a lack of trust amongst the Parties and in the regional planning program

The problems of trust are associated with poor communication of the goals and expectations of the parties up front in the process as well as clarity of roles and responsibilities of the players throughout. Regional land use planning in Yukon is tasked with ensuring social, cultural, economic and environmental policies are considered in an integrated manner and applied to land use. The players hold values that are different and without a process for open and transparent communication conflicts are created and exaggerated that result in the deterioration of relationships and distrust. The number of failed regional planning exercises fuels the mistrust in planning.

4. Governments need to commit to regional land use planning

Chapter 11 envisioned the Parties committing to complete regional land use planning throughout the Yukon Territory. Regional planning was not meant to be either pro-development or pro-conservation but rather about striking the appropriate balance between these two views, and to consider current needs and future opportunities. To date, finding the right balance has proven to be a very difficult task. Commitment by the Parties to see the process through is essential to overcome the challenges faced during regional planning. Before further processes are initiated, the governments involved need to determine if they see regional planning as a valuable exercise, and that they are willing to fully commit to a revised CLUPP. With this commitment in place, there is potential for successful completion and implementation of remaining regional plans.

5. The Council needs to be the leader of regional planning in Yukon.

The Council struggles with its role as a recommending body to the Parties and the lack of specific details in Chapter 11 of the UFA. This has caused a leadership void for regional land use planning in Yukon. Chapter 11, the Parties, the Commissions and Yukoners need a champion and leader of regional planning. There is support for the Council to take a leadership role (however, not a decision-making role). The Council needs to guide and facilitate a common regional planning process, monitor quality and ensure accountability and transparency. The Council can support the Parties by facilitating processes and helping to clarify objectives, expectations and the information needed to make decisions. The Council's technical and administrative support is welcomed and appreciated by the Commissions however; the Commissions tend to access the support only when they are in crisis. The Council's staff reacts to a crisis, which creates additional work, stress, unplanned use of resources and reactive solutions.

6. A Yukon Land Use Strategy is needed that sets a clear vision, objectives and priorities for land use in Yukon to guide planning

The Council, Parties, Commissions and Yukoners have been attempting to plan without an overall vision of land use in Yukon. The jurisdictions that are experiencing success with regional planning in Canada have an overall vision/strategy for land use that is used to guide the objectives and priorities of the territory/province and the region. The Yukon has territorial wide strategies for energy, education, climate change, economic development and water, and is developing a mineral strategy. The development of a Yukon land use strategy will help to build trust, collaboration and understanding immediately and will provide clarity to the CLUPP going forward.

7. Clear definition of the roles and responsibilities of the multiple players in the process

There are many players participating in the CLUPP including Yukon government, First Nation governments (more than one), the Council, Commission members with community and regional expertise, sector technical experts, planners, resource boards and committees, stakeholders and members of the public. The players all have significant differences as to their priorities, values, capacity and the resources available to them to participate in regional land use planning. Conflicts between the different players has led to polarised positions and plans not being approved and planning being halted. There needs to be clear understanding and agreement on the Goals, Roles, Obligations, and Expectations amongst all the players in CLUPP. All the players need to know how to 'GROE'.

8. A common process for gathering, presenting and using information is required

The information collected and analysed in the RAR is extensive, costly and too complex for the decisions the Commissions need to make. Currently the resource information is collected once the Commissions are established. The RAR overwhelms the activities of the Commission for the first year or more, and uses a substantial amount of the Commission's planning budget. The challenges around information include when to collect the information, locating the information, what information is needed to make decisions, how the information is presented (e.g. maps, tables, words) and how the information will be used. There is broad support to standardise the information gathering and develop a Resource Assessment Report template that the parties can populate with information prior to the Commission being established. The Commission can augment the RAR with additional information in response to local and regional objectives and values. The Commissions also need to consider a process to gather and analyse stakeholder information. Stakeholders have communicated they have valuable information to share with the Commissions during the planning process. Proprietary considerations should also be addressed in the RAR template.

9. A common planning framework and decision-making tools, processes and products need to be developed.

As stated earlier in this report there is confusion regarding roles and who is responsible for planning and supporting the Commissions. There is also confusion as to how and where the plans are developed. Standardising the process from how to collect information, and the tools used to support planning decisions will provide certainty and build capacity and confidence in the process. The players in the process need to know what to expect and how to participate in the process. The planning terms such as options, scenarios, and alternatives need to be defined and a planning process agreed to by the Parties (and to be binding on the Commission) to ensure a common process and a consistent product. Some of the regions do not have the capacity to develop the plans in the communities. There are planning activities that need to happen and be accommodated for in the communities and these include community meetings, workshops, and traditional land use information sessions. Technical planning and land use analysis work needs to happen in a professional and collaborative planning environment where the regions and Commissions can benefit from shared resources and knowledge. Regional planning in Yukon needs to build upon the past experiences, tools and products. The Yukon regional planning program cannot afford (time, money and staff resources) to ‘reinvent processes’ for each newly created Commission and region. A common land use designation and zoning system should be established that is the same throughout the Yukon. A common planning process strongly suggests consistent products at the end. When all the regions are planned the plans should provide one integrated picture of the territory.

10. There is currently limited accountability for regional planning.

The Planning Chapter in the UFA envisions regional planning as a collaborative planning process with responsibilities shared. Accountability is assigned to the Parties, the Council and the Commissions by way of planning responsibilities and financial agreements. The regional land use planning is regarded, however, as lacking accountability and leadership. Clarity of roles and expectations and a definitive leader (the Council) will enable accountabilities to be determined, measured and reported on. It is imperative for improving the success of the CLUPP that the Parties respect and support the Council as the regional planning leader for Yukon. If not the Council then another leader needs to be identified otherwise there will continue to be little accountability. There should be a stronger focus on planning leadership and accountability for planning outcomes and delivering on the strategic priorities. A different office and personnel/governance structure at the Council may also be required.

11. Improved working relationship is needed between the Council and plan partners.

Throughout the regional planning program there have been positive working relationships that have been noted between the plan partners and the Council particularly between Council staff and the Commissions (both members and staff). Specifically, many participants who have served on Commissions communicated that the Councils’ institutional knowledge of the CLUPP, their help in coordinating meetings, financial and administrative support, assistance interpreting the land claim agreements and Chapter 11, and experience from previous planning processes have been valuable and have facilitated the work of the Commissions. The locations of the North Yukon and Peel Watershed Commission offices within or adjacent to the Council’s office proved helpful as there were additional planning, technical and administrative resources readily available. Experiences from the North Yukon highlight that through regular and transparent communication between the Parties, Council and the Commission issues could be readily resolved.

These examples of positive and productive working relationships need to extend beyond the Council and the Commissions and include other plan partners such as the Parties, stakeholders and the public. Findings from this study suggest that there is more work needed from the Council and also that the Council is well positioned to champion and lead the regional planning program forward.

8. DISCUSSION AND RECOMMENDATIONS

8.1. GENERAL

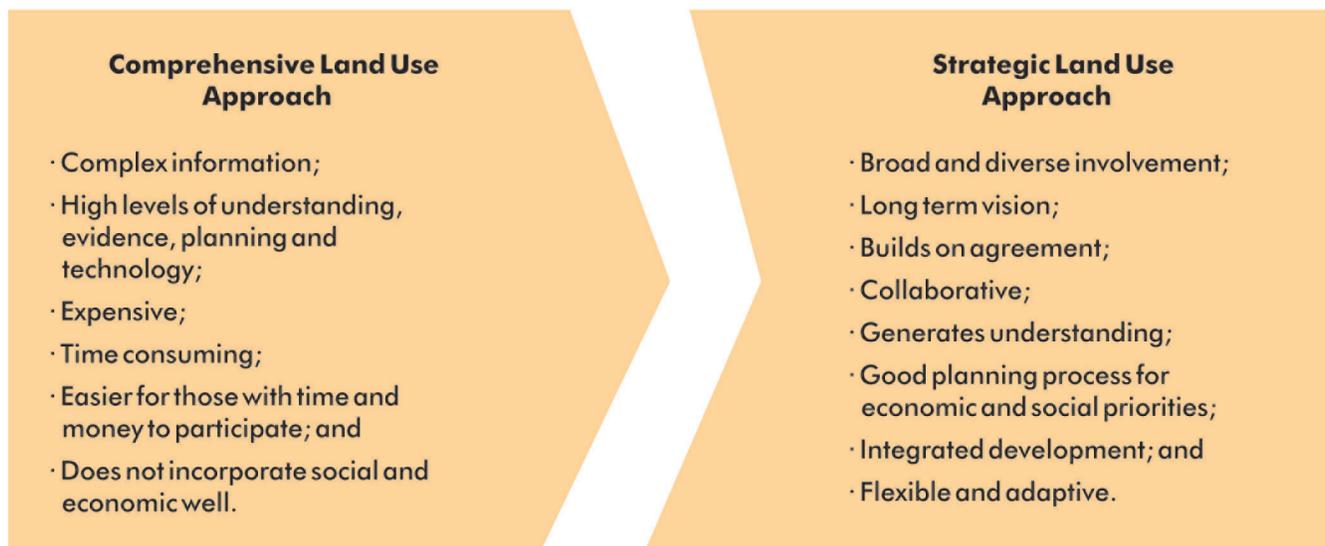
Building on the key observations this section includes discussion of the findings and presents the recommendations. The section is organised to reflect the CLUPP steps starting with a discussion focussed on the overall planning approach. The recommendations are intended to assist the Council, Commissions and the Parties to support improvements to the CLUPP. These recommendations are drawn from the jurisdictional review, regional planning reviews done to date in Yukon and participant based recommendations from the interviews conducted during this project. The intended audience for these recommendations are the Council, Commissions and governments participating in the CLUPP.

Planning Approach

The current approach is based on a comprehensive, rational planning process that is complex and requires a high level of information, evidence, technology and planning knowledge and capacity to deliver. The comprehensive nature and delivery of the CLUPP is at odds with the resources that are available for the development of regional plans in Yukon and as process that includes economic, social and cultural considerations. The comprehensive, rational planning approach tends to sideline lesser stakeholders and those with a weaker voice and/or with fewer resources.

In comparison, a strategic planning approach allows for broad and diverse involvement in the planning process. It develops a long-term vision and priorities and takes into account the different power structures, opportunities, threats, competing values and uncertainties. Strategic planning creates plan-making structures and decision frameworks for influencing and managing spatial change. Strategic planning is collaborative, generates understanding, and builds agreements and focus on decisions and actions that move towards a goal. This creates actions that can be implemented, monitored and adapted. **Approaching regional planning in the Yukon strategically requires an overall land use strategy to be developed and agreed to by the Parties and Yukoners.**

Comprehensive Land Use Planning Approach to Strategic Land Use Planning Approach



Overall Vision/Land Use Strategy for the Yukon Territory

An overall vision/strategy will build consensus amongst the parties, set clear direction and priorities and provide a context for regional land use plans. An overall Yukon Land Use Strategy will set the framework for regional visions, which inform the development of subsequent Terms of Reference for the region. The overall strategy could provide overall guidance and policy on:

- Categories of land use designations;
- The balance between development and protection;
- Integration of existing resource management/protection strategies, policies; and priorities; and
- Integration of social, cultural and economic priorities.

The organization of and relationship between Yukon and regional strategies are identified in Figure 4, below.



Figure 4: Organization of Yukon and Regional Land Use Strategies

Recommendations

1. The Parties, facilitated by the Council, should prepare an overall Yukon Land Use Strategy using a collaborative public planning process.
2. The Parties, facilitated by the Council, should prepare regional land use strategies and visions for the remaining planning regions prior to the development of Regional Terms of Reference. These regional strategies should be based on, and be consistent with, the overall Yukon Land Use Strategy.

The following graphic depicts the recommended revised Common Land Use Planning Process. As noted earlier, the recommendations for revision are focused up to the recommended plan stage. The stages post recommended plans are outlined in Chapter 11 and were not considered in this review.

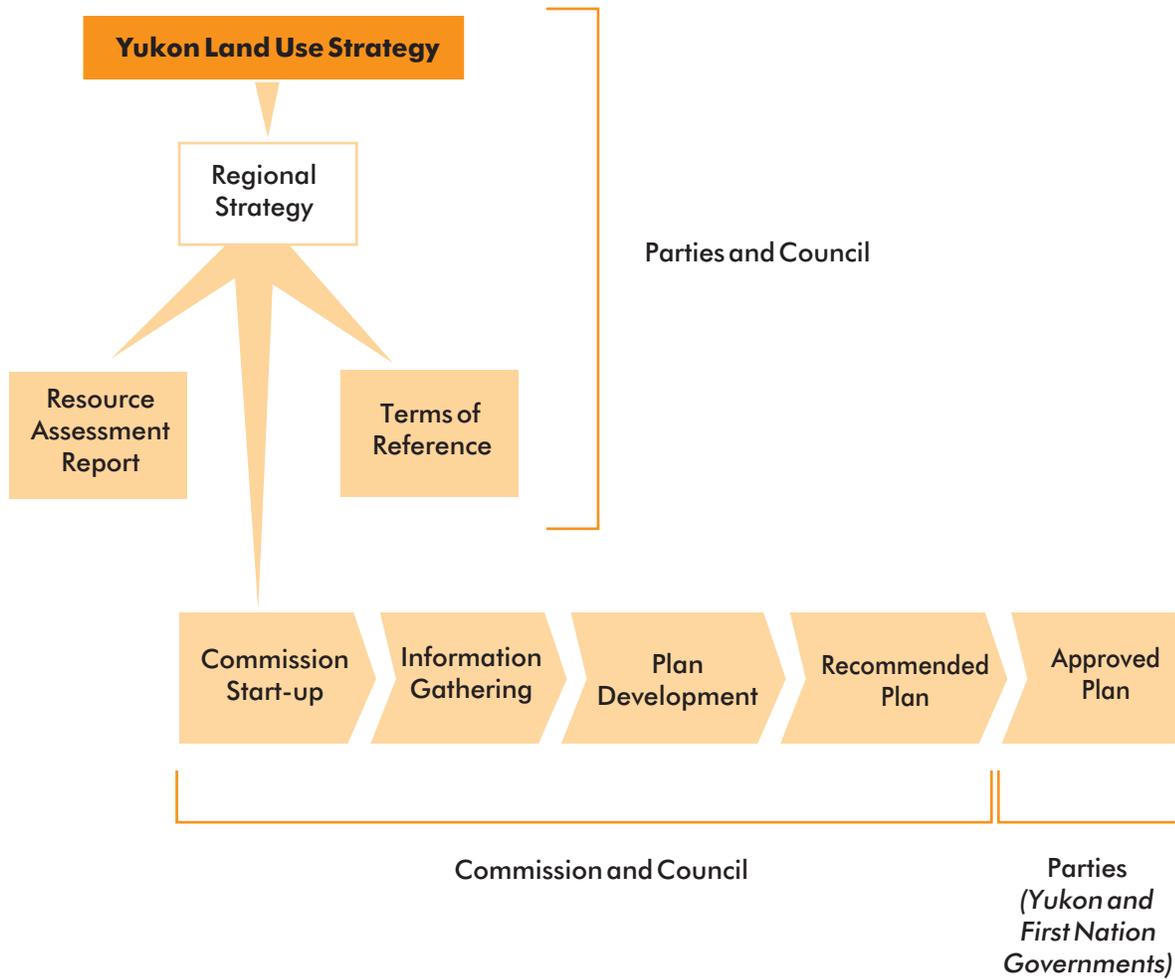


Figure 5: Revised CLUPP

Recommendations

3. The Parties, facilitated by the Council, should consider the recommended revised Common Land Use Planning Process for approval and implementation, based on input from a Yukon-wide engagement process.

8.2. CLUPP STAGES

Pre-planning

To facilitate a common planning process with consistent information that is thoughtfully gathered focussed on the priorities and objectives of the planning region, the RARs should be prepared prior to the Commissions being established. The resource information would be gathered by the parties and presented to the Commissions in an agreed to format.

Recommendations

4. The Council, with the Parties, should prepare a Resource Assessment Report template.
5. The Council, with the Parties and stakeholders, should prepare the regional Resource Assessment Reports pre-Commission for each region.

Terms of Reference

The Terms of Reference for the planning regions will flow from the Yukon Land Use Strategy and the Regional Strategies. The Parties need to identify their priorities and objectives for the planning process and communicate those priorities to the Commission in the Terms of Reference. The Council, as the leader of regional planning in the Yukon, needs to facilitate this process and ensure the parties consider the following in development of the Terms of Reference:

- The issues in the planning region the Commission should focus on;
- Those items of common ground amongst the Parties;
- The Parties interests (and other known interests) in the planning region;
- The parameters and constraints the Parties must respect including: laws, policies, interim measures, goals of the Parties, matters of national or territorial importance and provisions of international agreements;
- The planning process, plan making and decision frameworks;
- The planning objectives, principles, ranges of accepted percentage of land uses the parties are willing to accept in a Recommended Plan for example, the amount of protected area or land designated for traditional economy uses;
- The land use designation system to be used for the planning process;
- The existing plans and policy from the parties that needs to be integrated;
- Response protocols;
- Dispute resolution processes/tools; and
- A process to consider and include commission/stakeholder interests, priorities and expertise once the Terms of Reference has been agreed to and communicated to the Commission.

Recommendations

6. Building on the Regional Strategy the Council should facilitate the preparation of the Terms of Reference for the Planning Region.
7. The Council should develop and lead a process for the Parties to communicate the Terms of Reference to the Commission, public and stakeholders.
8. The Parties, Commission and Council should agree to a dispute resolution mechanism. (see Appendix 4)

Commission Start-up

Commission start-up is an important step in the CLUPP process. It is during this phase the Commission members are being introduced to each other, the parties, the planning process, the information gathered by the parties about the region and the diversity of interests within the region. It is imperative at this stage the Commission members focus on learning and understanding the Goals, Roles, Obligations and Expectations. This includes understanding the Common Land Use Planning Process and working together with the Council, Planners and the Parties to understand the planning tools, information and resources available to them to help them plan (Commission Source Book). The Commission members need to learn the overall vision and priorities of the parties for the region and how that fits within the overall Yukon Land Use Strategy. The Commission members should focus on how they will bring their local and regional expertise to the planning and decision making within the predesigned plan-making and decision frameworks.

The planning and administrative support for the Commissions should come from the Council and be located in Whitehorse. The Council should take on the administrative duties of the Commissions, such as hiring Commission staff, administering payroll and benefits, financial administration and reporting and other secretariat support. Past experience has shown that Commission offices, planners and administrators based in Whitehorse works (North Yukon). Significant time needs to be designed into the planning process to allow Commission planners and members to spend significant and meaningful time in the communities.

Recommendations

9. The Council should ensure it is sufficiently resourced with administrative and planning expertise to support the Commissions.
10. The Council should prepare and implement the training program for the Commissions and delivers the first few modules at start-up. The Council should need continue to deliver/facilitate training throughout the life of the Commission at the different CLUPP and plan development stages.
11. The Parties should to communicate their priorities for the region to each other, the Council, the Commission, stakeholders and the public.
12. The Council should facilitates a process with the Commission, Parties, public and stakeholders to add/refine the Terms of Reference and identify the information gaps in the RAR.

Regarding Commission appointments, the Parties may wish to consider:

- A regional pool of individuals from which to make Commission appointments (ensure gender balance);
- Selection criteria for Commission members and selection by consensus. Desirable criteria may include: strong familiarity of the planning region, understanding of the final agreements, commitment to the process, regard regional planning as a valuable process, have available time to participate and composition of Commission members includes a range of interests and backgrounds;

Information Gathering

The information collected and analysed in the RAR is extensive, costly and too complex for some of the decisions the Commissions need to make in a strategic regional planning approach. In response to streamlining the information gathering and analysis process as well as to facilitate the Commission members focus on planning, the Parties should complete the majority of information gathering and analysis pre-commission. Commissions should host an issues scoping workshop as one of their first tasks to ensure local, regional and stakeholder information is identified, gathered and integrated into the RAR. A strategic spatial planning approach focuses on achieving a desired vision and needs to consider social, economic and cultural values. These components have had minimal consideration in the current information provided to the Commissions. Identifying the regional values requires a collaborative process that gives power and meaning to those participating and sharing stories. The collaborative process will also build understanding, relationships and identify information gaps that the Commission may choose to collect.

The information gathering stage can be improved by:

- Consensus and transparency on the type, quality and information needed for the planning process;
- Parties completing an inventory of information collected to date that would be useful for the regional planning process;
- Including socio-economic data;
- Identifying the major issues and opportunities in the planning region by overlaying different maps, (for example, an overlap of key wildlife habitat and high mineral potential);
- A ‘futuring’ component that examines trends in land use and resource demand on short (next five years), medium (six to twenty) and long term (beyond twenty years) time horizons;
- Information gathered from experts other than the Parties, such as placer miners and traditional knowledge holders;
- A synthesis of the resource development and conservation values of the region (both text and mapped form).
- Creating opportunities for the Commission and secretariat to get out into the planning region; and
- The Council providing additional resources (time, money, staff) to the Parties to assist with information gathering.

Recommendations

13. The Council should facilitate the development of the Resource Assessment Report template.

14. The Parties should agree on the scope and types of information needed for the planning process.

15. The Council should work with the Parties during the preplanning stage to populate the RAR template for the Commissions.

16. The Council should assist the Commissions during the first phase to identify the information gaps and needs to support the priorities and vision of the region.

17. The Commissions should use the stakeholders to assist with the futuring components and information gathering and analysis.

Plan Development

This is a crucial and vulnerable stage in the process. This is the stage where the Commission, the Parties, public and stakeholders explore land use allocations and management options. The plan development stage has in the past been rushed; as planning Commissions are usually behind schedule due in part to the development of the RAR. The Commissions are having a difficult time producing a regional land use plan that all the Parties are willing to approve. This can be attributed to a number of factors previously discussed and more specifically at this stage: the development of distinctly different plan options are creating polarisation, there is no agreed to overall vision, and the diversity of interests have not been fully considered earlier in the process. The planning stage is where land use decisions need to be carefully considered and analysed in terms of being acceptable in addressing Yukon and regional priorities and interests. The planning process needs to be iterative and develop one plan that is built over time by reaching agreement on each issue. Once an issue is resolved, the Commission can move to the next issue or opportunity and build agreement. The plan development process should include these key-planning principles:

- Consistency with the overall Yukon Land Use Strategy and Regional Vision;
- Balancing the short term demands with the long term goals and desired outcomes for the region, e.g. the economic, cultural, social and environmental sustainability of the region;
- Integrate and consider the existing regulations, plans, strategies and policies of the Parties;
- Take into account future development opportunities;
- Conforms with ecosystem management best practices;
- Recognises existing uses;
- Recognises uncertainty and information gaps (flexibility and adaptive management);
- The development of a monitoring framework; and
- Equitable opportunities for public, stakeholders and governments to participation in the CLUPP process and land allocation and designations.

Recommendations

18. The Council and the Parties, supported by professional planners should prepare a plan development process that is strategic, iterative, collaborative and uses best planning practices.

19. The Council should prepare resource material for the Commissions that detail the strategic, iterative and collaborative land use plan development process.

20. The Council with the Parties should develop a common land use designation system as part of CLUPP, which considers allocation and management criteria for protected, development and traditional economy land uses.

21. The Council should work with Yukon College to develop planning courses that can be delivered through the College's Land and Resource Management Program.

Plan Approval

The North Yukon is the only Regional Plan approved in the Yukon following twenty years of the ratification of the UFA and regional planning under Chapter 11. Plan approval will be facilitated by clear expectations being communicated by the Parties prior to the Commissions being established, ongoing and early resolution of issues; and the Parties seeing their interests are adequately reflected within the Recommended Plan. The recommended revisions to the CLUPP are to delete the Draft Plan stage because the iterative, collaborative and consensus based development of the plan ensures ongoing and regular participation and agreement by the Parties, the public and stakeholders. This is an extra and costly step that becomes redundant in the revised CLUPP. Accepting and implementing the recommendations in this report will facilitate plan approval by ensuring:

- The Parties establish clear criteria and expectations for the approval of the Regional Plan at the beginning of the process – (Yukon Land Use Strategy and Regional Strategies);
- The Parties are clearly communicating what they are willing to accept or not accept in a Final Recommended plan; - (iterative plan development process); and
- The Parties are collaborating, communicating and maintaining relationships during the planning process and approval stage.

Recommendations

22. The Council and the Parties should remove the Draft Plan stage from the CLUPP.

23. The Council and the Parties should accept and implement the recommendations for the revisions to the CLUPP prior to establishing any new planning Commissions and regional plan development processes.

Implementation

There is little experience with land use plan implementation in Yukon. The North Yukon Plan is the only regional land use plan that is being implemented and guiding decision-making. The limited activity and minimal land use pressures within the region are not a good test as to the efficiency of the implementation framework and the effectiveness of the plan. Going forward the Parties and the Council need to consider how plans are monitored, adapted, reviewed and amended. There needs to be agreed to protocols for conformity checks and implementation responsibility. Items to consider in the development of implementation protocols should include:

- Detailed description of the roles and responsibilities of the Council and the Parties in the Implementation Schedule of the Plan, including conformity checks;
- Adaptive management techniques;
- Timelines and processes for plan reviews and plan amendments;
- Re-establishment of Commissions to review plans;
- Funding for the Council to lead and monitor implementation;
- The Council leading public, government and stakeholder information sessions about the role and impact of approved regional plans

Recommendations

24. The Council and the Parties should develop an Implementation Protocol Agreement that clearly defines the roles; responsibilities and associated resources implementation of regional land use plans that includes monitoring, adaptation, review and amendment.

8.3. ROLES

As stated in the Key Observations section, there are many players participating and they all bring significant value as well as differences to the processes including: priorities, values, capacity, information and resources. Lack of communication and understanding of roles, expectations, goals and obligation have resulted in conflicts, polarised positions and plans not being approved. There needs to be clear understanding and agreement on the **Goals, Roles, Obligations, and Expectations** amongst all the players in CLUPP. All the players need to know how to ‘**GROE**’.

The Council

The Council (Secretariat and Council Members) plays a fundamental role in the CLUPP. The Council was established under the Umbrella Final Agreement to act as a resource and to provide recommendations to the Yukon and First Nations governments on important planning matters. To date there have been challenges regarding the relationship between the Commissions and the Council and between the Council and the Parties. These challenges stem from a lack of agreement on the authority of the Council, unclear roles and responsibilities of the Council and the lack of communication and coordination amongst these groups. Findings from this review suggest that the working relationship between the Commissions and the Council has improved but findings also suggest that there is more work to be done. The goal is to have the Council supporting the regional planning program at all times through leading the implementation of the recommendations in this report and leading regional planning in Yukon.

The Council can champion and guide regional land use planning and implementation of the CLUPP by:

- Providing the planning, financial, administrative and technical support to the Commissions;
- Using the Council funding surplus to promote the benefits and opportunities of regional land use planning – this could include development of the Yukon Land Use Strategy;
- Facilitating/ developing the key planning tools needed to implement the CLUPP – RAR template and RARs, Yukon and Regional Strategies, Planning Region Terms of Reference, land use designation system, plan development process and implementation plans;
- Monitoring the work of the Commissions to ensure quality and consistency implementing the CLUPP and plan development respecting the Yukon Land Use Strategy, regional strategy and terms of reference;
- The Council should develop, facilitate and deliver high quality and best practices training to the Commissions and the Parties regularly;
- Developing a Protocol Agreement between the Council and the Commission that clearly defines goals, expectations, obligations, responsibilities and roles during the Commission start-up phase;
- Preparing the Parties and the stakeholders for key stages of the planning process by hosting workshops and meeting with the Parties in advance of the Commission to explain the upcoming stage of the planning process and the types of information, feedback and involvement that will be required;
- Regular and ongoing communication with the Parties during the process and after each major stage of the planning process to ensure that expectations are being met and any outstanding issues are addressed;
- Anticipating conflicts amongst the Parties or stakeholders and utilizing appropriate means to address the issues
- Attending Senior Liaison Committee meetings and establishing regular communications between the Council Chair and Executive Council Members and First Nation Chiefs;
- Creating opportunities for improved relationships and social capital amongst the CLUPP participants through organizing events and information sessions between the Parties, stakeholders and the public.
- Examine a new governance structure that ensures accountability; and
- Create some momentum and excitement around regional planning.

Recommendations

25. The Council should lead the regional planning program in Yukon.

26. The Council should work with the Parties to develop the necessary tools needed to support a **common** land use planning process – e.g. Strategies, RAR templates, planning tools, land designation system.

27. The Council should ensure the appropriate human resources are available within their Secretariat to be dedicated to Planning Commissions for planning, administrative and technical support.

28. The Council and the Parties should develop and implement a new governance model that addresses authority, decision-making and accountability for the Council, the Parties and the Commissions.

The Parties (Yukon and First Nations Governments)

By signing individual land claim agreements, both the Yukon government and the respective First Nations government(s) agreed to work collaboratively towards developing regional land use plans. With the exception of the North Yukon collaboration has been lacking and fundamental disagreements have persisted throughout the planning process. The Peel Watershed planning and approval process has created mistrust and disillusionment with respect to regional planning amongst the Parties, and created a wariness of engaging in future processes until the CLUPP is clarified and revised. A fundamental question that the Parties need to ask themselves before embarking on another land use planning process is: how committed are the Parties to regional plans across the territory? Without this commitment it becomes difficult to move ahead with the regional planning program. The Yukon Government has indicated that a revised and agreed to (by the Parties) planning process is required before they commit to regional land use planning. The Council of Yukon First Nations has indicated they are committed to regional land use planning. The Parties could work towards improving the CLUPP and committing to the implementation of Chapter 11 through:

- Leading the development of the Yukon Land Use Strategy and Regional Strategies;
- Supporting the implementation of the revision of the CLUPP and taking responsibility for the development of the necessary tools needed to achieve success;
- Compiling and analysing the information to produce the Resource Assessment Report pre-Commission;
- Consensus Commission member appointments;
- The Parties providing the Commissions meaningful and substantiated details around their interests, issues, policy priorities, and how they would like those addressed;
- Supporting the SLC and TWG.
- Agreeing to a dispute resolution process pre Commission;
- Signing an intergovernmental accord (similar to what was utilized in the North Yukon) to ensure a process for the Parties to resolve issues; and
- Communicating, reaching decisions collaboratively and maintaining strong relationships with one another.

Recommendations

29. The Parties need to commit to regional land use planning in Yukon and to finalizing regional plans in all planning regions.

30. The Parties should commit to supporting the Commission through meaningful participation in the SLC and the TWG.

31. The Parties should commit to supporting and working with the Council to approve a revised Common Land Use Planning Process.

32. The Parties should appoint Commission Members using a consensus model.

33. The Parties should commit to work with the Council to develop the necessary tools needed to support a **common land use planning process – e.g. Strategies, RAR templates, planning tools, land designation system.**

34. The Parties should create an Intergovernmental Accord template that addresses the resolution of issues and conflicts (see Appendix 4). The template can be modified for each Planning Region and Commission.

35. The Parties should agree to a new governance model for the Council and the Commissions that addresses authority, decision-making and accountability.

Senior Liaison Committee (SLC)

The Senior Liaison Committee is currently made up of senior representatives from each of the Parties involved in the planning process. The role of the SLC is to communicate and provide senior government direction, advice, and support to the Commission on government issues, policies, programs and initiatives. Past experiences have shown that when the SLC is regularly and meaningfully engaged in CLUPP, regional planning success (approved North Yukon Plan) is achieved. The members of the SLC need to be senior representatives of government that are empowered by their respective government to resolve land management and planning issues timely, collaboratively and decisively. SLC needs to support the TWG, Commission and the Council throughout the planning process. Considering the leadership role of the Council recommended in this review the senior representative from the Council Secretariat should also be a member of SLC. The Parties supported by the Council should review/revise the SLC Terms of Reference to address:

- The membership of SLC should include the senior Council staff;
- The establishment of SLC pre-commission to ensure the Parties interests are identified and communicated in the Terms of Reference;
- The commitment to ensure the Parties are developing and maintaining good relationships with each other, the Commission and the Council;
- The types of issues brought to the SLC;
- A schedule of regular meetings throughout the process and a commitment to hold emergency meetings if necessary;
- The recommended revised plan development process of iterative plan development may require more time commitment from the SLC as the agreements are required regularly;
- How much direction does the SLC provide to the Commission;
- How much authority does the SLC have to make decision on behalf of the Parties they are representing;
- Dispute resolution mechanisms and process; and
- The reporting/organizational structure between the SLC, the TWG, the Parties, the Council and the Commission.

Recommendations

36. The membership of the SLC should include the senior representative of the Yukon Land Use Planning Council.

37. The SLC should be established pre – Commission to assist in the development of the Terms of Reference to ensure the Parties interests are communicated and addressed in the Terms of Reference.

38. The Terms of Reference for the SLC should be revised taking into account the revised CLUPP and iterative plan development process.

39. The new governance model should to address the authority, decision-making and accountability of the SLC.

Technical Working Group (TWG)

Currently, the Technical Working Group is made up of technical/planning representatives from each of the Parties as well as a representative from the planning Commission and the Yukon Land Use Planning Council. The TWG has been an effective technical group. The TWG acts as the primary point of contact amongst the Parties, the Council and the Commission. TWG meets regularly at the request of the Parties and/or the Commission's senior planner and are the first alerted to potential problems during the plan development stage. The TWG provides technical and planning support, input and advice to the Commission regarding government issues, policies, programs and initiatives for consideration in the preparation of the plan. The members of TWG also help to coordinate, gather and analyse information from their respective Parties. With an emphasis on planning and plan development, the Council needs to work with the Parties to ensure the make up of the TWG is balanced by land and resource managers and professional planners with collaborative and strategic land use planning experience. The Parties and the Council should consider the following when examining the future role of TWG:

- The current effectiveness of TWG;
- The membership of TWG to support and provide technical advice on the decision making and plan development framework of CLUPP;
- Whether the TWG should be appointed pre-Commission or after the Commission is appointed;
- The type of technical and planning support to the Commission;
- The role as a liaison for the parties for information and to the SLC as a first indicator of problems; and
- The reporting/organizational structure between the TWG and the SLC, the Parties, the Council and the Commission.

Recommendations

40. The clarification of the role of the TWG should build on the current effectiveness of the TWG.

41. The membership of the TWG should include professional planners to support the planning process.

42. The roles for the TWG should include information liaison between the Commission and the Parties to support plan decision-making and to report any indication of problems to the Council and the Parties immediately.

43. The new governance model should address the authority, decision-making and accountability of the TWG.

Commissions

The Planning Commissions are made up of local and regional community members who are appointed by the Parties to prepare a Recommended Plan to the Parties. The remuneration, planning capacity and relationship to the Council (e.g. approving workplans and financial reports and funding requests) suggests a role that reflects regional planning advisory boards consistent with other jurisdictions in Canada. The Commission members are local and regional experts who have full time jobs and commitments outside of the regional planning process. However, the role the Commissions are performing in the Yukon is one of full autonomy and planning authority with offices and staff being run by volunteer board members (theoretically). The revised CLUPP has been developed considering the Commissions need more support from the Council in terms of planning, administrative and financial support. The Commission members should be used as experts in their regions and should rely on the Council and the Parties to provide the information, the technical, planning, financial and administrative support. The Commission has a challenging role in ensuring the regional plan reflects the desired outcomes of Parties, the public and the stakeholders within the region. The Commissions need to be well supported by the Council and the Parties. The Commissions' role needs to be clearly defined and understood and should consider the following:

- Clarifying the different roles of the Commission members, commission staff and the Council members and Council staff;
- The relationship with the Parties;
- Commission accountability;
- Location of Commission office and staff;
- The Commission focusing on planning and not on administrative/financial matters, information gathering and analysis.
- The Commission members and staff 'checking in' with the Parties (the SLC and TWG) regularly;
- The Commissions in consultation with the Council develop a detailed multiyear work plan that includes a detailed timeline and budget as well as strategies for dealing with missing deadlines and exceeding the allotted budget. These strategies could include the Commission meeting with the Council to determine where the planning process is faltering and rectifying the situation through utilizing available resources from the Council and by altering and/or re-coordinating the planning approach.
- The Commission's work plan could be formally reviewed and considered by the Parties and the Council;

Recommendations

44. The Council and the Parties should develop a Terms of Reference for the Commissions that details the role of the Commission members and focuses them on the planning for the region and not the administration of the Commission.

45. The Parties should support the Council in developing the tools to support the Commissions, e.g. Yukon Land Use Strategy, Regional Strategy, Terms of Reference, training modules, RAR, plan development frameworks, etc.

46. The Council supported by the Parties should develop capacity within its staff that can be lent to the Commissions.

47. The Parties should support the Commission through the active and meaningful participation with the SLC and the TWG and the Council.

48. The new governance model should address the authority, decision-making and accountability of the Commissions.

Public and Stakeholders

Yukon regional land use planning includes provisions for public and stakeholder participation. Commissions must therefore ensure meaningful opportunities for both the public and the stakeholders to participate. Stakeholders and the public can bring quality information to the process. Their knowledge and interests should be considered throughout the process and therefore they need to understand the process and how best to contribute. The Yukon public has been actively participating in regional planning as has various stakeholders like the Chamber of Mines and the Yukon Conservation Society. The recommended strategic land use planning process can effectively involve the public and the stakeholders in the visioning and development of desired outcomes. The stakeholders can bring information to the regional processes and assist with the futuring exercises. The revised CLUPP needs to consider how to best facilitate the stakeholders' and public's participation in regional land use planning and should include:

- An inclusive and comprehensive public and stakeholder engagement program for the development of the Yukon Land Use Strategy;
- The Council providing information sessions to the public and stakeholders to inform them of the planning process and how to get involved;
- Consistent opportunities for the public to participate from planning region to planning region;
- Identifying and engaging the stakeholders for the planning region during the development of the Regional Land Use Strategy/Terms of Reference;
- How to ensure stakeholder proprietary information is protected; and
- Creating a welcoming atmosphere to all stakeholder groups.

Recommendations

49. The Council and the Parties should ensure a comprehensive and inclusive public and stakeholder engagement process in the development of the Yukon Land Use Strategy and Regional Strategies.

50. The Council should work with the stakeholders to develop an information protocol agreement that protects their confidential and proprietary information.

51. The Council should revise the CLUPP and communicate the changes with the stakeholders and public regarding how and where to participate in the regional planning process.

9. GOVERNANCE

This report contains a number of key observations and more than 50 recommendations. They include an overall recommendation for a revised CLUPP. The majority of other specific recommendations are attributed to the Parties and the Council. The governance for the CLUPP and for the Council should be revised to ensure successful implementation of a revised the CLUPP. A revised governance model is described in Section 9.1, below. The CLUPP is also lacking a built-in dispute resolution mechanism whereby disagreements between participants can be readily resolved. A proposed approach to dispute resolution is described in Section 9.2. The revised governance model should be used and applied on an ongoing basis while the dispute resolution mechanism would only be used as required when issues cannot be resolved within the governance model.

9.1. GOVERNANCE MODEL

Governance for a revised CLUPP

This section applies to all involved groups involved the CLUPP and as described in Section 6.3 “Roles”: the Parties, SLC, Council, Commissions, TWG, the public, and the stakeholders.

Governance usually involves authority, decision-making and accountability. The CLUPP governance document should be prepared that describes these three aspects from an overall perspective and for each of these groups.

With respect to authority, the governance document should clarify mandates, roles and responsibilities for each of the groups to ensure clear division of these mandates, roles and responsibilities. With respect to decision-making, the governance document should specify the groups and their individual decision-making powers. The governance document also should address the accountability by each group. To date, there has been little accountability by any group during the regional planning process. For example, the Commissions are reviewing budgets but do not appear to be reviewing or the meeting of deadlines. In other cases, it has been clear to many that a regional plan is not making progress but no group appear to signal an alert that actions need to be taken and the Parties should become involved.

The CLUPP governance document should also address increased level and quality of communication, collaboration and interaction between the groups involved in the CLUPP. For instance, communication needs to be clear, frequent, and upfront with the intent of keeping each other informed and to resolve issues that may arise at an early stage. This document could also include an organizational chart that shows the inter-relationships between the groups.

The governance document should also include a project management approach and structure where a schedule is prepared for the development of the remaining regional plans. The involved Commissions and the Council to ensure adherence with the schedule should monitor this schedule. The project management structure should also include mechanisms for monitoring budgets and resolution of planning issues, with defined actions as required to keep the process “on the rails”.

Council Governance

Many of the recommendations are attributed to the Council (Council members and Secretariat), including a stronger leadership role (however, not necessarily an increased decision-making role). This will result in additional tasks and responsibilities for the Council, which may also result in additional staff positions being required. For instance, the planners for a regional plan could be part of the Council Secretariat and then be assigned to work on a specific plan under the planning direction of a specific Commission. The Council Secretariat should also provide administrative and budget support to the specific Commissions.

We recommend that a new Executive Director position be established for the Council. There should also be manager positions for Planning and for Finance and Administration due to the increased workload and responsibilities of the Secretariat. A revised organizational chart and job descriptions should be prepared accordingly.

9.2. DISPUTE RESOLUTION MECHANISM

The CLUPP is lacking a built-in dispute resolution mechanism whereby disagreements between participants can be readily resolved. Although, there is some issue resolution-taking place amongst subcommittees (the TWG and the SLC), the Commission and the Council fundamental disagreements between the Parties persist and are not being resolved adequately during the CLUPP.

Disputes are inevitable in any land use planning process; they can vary in scope, duration and can be triggered by participants having different: expectations, assumptions, worldviews, values, interests and ultimate visions for the planning region. These contention points are unavoidable: however participants involved can utilize dispute resolution mechanisms such as the framework discussed below in an effort to handle these disagreements and work towards an agreement that everyone involved can live with.

The following dispute resolution process is influenced by alternative dispute resolution concepts, particularly the theory of principled negotiation (Fisher & Ury, 1981). Principled negotiation has five key principles that can be used in negotiations in a variety of contexts (bilateral or multiparty) such as, a dispute amongst the Commission or as a framework for an entire land use planning process. By using these principles, the authors argue that participants can focus on fair, durable, and creative solutions that meet the legitimate interests of all Parties. The principles are:

- Separate the people from the problem.
- Negotiations must focus on the underlying interests of participants instead of rigid positions.
- Participants must invent options for mutual gain.
- Participants must use objective criteria for evaluation.
- Negotiators should know their best alternative to a negotiated agreement. In interest based negotiation theory, the best alternative to a negotiated agreement is the course of action that will be taken by a participant (or group of participants) if the current negotiations fail and an agreement cannot be reached. (Fisher & Ury, 1981).

The proposed dispute resolution mechanism (adapted from ADR Education) shown below in Figure 6, below, has a preparation stage and five key phases including: an introduction; stating and defining the issues; exploring participants’ interests; developing options and objective criteria to assess each option; reaching agreement and implementing the decision reached. The stages are outlined in more detail in Appendix 4.

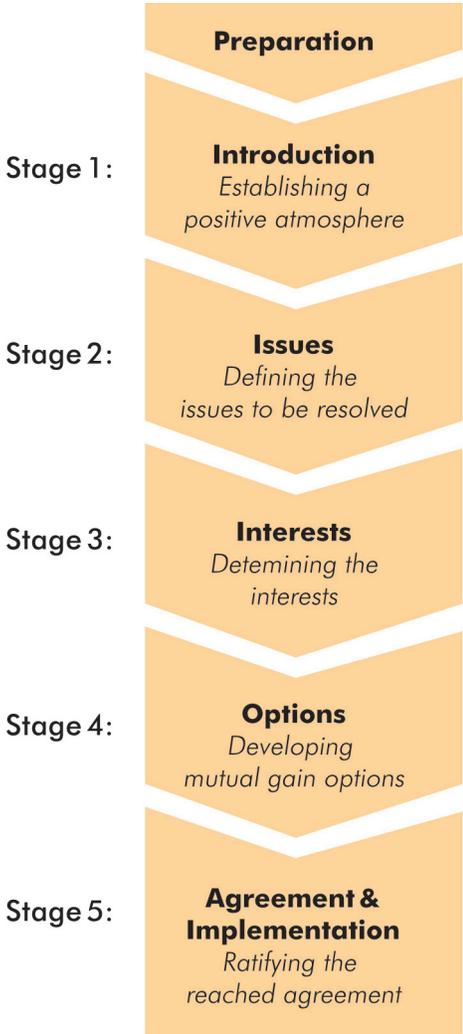


Figure 6: CLUPP Dispute Resolution Mechanism Framework Source: Adapted from Chicanot & Sloan (2009)

Figure 6 shows a linear process moving from one stage to another. In reality participants move forwards and backwards throughout the process. However, it is important that participants do not skip stages, for example jumping from the issues stage to the options stage without discussing interests and developing objective criteria. Agreements reached through this process should be formalized in writing and it is expected that those who participated will work together to jointly implement it. Training in this model to all of the key participants involved in the issue is highly recommended before engaging in the process. It is important to note that if participants fail to reach an agreement through using this process, there are other options such as taking the issue to an Arbitrator (binding arbitration) or the Dispute Resolution Board. Binding arbitration involves taking the issues to a neutral decision maker (decided on by the participants) and agreeing in advance to comply with the decision reached after the Arbitrator has heard from the participants involved in the dispute.

Proponents assert that the advantages of the dispute resolution mechanism are that participants are encouraged to develop creative solutions to challenging issues instead of expending energy on defending positions, which has characterized issues surrounding the CLUPP in recent years. Another benefit of this approach is that this model is being institutionalized within Yukon Government through: training offered through the Staff Development branch by the developers of the model (ADR Education) and through the work they have been engaged in with the Dispute Resolution Board. In other words this model is gaining familiarity in Yukon. It is important to note that the proposed process is an optional tool that can be used by participants involved with CLUPP to assist in overcoming issues that cannot be resolved by other means.

The CLUPP has a long history of failed regional planning attempts. One of the reasons may be due to the lack of a formalized dispute resolution mechanism whereby participants engaged in the CLUPP can work towards exploring interests and resolving issues through a structured process. If the Council, Commissions and the Parties can work towards adopting the dispute resolution mechanism discussed in this section then perhaps they can look forward to reduced conflict amongst process participants; improved relationships; and durable agreements that are reached by consensus.

10. SUMMARY OF KEY RECOMMENDATIONS

Table 1, below, provides a summary of the recommendations discussed in the review. The table also identifies the key responsible group. Many of the key recommendations require collaboration amongst the Parties and the Council.

Recommendation	Responsible
1. The Parties, facilitated by the Council prepare an overall Yukon Land Use Strategy using a collaborative public planning process.	Parties and Council
2. The Parties, facilitated by the Council prepare regional land use strategies and visions for the remaining planning regions prior to the development of the Regional Terms of Reference. These regional strategies should be based on, and be consistent with, the overall Yukon Land Use Strategy.	Parties and Council
3. The Parties, facilitated by the Council, consider the revised Common Land Use Planning Process for approval and implementation, based on input from a Yukon-wide engagement process.	Parties and Council
4. The Council with the Parties prepares a Resource Assessment Report Template.	Parties and Council
5. The Council with the Parties and stakeholders prepares the regional Resource Assessment Reports pre-Commission for each region.	Parties and Council
6. Building on the Regional Strategy the Council facilitates the preparation of the Terms of Reference for the Planning Region.	Parties and Council
7. The Council develops and leads a process for the Parties to communicate the Terms of Reference to the Commission, public and stakeholders.	Council
8. The Parties, Commission and Council agree to a dispute resolution process and work with the Yukon Staff Development Branch to receive and deliver training (see Appendix 4).	Parties, Council and Commissions
9. The Council needs to ensure it is sufficiently resourced with administrative and planning expertise to support the Commissions.	Council
10. The Council prepares and implements the training program for the Commission and delivers the first few modules at start-up. The Council needs to continue to deliver/facilitate training throughout the life of the Commission at the different CLUPP and plan development stages.	Council
11. The Parties need to communicate their priorities for the region to each other, the Council, the Commission, stakeholders and the public.	Parties

Recommendation	Responsible
12. The Council needs to facilitate an issues and information gathering process with the Commission, Parties, public, and stakeholders to add / refine the Terms of Reference and identify the information gaps in the RAR.	Council, Parties and Commission
13. The Council should facilitate the development of the Resource Assessment Report template.	Council
14. The Parties need to agree on the scope and types of information needed for the planning process.	Parties
15. The Council should work with the Parties during the preplanning stage to populate the RAR template for the Commissions.	Parties and Council
16. The Council should assist the Commissions during the first phase to identify the information gaps and needs to support the priorities and vision of the region.	Council and Commissions
17. The Commissions need to engage the stakeholders to assist with the futuring components and information gathering and analysis.	Commissions
18. The Council and the Parties, supported by professional planners, should develop a plan development process that is strategic iterative, collaborative and uses best planning practices.	Parties and Council
19. The Council should prepare resource material for the Commissions that detail the strategic, iterative and collaborative land use plan development process.	Council
20. The Council with the Parties should develop a common land use designation system which, considers allocations and management criteria for protected, development and traditional economy land uses.	Parties and Council
21. The Council should work with Yukon College to develop planning courses that can be delivered through the College's Land and Resource Management Program.	Council
22. Remove the Draft Plan stage from the CLUPP.	Parties and Council
23. Accept and implement the recommendations for the revisions to the CLUPP prior to establishing any new Planning Commissions and regional plan development processes.	Parties and Council
24. The Council and the Parties need to develop an Implementation Protocol Agreement that clearly defines the roles; responsibilities and associated resources for implementations of regional land use plans that includes monitoring, adaptation, review and amendment.	Parties and Council

Recommendation	Responsible
25. The Yukon Land Use Planning Council needs to lead the regional planning program in Yukon.	Council
26. The Yukon Land Use Planning Council should work with the Parties to develop the necessary tools needed to support a common land use planning process – e.g. Strategies, RAR templates, planning tools, land designation system.	Council
27. The Yukon Land Use Planning Council needs to ensure the appropriate human resources are available within their Secretariat to be dedicated to Planning Commissions for planning, administrative and technical support.	Council
28. The Council and the Parties need to develop and implement a new governance model that addresses authority, decision-making and accountability for the Council, the Parties and the Commissions.	Parties and Council
29. The Parties need to commit to achieving success for Regional Land Use Planning in Yukon.	Parties
30. The Parties need to commit to supporting the Commissions through meaningful participation in the SLC and the TWG.	Parties
31. The Parties need to commit to supporting and working with the Council to approve a revised Common Land Use Planning Process.	Parties
32. The Parties should appoint Commission Members using a consensus model.	Parties
33. The Parties need to commit to work with the Council to develop the necessary tools needed to support a common land use planning process – e.g. Strategies, RAR templates, planning tools, land designation system.	Parties
34. The Parties should create an Intergovernmental Accord template that addresses the resolution of issues and conflicts (see Appendix 4). The template can be modified for each Planning Region and Commission.	Parties
35. The Parties need to support a new governance model for the Council and the Commissions that addresses authority, decision-making and accountability.	Parties
36. The membership of the SLC should include the senior representative of the Yukon Land Use Planning Council.	Parties and Council
37. The SLC should be established pre – Commission to assist in the development of the Terms of Reference to ensure the Parties interests are communicated and addressed in the Terms of Reference.	Parties and Council

Recommendation	Responsible
38. The Terms of Reference for the SLC needs to be revised taking into account the revised CLUPP and iterative plan development process.	Parties and Council
39. The new governance model needs to address authority, decision-making and accountability of the SLC.	Parties and Council
40. The clarification of the role of the TWG should build on the current effectiveness of the TWG.	Parties and Council
41. The membership of the TWG should include professional planners to support the planning process.	Parties and Council
42. The roles for the TWG need to include information liaison between the Commission and the Parties to support plan decision-making and to report any indication of problems to the Council and the Parties immediately.	Parties and Council
43. The new governance model needs to address authority, decision-making and accountability of the TWG.	Parties and Council
44. The Council and the Parties need to develop a Terms of Reference for the Commissions that details the role of the Commission members and focuses them on the planning for the region and not the administration of the Commission.	Parties and Council
45. The Parties need to support the Council in developing the tools to support the Commissions, e.g. Yukon Land Use Strategy, Regional Strategy, Terms of Reference, training modules, RAR, plan development frameworks, etc.	Parties
46. The Council supported by the Parties need to develop capacity within its staff that can be lent to the Commissions.	Council
47. The Parties need to support the Commission through active and meaningful participation with the SLC, the TWG and the Council.	Parties
48. The new governance model needs to address authority, decision-making and accountability of the Commissions.	Council and Parties
49. The Council and the Parties need to ensure a comprehensive and inclusive public and stakeholder engagement process in the development of the Yukon Land Use Strategy and Regional Strategies.	Parties and Council
50. The Council should work with the stakeholders to develop an information protocol agreement that protects their confidential and proprietary information.	Council
51. The Council needs to revise the CLUPP and communicate with the changes to the stakeholders and public regarding how and where to participate in the regional planning processes.	Council

11. CONCLUSIONS

This report was completed for the Yukon Land Use Planning Council and the CLUPP Review Committee (made up of representatives from the Yukon Government and the Council of Yukon First Nations) to prepare recommendations for improvements to CLUPP to create success moving forward (approved regional plans and a sustainable Yukon). To achieve this objective, we reviewed background documents, examined a jurisdictional review of regional land use planning programs across Canada and conducted 20 interviews with various participants who have been involved with regional planning since the program was initiated. Interview participants included: Yukon and First Nations government representatives, Council members and staff, Commission members and staff, Board members, stakeholders and members of the public.

A main objective of Chapter 11 is to encourage the development of a “common Yukon land use planning process.” Although, the CLUPP was successful in the North Yukon the process has repeatedly failed in producing land use plans that are approved and implemented by all the Parties. The findings in this report emphasize that regional land use planning is difficult. The comprehensive rational planning approach the Yukon has been using is very complex and is at odds with the resources available to produce regional plans. For success to be achieved there needs to be a commitment from the Parties to work together with Yukoners and stakeholders to implement a strategic land use planning approach and create an overall vision for land use in the Yukon. This overall vision will guide future regional planning. Other findings include a lack of clarity and accountability respecting the roles, obligations, decision-making and responsibilities of those involved in the planning process as well as the Parties’ and Council’s different interpretations of Chapter 11. Regional land use planning needs a champion and the Council is well positioned to lead the regional planning process to success. Based on the challenges and successes of regional land use planning, this report recommends that Common Land Use Planning Process be revised in the following key areas: the Council take on a leadership role by facilitating with the Parties the development of the Yukon Land Use Strategy and regional strategies; managing the information gathering for the Commissions by facilitating the development of the Resource Assessment (RAR) template and regional RARs; and by supporting the Commissions by lending them planning and administrative resources so that the Commissions can focus on planning. This report also recommends the Council develop a common plan making framework that is based on the strategic- collaborative planning model that approaches decision making consensually and iteratively.

Yukon has had many challenges with implementing regional planning across the Territory, but there have also been successes. It is hoped that this report will assist the participants to build on the successes and overcome the challenges of regional planning throughout the Yukon Territory. If the Parties and the Council can collaboratively work towards implementing the recommendations in this report, then it is likely that they can look forward to a successful regional land use planning program.

12. NEXT STEPS

Creating success for regional land use planning will require commitment, collaboration and support from the Parties, the Council, stakeholders and public. The development of the 51 recommendations put forward to the Committee has been considered with the input of only twenty, purposely selected, participants. The next steps to revise the CLUPP need to include a comprehensive and inclusive Yukon-wide engagement process and creating a new governance structure to address authority, decision-making and accountability for the Parties, Council and Commissions.

Yukon-wide engagement process

There are three main objectives to the Yukon wide engagement process; first, sharing the results of this review, second, getting support and buy in to implement the recommendations and third, to introduce the development of the territorial wide Land Use Strategy. The development of an engagement plan should immediately follow the acceptance of the Final Report to ensure the recommendations remain timely and that community engagement sessions can begin before the summer break.

Sharing the Results

These recommendations have not been shared and/or consulted on. They have been developed considering success in the North Yukon and other jurisdictions in Canada, a planning literature review and considering specific challenges and opportunities identified through twenty interviews (specific to this work) and past work completed by the Parties and the Council. Regional land use planning needs to be transparent, inclusive and collaborative and this needs to start with engaging on these recommendations and results. It is recommended that the Council supported by the Parties carryout an engagement process that includes traveling to all Yukon communities and presenting the results to community members, stakeholders, and First Nation Governments. The engagement process should also include meeting with Yukon Government representatives and territorial wide interest groups, such as Yukon Conservation Society and Chamber of Mines, who regularly engage in regional land use planning.

Yukon Buy-In

As stated throughout this Report regional planning is collaborative. For CLUPP to transition from failure to success the revised CLUPP will need the support of all the participants. This is particularly critical at this time when the commitment to regional planning by the Yukon Government is being questioned and there is significant mistrust amongst the Parties associated with poor communication of each other's goals and expectations around land use planning. While it is important that the Parties accept the recommendations and support a revised CLUPP, the regional land use-planning program will only be successful if broad representation is involved in accepting and implementing the changes. The desired outcome of approved plans and sustainable development will not be achieved unless there is Yukon-wide buy in.

Introducing the Yukon Land Use Strategy

The proposed Yukon-wide Land Use Strategy would provide a territorial land use vision and policy guidance, which the regional land use strategies and regional planning terms of reference will flow from. The overall strategy will consider matters of territorial wide interest and could include policies and direction on percentage of land to set aside for protected areas and traditional economy uses and priorities for development. It is recommended that during the engagement and discussion of this report, the Parties and consultant initiate a discussion with Yukoners surrounding the content of a potential land use strategy. Similar to Northern Ontario, begin with a discussion paper, (Government of Ontario, 2014).

Introducing and engaging on this key recommendation will assist in identifying areas of content for the strategy as well as serving as notice to the public that the development of a Yukon Land Use Strategy is coming and that the Parties are committed to regional land use planning.

Development of a New Governance Model

A new governance model for the revised CLUPP and for the Council Secretariat should be developed as described in Section 9.2.

Timeline for Next Steps

This timeline has been recommended in order to share the results of the consultant’s findings and gain consensus for a revised CLUPP and governance model recognising time is of the essence. This work has been carried out in a closed setting and should be shared and consulted on by the broader Yukon public to ensure acceptance, support and legitimacy. The report is draft. It is the consultant’s recommendation the report remains draft until the recommendations have been shared with all the Parties and Yukon wide consultation process has been completed and the report revised thereafter accordingly.



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APPENDIX 1 – JURISDICTIONAL REVIEW SUMMARY

Appendix 1 provides a summary of the jurisdictional review as described in Section 5 of this report. Appendix 1 consists of two parts:

Part 1: Jurisdictional Review Summary

Part 2: References that were used to complete the jurisdiction review.

Detailed information for each jurisdiction is also available on the Yukon Land Use Planning Council website at www.planyukon.ca.

Jurisdictional Review Summary

When did Regional Planning begin and why?

British Columbia	1992 in response to land use conflicts and land value conflicts (protected areas and resource development).
Alberta	2006 Land Use Planning Framework developed to balance competing interests – economic, environmental and social. Planning in Athabasca began in 2008.
Saskatchewan	Began in 1998 because of conflicts associated with forest management.
Manitoba	Large Area Land use Planning began in 2000, in response to a number of recommendations in of the 1999 Report of the Consultation on Sustainable Development Implementation.
Ontario (Far North)	2010 Far North Act to help to ensure sustainable development and a process for FN's and Ontario to work together.
Northern Quebec	2007 the Nunavik Inuit Land Claim was ratified.
Labrador	In 2005 the Inuit in Labrador signed the Inuit Labrador Land Claims Agreement - Chapter 10 of the agreement requires a plan for the use of land, water and resources within the settlement region.
NWT	First began as a federal program in 1987. Regional planning has evolved in NWT and is initiated from the land claim agreements. Devolution in 2014 may change this.
Nunavut	1993 following the ratification of the Nunavut Land Claim Agreement. Regional plans are to guide and direct resource use and development.
Yukon	The current process began in 1993 following the ratification of the Yukon Land Claim Umbrella Final Agreement. Chapter 11 outlines the high level objectives – sustainable development.

The current state and application of Regional Planning

British Columbia	Applies to crown lands only and covers 88% of the province. The plans are strategic land use plans.
Alberta	Applies provincial crown and private lands – does not apply to federal land and FN lands. 2 plans Lower Athabasca and North South Saskatchewan complete 7 plans for the province.
Saskatchewan	Applies only to crown lands and is ‘managed for all people of Saskatchewan’. 4 plans are complete – covers approximately 20% in the north (no crown lands in south).
Manitoba	Completed land use plans apply to Crown Lands. As of March 2007, only Poplar River First Nation has publicly released a lands management plan in the East Side Planning Area.
Ontario (Far North)	5 Communities -3 in Ontario and 2 in Manitoba have completed land use plans and more have approved terms of reference and are currently planning.
Northern Quebec	The Nunavik Marine Planning Commission in currently gathering information in communities. Applies to the land and marine area of northern Quebec and Labrador.
Labrador	Regional Planning Authority submitted a plan to Newfoundland and Labrador Government in 2011. The province has not approved the plan. The province has carried out it own planning for crown lands
NWT	There are plans in Inuvialuit, Gwich’in Sahtu, Tlicho and a Draft in the Decho area. Federal government has played a major role - post devolution GNWT is looking at new role.
Nunavut	Nunavut Planning Commission released draft plan in 2014. Public Hearing is required. Canada will not fund at this time (1 million est). 2 approved plans – Keewatin and North Baffin
Yukon	There are two approved plans, - North Yukon and Peel Watershed (the Peel is not approved by First Nation Governments). The Dawson Planning process is current. 7 planning regions have been identified.

Planning Body

British Columbia	Stakeholder Tables that vary in size from 6 to 75 and include: government, resource, environmental, and community stakeholders.
Alberta	Planning Secretariat – staff; Land Use Framework Interpretative Team (LFIT) – AB Government Regional Advisory Committee (RAC) – unpaid interested parties appointed by cabinet.
Saskatchewan	Regional planning offices. Regional Planning Commissions, Interim Advisory Council and Stakeholders (unpaid – expenses are paid)
Manitoba	<i>For Planning done under the East Side Planning Initiative (Regional)</i> The East Side Planning Initiative Round Table and East Side Planning Initiative Secretariat <i>For Planning done under the East Side Traditional Lands Planning and Special Protected Areas Act (Sub Regional)</i> Planning Council or Planning Board.
Ontario (Far North)	Planning Team (FN and Ontario) Planning Advisory Team Ministry of Northern Development and Mines and Ministry of Parks Ministry of Natural Resources
Northern Quebec	The Planning Commission size may vary however Canada and Nunavut nominate at a least one member each and Nunavik Government nominates the same. All are appointed by Canada. The commission members recommend an additional member to Canada for chair.
Labrador	Regional Planning Authority. The Regional Planning Authority is disbanded when the recommended plan is submitted.
NWT	Planning Boards established in the regions with appointees from Canada, GNWT and Aboriginal Government. Inuvialuit completed community plans under a different process (community land based)
Nunavut	Nunavut Planning Commission 5 members appointed by Canada. 2 from Inuit organizations, 2 Canada, Canada and GN appoint Chair. There are two alternates that are appointed by the organization where the plan overlaps (e.g. Makavic)
Yukon	Planning Commissions made up of citizens one third appointed by YG, one third appointed by First Nations, one third appointed based on FN and non FN residents living in the region.

What legislation guides the planning?

British Columbia	<i>A New Direction for Strategic Land Use Planning (2008) is the guiding policy. See review for legislation that informs regional planning</i>
Alberta	<i>Alberta Land Stewardship Act</i>
Saskatchewan	Main legislation that guides is the Forestry Legislation and provincial interests.
Manitoba	<i>The Planning Act East Side Traditional Lands Planning and Special Protected Areas Act</i>
Ontario (Far North)	<i>Far North Act:</i> 1. Role for FNs 2. 225,000 sq kms. Interconnected protected areas 3. Environmental protection 4. Sustainable economic development
Northern Quebec	The Nunavik Inuit Land Claim
Labrador	<i>Labrador Inuit Land Claims Agreement Urban and Rural Planning Act, 2000</i>
NWT	The specific land claim agreements and the Mackenzie Valley Resource Management Act (MVRMA).
Nunavut	Nunavut Land Claims Agreement.
Yukon	The Umbrella Final Agreement and the specific First Nation land claim agreements.

What lands do the plans apply to?

British Columbia	Crown lands only. Some First Nations have their own process e.g. Nisga Nation.
Alberta	Private and Alberta Crown lands.
Saskatchewan	Crown lands only
Manitoba	Crown Lands only
Ontario (Far North)	Provincial lands
Northern Quebec	Lands, water and wildlife with in the NMR.
Labrador	The Labrador Inuit Settlement Area t covers an area of 72,520 sq. km. (quarter of the area of Labrador). The intent of Chapter 10 was all land within the settlement region. Does not apply to federal lands.
NWT	Aboriginal lands, Federal Crown and Commissioner lands. Not included are National Parks and Historic Sites and some municipal lands.
Nunavut	Plan applies to all land, fresh water, marine area, outer ice zone, and wildlife. Does not include municipal lands
Yukon	All lands where land claims are settled – both settlement and non-settlement lands. An objective includes minimizing the impacts between settlement and non- settlement lands.

Planning process and products

British Columbia	Collaborative process and consensus decisions 1. Pre-negotiation 2. Negotiation 3. Post-negotiation Strategic
Alberta	Provincial interests take priority. Committed to 2 year processes, substantial consultation – public 1 million and 1.5 for FN consultation; consultation reports to LFIT and RAC
Saskatchewan	Collaborative planning process
Manitoba	Collect Information and Produce a Draft Plan Consultative
Ontario (Far North)	First Nation initiates the process Terms of Reference
Northern Quebec	A public planning process for Inuit and residents of the NMR.
Labrador	The Regional Planning authority establishes the planning principles and the planning objectives. Once there is a draft plan supported by NL and Inuit the Planning Board Appoints a Commissioner who holds Public Hearings on the draft and reports back findings.
NWT	How the land will be used in the future taking into account social/cultural, environmental and economic interests of all partners in the region. Direction comes from the MVRMA. The planning board determines the objectives together in consultation with federal and territorial minister.
Nunavut	Incremental planning process meaning the commission will plan where there is information. As information becomes available more planning will take place.
Yukon	Common Land Use Planning Process: · General ToFR · Precise ToFR · Issues and Interests · RAR · Conservation Priorities · Scenarios · Draft Plan · Recommended Plan · Final Recommended

Decision making/conflict resolution

British Columbia	Consensus and interest based negotiations. Cabinet approves plan and makes final decision.
Alberta	Provincial interests take priority
Saskatchewan	Agreed to ADR process. The Athabasca Plan has been stalled for approval for 10 years, as the Dene want to lead the implementation.
Manitoba	<i>For Planning done under the East Side Planning Initiative (Regional)</i> Consensus Based Decision Making
Ontario (Far North)	Consensus based. Disputes are resolved through ongoing discussion - government-to- government meetings. Specific timelines for responses are respected (e.g. 30) days for written responses.
Northern Quebec	Adopt the same rules as the Nunavut Planning Commission.
Labrador	The Inuit have jurisdiction over their lands and the NL government have jurisdiction over their lands with out a plan. There is an appeal board established once a plan is approved and there are conflicts over implementation (allowing uses)
NWT	Aboriginal led process – ‘their lands – their process’ (GNWT Planner). There are good relationships with the governments.
Nunavut	Value and interest led decision- making process carried out incrementally. Asset maps are a tool that is used in the community engagement process and the development of the plan.
Yukon	North Yukon - Intergovernmental Accord and political will. Consensus decision- making

Who does the planning?

British Columbia	Government hired planners and facilitators
Alberta	Land Use Planning Secretariat Staff (15 people) Consultants for consultation
Saskatchewan	Regional planning staff and consultants.
Manitoba	<i>For Planning done under the East Side Planning Initiative (Regional)</i> East Side Planning Initiative secretariat <i>For Planning done under the East Side Traditional Lands Planning and Special Protected Areas Act (Sub Regional)</i> Planning Council or Planning Board
Ontario (Far North)	The Planning Team
Northern Quebec	Planner hired by the Planning Commission
Labrador	Registered Professional Planner appointed by the NL Government from a list given to the minister from the Planning Authority. The legislation specifically speaks to MCIP designated planner.
NWT	Plans are completed in the region with planning offices and planners/ executive director in the office.
Nunavut	Commission planning, policy and technical staff. Policy Planner identified the lack of planning expertise and turnover by GN and Canada in Iqaluit planning office as a problem.
Yukon	Regional Commissions have hired staff (planners, administrator) and have hired consultants and have used Council staff.

Who oversees the planning?

British Columbia	Government of BC
Alberta	Government of Alberta
Saskatchewan	Government of Saskatchewan
Manitoba	Wabanong Nakaygum Okimawin Inc and the Provincial Government.
Ontario (Far North)	Government of Ontario – some federal departments and Department of Environment and AANDC provide funding
Northern Quebec	The Nunavik Inuit Government, Canada and the Government of Nunavut.
Labrador	The Planning Authority – 4 person Board jointly appointed by, the chair is selected from the 4.
NWT	The federal government funds the planning. The process comes from the claims. GNWT is currently examining the process and their new responsibilities post devolution.
Nunavut	Government of Canada through money and agreements.
Yukon	Yukon Government through and Yukon Land Use Planning Council by way of funding agreements and reporting.

What are the roles:

- Provincial/Territorial Gov't
- Stakeholder
- Aboriginal Government/Group
- Public

British Columbia	BC: Stakeholders and facilitators. Aboriginals: Stakeholders and negotiators (2nd phase) Stakeholders and Public: communicate interests, participate in the process
Alberta	Province – manages says the process and sets the priorities. First Nations rights are protected as per treaties and laws. Not the case for the Metis. Stakeholders, public, FN participate on RAC
Saskatchewan	Province – provides information and resources First Nations – partners Stakeholders and public on Commissions and attend meetings
Manitoba	<i>For Planning done under the East Side Planning Initiative (Regional)</i> Province- Government Ministers serve on interdepartmental working group and secretariat First Nation - Participate on the East Side Planning Initiative Round Table. Aboriginal Protocol Working Group and Council of representative. Stakeholder - are represented on the East Side Planning Initiative Round Table
Ontario (Far North)	Province – information, funding, support, provincial interests First Nations – indigenous knowledge, participation, consensus Stakeholders – consulted throughout
Northern Quebec	Territorial Government is Nunavut as the Inuit of Northern Quebec come under Nunavut law and jurisdiction. Inuit nominate, participate, implement. Canada and Nunavut nominates and appoints planning commission members, implements and funds and approves plan. Stakeholders and public participate in the process.
Labrador	Provincial Government Appoints the planner. Participates in selecting Planning Advisory Board, approves the plan (timelines are included in the agreement). Implements the plan on provincial lands. Inuit Government participates in selecting board members, approves plan and implements on Inuit lands.
NWT	Federal Government – appoints and is represented on board and funds plan. Territorial – represented on board, territorial interests through existing policies and information. Stakeholders and public – process to take into account residents of the region.
Nunavut	Federal – money and land and national interest Territorial – approving of draft and information and partner and Inuit interests. Stakeholder and Public – community participation.
Yukon	YLUPC – makes recommendations and manages with Yukon 7.4 million dollars for planning and operating dollars \$450K/yr. Territory and FN governments – implement, plan, approval body, funder (YG) and provide information. Stakeholders and public – provide comments to Commissions.

How do land users interact with the Plan?

British Columbia	Through other pieces of legislation – primarily Forestry and Lands Acts
Alberta	The regional plan is strategic and the overall plan. All other plans come under the regional plan
Saskatchewan	The regional plans provide guidance for the future use and management of crown lands.
Manitoba	Management plans guide the disposition, use, and development of crown land in the planning area.
Ontario (Far North)	Provides direction to government, first nations, and industry and land use regulatory agencies. Most major projects cannot proceed until a community based land use plan is in place.
Northern Quebec	Linked to environmental review process in claim. The plan is implemented based on the existing laws and jurisdictions.
Labrador	The Inuit of Labrador use the plan to make decisions on permitting and allowing uses on their lands.
NWT	As a user of the land permits/licenses are required and they must meet the conditions for development in the zone (Conformity Requirements)
Nunavut	Proponents submit a Project Proposal to the Nunavut Planning Commission for a conformity check.
Yukon	The main interaction is through YESAA. YLUPC does conformity checks. Conformity with a plan does not determine whether a project goes ahead or not.

Land Designation System

British Columbia	<ul style="list-style-type: none">· Protected Areas· Special Management Areas· Intensive Resource Extraction· General Resource Use
Alberta	Same for all regions
Saskatchewan	Similar for all regions – except for the Great Sand Hills Plan.
Manitoba	(Same in all regions) Only 1 management plan in place in the East Side Planning Area.
Ontario (Far North)	Same for all regions: <ul style="list-style-type: none">· General Use Area· Enhanced Management Area· Dedicated Protected Area
Northern Quebec	Conservation, development and utilization of the land. No designation system developed yet.
Labrador	There are eight recommended designation: Resource, Heritage, Community, Protected Areas, General Use, Traditional Use and 2 special area specific designations.
NWT	The zoning/land designation systems are specific to the regions. All different.
Nunavut	3 designations <ul style="list-style-type: none">· Protected Areas· Special Management Areas· Mixed Use Areas
Yukon	Depends on the region – different land designation systems have been used.

Approval stages

British Columbia	Cabinet approves
Alberta	Cabinet approves
Saskatchewan	Cabinet approves
Manitoba	Cabinet Approval
Ontario (Far North)	Minister of Natural Resources and First Nation
Northern Quebec	Public hearings are held on the recommended draft plan. The Commission considers the results from the hearings, revises plan and submits to governments. The governments approve or send back to commission with written suggestions for revisions and why (this is public)
Labrador	The Inuit of Labrador Executive Council approved the plan in principle in 2011. The Government of Newfoundland and Labrador have not approved the Plan.
NWT	The plans are approved by the 3 parties – starting with the first nation. The plan must be approved by the first nation before it goes to GNWT. When Canada signs it is final.
Nunavut	The Draft Plan requires a Public Hearing (200 people – 25 communities). Canada needs to fund 1 million. Plan is stalled. Once the draft is approved by NTI then will be sent to GN and Canada.
Yukon	Once the Commission has completed a draft plan the commission recommends the plan to Yukon Government and First Nations then disbands.

Who is responsible for plan implementation and review? Variances/amendments?

British Columbia	The stakeholder tables after 8 years – no plans have been reviewed. All resource agencies with public responsible for monitoring.
Alberta	The appropriate jurisdiction. Plans have 50-year time horizons. Review 5 to 10 years.
Saskatchewan	Government, industry, communities and First Nations are partners in implementation. Strategic direction. Review every 5 years.
Manitoba	The Government of Manitoba, Planning Council and First Nations and the public. Review every 5 years.
Ontario (Far North)	Minister of Natural Resources and First Nation. Reviewed every 15 years
Northern Quebec	The governments with the appropriate jurisdictions.
Labrador	The Nunatsiaq Government for Inuit Lands, the Inuit Community Governments (Inuit Law) for communities and the NL Gov't for the all other lands.
NWT	The Planning Board and the parties. To be reviewed every five years however that has not been the case with the Gwich'in
Nunavut	Nunavut Planning Commission will perform conformity checks then forward to appropriate regulator. 5 years for review
Yukon	Yukon and the respective First Nation are responsible for implementation. Reviewed by Yukon and FN on an agreed to schedule (5years) plans consider adaptive management.

What is the cost?

British Columbia	3.5 million per (2006 dollars)
Alberta	4 million dollars per region – expectation is the next regions will take 2 years.
Saskatchewan	3 million
Manitoba	
Ontario (Far North)	3 years
Northern Quebec	
Labrador	
NWT	Sahtu – approximately 4 million
Nunavut	9 million dollars over 8 years. (Nunavut Planning Commission)
Yukon	YLUPC and Yukon Government allocate 1 million per plan and two years to complete. Plans are costing more and taking longer (Peel 7 years 1.6 million)

Appendix 1 Part 2: References used for the Jurisdictional Review

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APPENDIX 2 – INTERVIEW PARTICIPANTS

1. Dawson Regional Planning Commission – Scott Casselman, Chair
2. North Yukon and Peel Watershed Planning Commission – Shawn Francis, Senior Planner
3. Peel Watershed Planning Commission – Dave Loeks, Chair
4. Champagne and Aishihik First Nations – Roger Brown, Manager
5. Tr’ondëk Hwëch’in – Tim Gerberding, Implementation Director
6. Vuntut Gwitchin Senior Liaison Committee for North Yukon, Peel Watershed and Dawson – Hugh Monahan
7. Tourism Industry Association of the Yukon – Neil Hartling, Chair
8. Member of the Public – Sebastian Jones (written submission)
9. Yukon Environmental and Socio-economic Assessment Board – Tim Smith, Executive Director
10. Yukon Government – Renée Mayes, Manager, Regional Land Use Planning
11. Yukon Government – Jim Bell, Former Manager Regional Planning
12. Yukon Land use Planning Council – Sam Skinner, Senior Planner
13. Yukon Land use Planning Council – Ron Cruikshank, Director
14. Yukon Land use Planning Council – Ian Robertson, Former Chair
15. Yukon Land use Planning Council – Albert Peter, Former Member
16. Yukon Land use Planning Council, Former Member; and the North Yukon Planning Commission, Chair – Shirlee Frost
17. Yukon Chamber of Commerce – Mal Malloch and Peter Turner
18. Yukon Chamber of Mines – Hugh Kitchen, Brad Thrall and Samson Hartland
19. Anonymous
20. Bill Terice – Traditional Economy

APPENDIX 3 – INTERVIEW QUESTIONS

Common Land Use Planning Process Interview Questions

Would you like to remain anonymous or can we reference your name in the report (not specific comments – only as a person interviewed)

Anonymous: Yes _____ No _____

Reference your name in the appendix – no direct reference to your comments Yes _____ No _____

1. What is your experience with the Common Land Use Planning Process (CLUPP) in the Yukon and how have you been involved?

2. Please describe your opinion/assessment of the overall Common Land Use Planning Process in the Yukon?

3. Please describe your opinion/assessment of the stages:

- i) Pre-Planning (getting ready to plan e.g. preparation of Terms of Reference)
- ii) Commission start-up,
- iii) Information gathering;
- iv) Plan development;
- v) Approval process;
- vi) Implementation

4. Please describe your assessment of the work of the Commissions:

Is the funding appropriate (1 million per region)?

Planning knowledge/capacity of the Commission

Planning knowledge/capacity of the staff

Time to complete a Plan

5. There are a number of players in the regional planning process in Yukon. This question is intended for us to understand from your perspective, the effectiveness of the players as they currently contribute in their roles as outlined in the Common Land Use Planning Process; and secondly to examine improvements to their participation in the process:

The Parties

Technical Working Group (TWG)

Senior Liaison Committee (SLC)

Council

Commissions

Public

Stakeholders

6. What is working well with the Common Land Use Planning Process (question may have been answered – confirm/summarise back to participant)?

7. What are the current shortcomings of the Common Land Use Planning Process?

8. How can the current Common Land Use Planning Process be improved?

9. a. Are you aware of other jurisdictions with a successful regional planning/resource management process Yukon can draw from?

b. What specific aspects of the planning process are working well in these jurisdictions?

10. Do you have any other comments about the Common Land Use Planning Process that may be useful for our review?

Thank you for your time and participation!

APPENDIX 4 – DISPUTE RESOLUTION MECHANISM

Preparation

The purpose of this phase is for the participants to accomplish what is necessary to prepare them for the negotiation. This step will vary depending on the complexity of the issues and the number of participants. This step may include:

- Determining the nature and scope of issues and being ready to clearly state these in the negotiation;
- Researching and identifying the relevant facts and information needed for the discussion;
- Identifying the necessary participants and ensure inclusive representation;
- Consider any procedural constraints that may affect the process for example, time, cost, personnel;
- Determine any additional resources that are needed for participants to meaningfully participate for example, translators.
- Ensuring that the participants in the negotiation have the authority to negotiate and reach decisions;
- Participants considering their best alternatives to a negotiated agreement or worst alternatives to a negotiated agreement (BATNAs/WATNAs);
- Examining the types of relationships that exist amongst participants;
- Participants committing to urgently resolve the issue at hand;
- Determining if mediation and or facilitation is needed. Note: Multi party negotiations typically require professional facilitators and or mediators who are chosen jointly by the participants; over time a YLUPC staff member could play this role;
- Create an atmosphere where different worldviews are supported;

Stage 1 - Introduction

The objective of the introduction stage is to set up an atmosphere for a successful negotiation. One key aspect of this stage is setting ground rules for the negotiation to allow meaningful and fair participation by all participants. During this stage participants should:

- Consider culturally appropriate opening ceremonies;
- Outline the dispute resolution mechanism process that the participants will be using;
- Establish a positive tone by expressing optimism and a genuine desire to work on the challenges that will be discussed in the negotiation;
- Allow time for informal relationship building;
- Determine procedural details and agreeing on how participants will participate;
- Refrain from diving into the issues and potential issue resolution;
- Establish logistics such as time frames, guidelines for information sharing, note taking, confidentiality and follow up meetings;
- Resolve any procedural disagreements and obtaining a commitment to proceed before moving into the next stage.

Stage 2 – Issues

The purpose of the Issues stage is to determine what issues need to be solved in the negotiation and reach an agreement on defining the issues that brought them to the table. During this stage it is important for participants to:

- Allow opportunities for all parties (without interruption) to describe the issues from their point of view;
- Keep track of issues and break them into manageable pieces;
- Developing a shared understanding of the problem and defining the problem in a way that fosters collaboration. For example participants could say: “The issue that we are here to discuss is determining a land use designation system that can be used in regional planning.” Not: “We are here to discuss whether or not a traditional economy zone should be included.”

Stage 3 – Interests

The goal of this stage is to get participants to identify their interests instead of focusing on rigid positions. Participant’s interests are the building blocks of mutually acceptable agreements and the success of this process can hinge on taking the time during this stage to uncover all of the participant’s interests. Participants should focus on:

- Deconstructing positions to get at the interests informing those positions through asking open ended and probing questions;
- Being forthright about their interests behind their positions and communicate these interests to the group;
- Being attentive to each other’s interests and giving each other’s interests full consideration;
- Highlighting mutual interests;
- Summarizing the list of interests brought forth in the negotiation.

Stage 4 – Options

The purpose of this stage is to focus the interests discussed in the previous stage and to use these as the basis for a suitable option. During this stage participants should strive to:

- Brain storm potential options while resisting the urge to evaluate them;
- Develop options for mutual gain by working towards meeting the interests of all participants;
- Develop (if possible mutually agreed to) objective criteria;
- Considering options by applying objective criteria to different options generated by the participants;
- Evaluate solutions against best alternatives to a negotiated agreement or worst alternatives to a negotiated agreement (BATNAs/WATNAs);
- Deciding on an option by consensus. Consensus is accomplished after every effort has been made to meet the interests of all stakeholders and when all members of the group agree that they can accept the decision.

Stage 5 - Agreement and Implementation

The purpose of this stage is to formalize the consensus agreement reached and determine how the agreement will be implemented. During this stage participants should focus on:

- How the agreement will be ratified for example, in writing or a verbal agreement;
- Developing an implementation strategy that outlines the roles and responsibilities of the participants, timelines for implementation, determines a process for mitigating implementation failures, determines how progress will be tracked and how the agreement will be monitored and reviewed;
- Capturing an agreement in writing that commits the participants to implementing the agreement reached.

Source: Adapted from Chicanot & Sloan (2009).

