

Yukon	Answers
<p>1. When did regional planning begin and describe why it began?</p>	<p>1. The current Common Land Use Planning Process (planning process) in the Yukon was initiated because of a modern day process of land claims negotiations that began in 1973. After 20 years of discussions between the governments of Canada, Yukon and the Council of Yukon First Nations, a major agreement called the Umbrella Final Agreement was signed in 1993. Although not a legal document, the Umbrella Final Agreement provides the framework for completing land claim negotiations between three Parties (government of Canada, Yukon government and the 14 Yukon First Nations), on a wide range of issues, such as development assessment, wildlife, natural resources, economic development and regional land use planning (Grzybowski, 2014).</p> <p>There are many different ways people use and value the land. These uses can benefit or impact other uses to varying degrees. While the Yukon has very few people for its size, there are conflicts between different land uses. Regional planning helps minimize land use conflicts. Once a land use plan is in place, people can enjoy more certainty about where and how they may use the land. In some cases, land use plans may help avoid legal action between different land users.</p> <p>The objective of regional planning in the Yukon (under the Final Agreements) are: <input type="checkbox"/> Minimizes actual or potential land use conflicts. These conflicts will likely grow worse without planning;</p> <p><input type="checkbox"/> Recognizes and promotes the cultural values of Yukon First Nations people. Certain cultural activities are intrinsically linked to the land;</p> <p><input type="checkbox"/> Ensures Sustainable Development by developing social, cultural, economic and environmental policies that apply to the management, protection and use of land, water and resources in an integrated and coordinated manner;</p> <p><input type="checkbox"/> Spells out how and where land uses may or may not occur, and so increase the land use certainty. In some cases, land use plans may help avoid legal action between different land users.</p> <p>(Yukon Land Use Planning Council, n.d.)</p>

<p>2. Describe the state of regional planning in the jurisdiction.</p>	<p>2. Since the Umbrella Final Agreement was signed in 1993, seven planning regions have been delineated: North Yukon, Peel Watershed, Dawson, Northern Tutchone, Teslin, Whitehorse, and Kluane (For a map of planning regions see Appendix 1). Land use planning regions are based (to the extent possible) on the traditional territories of First Nations, or groups of First Nations or on distinctive landscape features. Five regional Commissions have attempted, or are currently engaged in, land use planning processes including: the Vuntut Planning Commission for the North Yukon (disbanded), the Teslin Planning Commission (disbanded), the North Yukon Planning Commission (process complete), the Dawson Planning Commission (in progress, currently at the Draft Planning Stage) and the Peel Watershed Planning Commission (process complete). To date, the North Yukon regional Commission has completed a regional land use plan that has been approved by both Parties. The North Yukon land use plan is currently being implemented.</p>
<p>a. How big are the planning regions?</p>	<p>2a. See Appendix 1</p> <p>North Yukon Planning Region - 55,548 km² Peel Watershed Planning Region - 68,042 km² Dawson Planning Region - 47,700 km²</p>
<p>3. What legislation guides the planning process? and describe the links to other legislation.</p>	<p>3. The Umbrella Final Agreement and First Nations Final Agreement’s specifically Chapter 11</p> <p>Chapter 11 (Land use planning) of each First Nation Final Agreement describes the organizational structure for land use planning, identifies the Parties and states the core principles that govern the process. The objectives of land use planning in Chapter 11 of the Umbrella Final Agreement are:</p> <ul style="list-style-type: none"> <input type="checkbox"/> to encourage the development of a common Yukon land use planning process outside community boundaries; <input type="checkbox"/> to minimize actual or potential land use conflicts both within Settlement Land and Non- Settlement Land and between Settlement Land and Non-Settlement Land; <input type="checkbox"/> to recognize and promote the cultural values of Yukon Indian people; <input type="checkbox"/> to utilize the knowledge and experience of Yukon Indian people in order to achieve effective land use planning; <input type="checkbox"/> to recognize Yukon First Nations’ responsibilities pursuant to Settlement Agreements for the use and management of Settlement Land; <input type="checkbox"/> 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

	<p>development (Council of Yukon First Nations, Understanding the Yukon Umbrella Final Agreement, n.d.)</p> <p>Land use Planning is related to the Development Assessment Process</p> <p>The Development Assessment Process (DAP) is addressed in Chapter 12 of the Umbrella Final Agreement and the Yukon Environmental and Socio-economic Assessment Act (YESAA). DAP is the process for evaluating the environmental social, cultural, and economic effects of development projects undertaken in the Yukon and providing for the mitigation of the adverse effects before projects are approved. This process is run by the Yukon Environmental and Socio-economic Assessment Board (YESAB).</p> <p>Both YESAA and Land Use Plans are concerned with how and where development occurs and YESAB is an important component in implementing land use plans. In reviewing proposed projects, YESAB must consult YLUPC as to whether the project conforms to the land use plan, and how the project can conform to the plan, if it doesn't already. Although conformity with the plan does not determine whether a project can proceed or not, it will be factored into the decision (Yukon Land Use Planning Council, n.d.).</p> <p>See Overview of Legislation and Policies Pertaining to Regional Land Use Plans in the Yukon for detailed description of legislation that guides planning and links to other legislation.</p>
<p>4. What is the composition of the planning body?</p>	<p>4. Regional Commissions are made up of citizens one- third of whom are appointed by First Nations, one-third appointed by Yukon government, and one-third appointed based on the ratio of First Nation to non-First Nation citizens in the region. Members appointed to a regional Commission are typically Yukon residents with long term familiarity with the region being planned. Regional Commission members are not employees or agents of their nominating body and are paid honoraria for time spent developing a land use plan for the region. Regional Commission members nominate a member to act as Chair for the duration of the planning process(Grzybowski, 2014).</p>
<p>5. What land do the land use plans apply to?</p>	<p>5. As a result of land claims negotiations, about 8.5% (or 41,595 km²) of the Yukon land base is considered settlement land. With the exception of mineral and oil and gas rights under some of these lands, they are governed by the First Nation that owns them.</p> <p>Regional planning applies to all Yukon lands where all land claims are settled, including settlement and non-settlement lands (Yukon Land Use Planning Council, n.d.).</p> <p>Note: Governments can approve/modify land use plans that only apply to settlement lands or crown owned land.</p>
<p>6. Describe the jurisdictions a. planning process (i.e what are the stages)</p>	<p>6a. Regional Commissions have adopted a framework outlined in Appendix 2, consisting of key steps to complete a regional land use plan.</p>

<p>b. associated planning products.</p>	<p>6b. Planning Tasks and Products for the CLUPP</p> <ol style="list-style-type: none"> 1. General Terms of Reference 2. Precise Terms of Reference 3. Issues and Interests Report 4. Resource Assessment Report 5. Conservation Priorities Assessment Report 6. Scenarios 7. Draft Plan 8. Recommended Plan 9. Final Recommended Plan <p>(Grzybowski, 2014)</p>
<p>7. Describe how the information gathering stage of the planning process is coordinated amongst the planning body.</p>	<p>7. Throughout the planning process, the regional Commission works with the public, stakeholders, the Yukon government, First Nations government(s) and the Council. The regional Commission also relies on the technical skills of the members of the Technical Working Group and the policy-oriented expertise of the Senior Liaison Committee which are established soon after the regional Commission is established and play a supporting role throughout the planning process. Regional Commissions typically are supported by a secretariat (including a Senior Land use Planner, a Land use Planner, a Geographic Information Systems (GIS) Specialist, a Resource Analyst and an Office Administrator) to assist them in developing a regional land use plan.</p> <p>Throughout the planning process, regional Commissions are required to consult with the public and ensure adequate opportunity for public participation, as well as solicit the knowledge and traditional experience of Yukon First Nations peoples and other residents of the planning region (Grzybowski, 2014).</p>
<p>8. Describe how conflicts between:</p> <ol style="list-style-type: none"> a. the governments are addressed 	<p>8a. Example from the North Yukon Planning Process</p> <p>Intergovernmental Accord and Political Support</p> <p>According to Leach (2011), during the North Yukon Land use planning process there was a political push to get the plan completed due in part to many of the failed processes of the past. One of the most important factors that helped move the North Yukon process through at a political level was an intergovernmental accord between the Premier of Yukon Government and the Chief of Vuntut Gwitchin Government (Vuntut Gwitchin Government and Government of Yukon, 2003). This accord was set up independently and before the establishment of the land use planning process.</p>

	<p>This Intergovernmental accord allowed the parties to:</p> <ul style="list-style-type: none"> • Annually review of priorities between the two governments in North Yukon that's signed off by the Premier and the Chief. • A statement of what the accord wants to achieve in that year, and who is going to be accountable for achieving that goal. • Provided a vehicle for the Parties to get together in a venue unrelated to the planning process, discuss issues and agree on a course forward. <p>According to Leach (2011) this allowed the Parties to include discussions regarding the land use planning process at their meetings, agree on issues and paths forward, and then subsequently provide common policy direction to the process via the established Senior Liaison Committee.</p>
<p>b. the stakeholders are addressed</p>	<p>8b. Information not found.</p>
<p>c. others involved, i.e. overseer and planning body</p>	<p>8c. Information not found.</p>
<p>9. Describe how decisions are made amongst the planning body throughout the planning process.</p>	<p>9. Regional Commissions strive to make decisions by consensus.</p> <p>Although the Regional Commission is funded by the government and its members are nominated by political bodies, it is important for Commission members to understand that they do not sit as representatives of those agencies. The Commission is independent of any one political body. Rather, each member is an individual who is working as part of a group to guide the land use planning process.</p> <p>Similarly, these individuals must recognize that as a group they are all working towards a common goal of creating a sound land use plan. Wherever possible, principles of consensus building should be used in the group's operations (Starter Kit, n.d.).</p> <p>See Appendix 3 for Dawson Regional Planning Commission Protocols for Decision Making</p>
<p>9a. Describe who is employed to conduct the planning work, i.e. contractors, planning board staff, etc.</p>	<p>9a. Regional Commissions typically are supported by a secretariat (including a Senior Land use Planner, a Land use Planner, a Geographic Information Systems (GIS) Specialist, a Resource Analyst and an Office Administrator) to assist them in developing a regional land use plan (Grzybowski, 2014).</p>

<p>10. Describe the role of the body who oversees the planning process</p>	<p>10. The YLUPC is a body created through the signing of the Umbrella Final Agreement (UFA) under the provisions of Chapter 11. The Council makes recommendations on policies, goals, priorities, timeframes, and planning region boundaries throughout the planning process. In addition, the Council jointly administers with the Yukon government the 7.4 million dollars allocated to land use planning through the Umbrella Final Agreement. The Council receives an annual operating budget provided by the Federal government of roughly 450,000 dollars to carry out its responsibilities under the Umbrella Final Agreement. The Council advocates the planning process as a comprehensive means of addressing and balancing cultural, social, economic and environmental sustainability. The Council consists of three members, each nominated by one of the three Parties to the Umbrella Final Agreement: the Canadian federal government, the Yukon government and the Council of Yukon First Nations. Council members are not employees or agents of their nominating body and typically employ a full time staff including a Director, First Nations Policy Analyst, Administration Officer and a Senior Land use Planner (Grzybowski, 2014).</p>
<p>11. Describe how the process is funded.</p>	<p>11. The Umbrella Final Agreement Implementation Plan provided roughly 7.4 million dollars for regional Commissions or roughly 1 million dollars per planning region (Yukon Land Use Planning Council, n.d.).</p>
<p>12. Describe the role that the a. Provincial/Territorial government play during the planning process.</p>	<p>12a. The Yukon Government acts as a Implementer, Approval Body, Information Provider and Reviewer See Appendix 4 See CLUPP Roles and Responsibilities for detailed description of roles and responsibilities</p>
<p>b. First Nation(s)/ First Nation government(s) play during the planning process.</p>	<p>12b. The First Nation Government(s) acts as a Implementer, Approval Body, Information Provider and Reviewer See Appendix 4 See CLUPP Roles and Responsibilities for detailed description of roles and responsibilities</p>
<p>c. Stakeholders</p>	<p>12c. Stakeholders meet with the Commission throughout the planning process to convey their interests in the planning region, through presentations, meetings, written submissions</p>

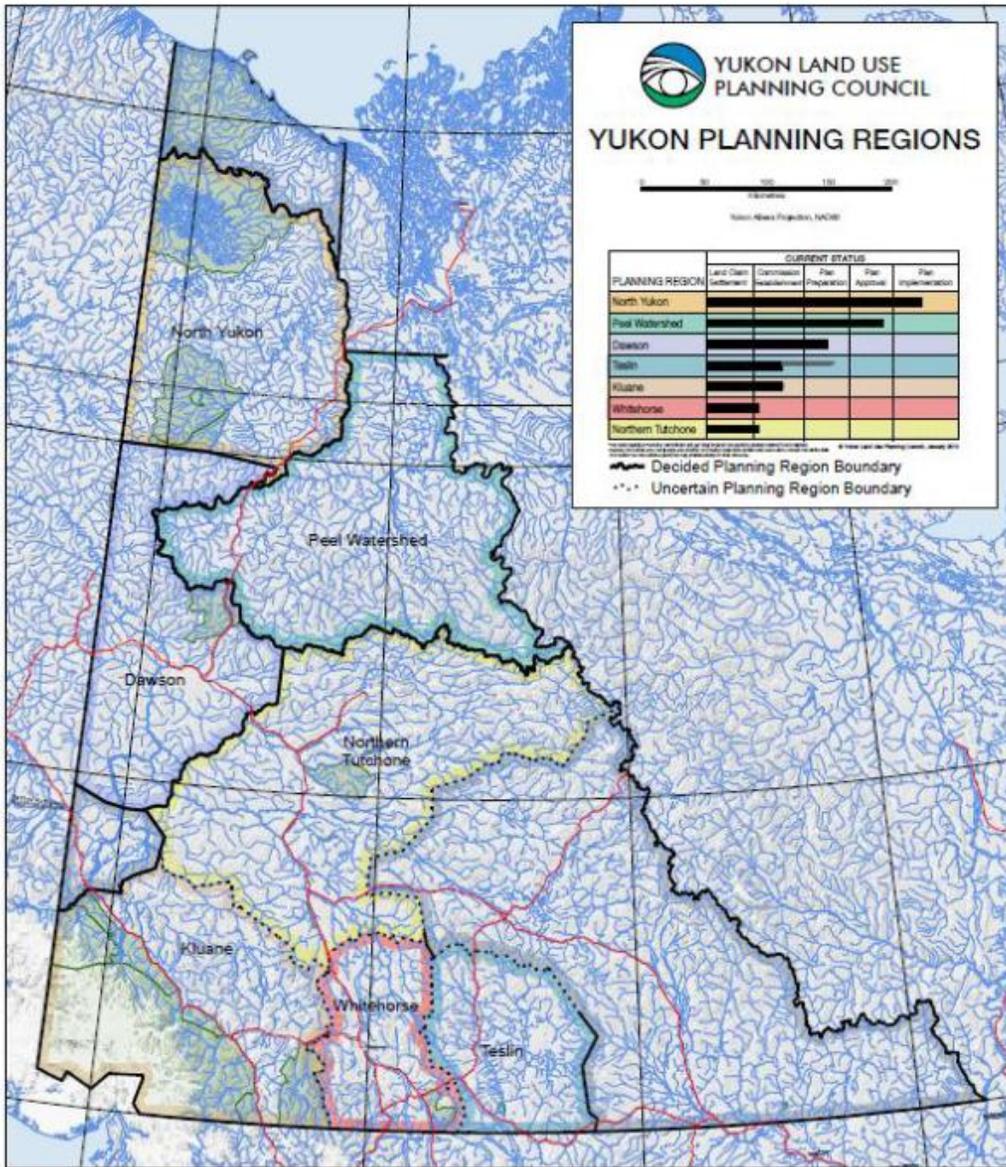
<p>And describe how these groups interests are communicated to the planning body?</p>	<p>Governments provide feedback to the Regional Planning Commission on major planning products produced throughout the planning process.</p>
<p>13. Describe the land designation system used in the jurisdiction and comment on the consistency of the designation from planning region to planning region in the jurisdiction.</p>	<p>13. Depending on the region different land use designations are used.</p> <p>For the North Yukon see Appendix 5 For the Peel Watershed plan (produced by Commission) see Appendix 6 For the Peel Watershed plan (produced by the Yukon Government) see Appendix 7</p>
<p>14. How does the land designation system provide management direction? i.e. how do land users interact with the approved plan.</p>	<p>14. Both Yukon Environmental and Socio-economic Assessment Act and the Land Use Plans are concerned with how and where development occurs and Yukon Environmental and Socio-economic Assessment Board is an important component in implementing land use plans. In reviewing proposed projects, Yukon Environmental and Socio-economic Assessment Board must consult Yukon Land Use Planning Council as to whether the project conforms to the land use plan, and how the project can conform to the plan, if it doesn't already. Although conformity with the plan does not determine whether a project can proceed or not, it will be factored into the decision (Yukon Land Use Planning Council, n.d.).</p>
<p>15. What are the stages of the approval process for a regional plan?</p>	<p>15. Once the regional Commission has completed a land use plan it will recommend the plan to the Yukon government and affected First Nations for approval and then they will disband. The Yukon government and First Nation(s) government(s) have the option to accept, reject or modify the plan as it applies to their respective land bases (Indian and Northern Affairs Canada, 1993).</p> <p>Note Parties can approve the Recommended plan produced by the regional planning Commission</p>
<p>16. Who is responsible for plan implementation and review?</p>	<p>16. The Yukon Government and the respective First Nation (Yukon Land Use Planning Council Documents, 2008).</p>

<p>a. How often are the plans reviewed?</p>	<p>16a. In the Yukon, approved regional land use plans are typically reviewed every five years (Yukon Land Use Planning Council, n.d.).</p>
<p>b. How are variance and amendments handled?</p>	<p>16b. For the North Yukon Plan</p> <p>The Plan is intended to be a living document, open to change and revision at periodic intervals, as agreed to by the Parties. The Vuntut Gwitchin First Nation Final Agreement provides for these revisions. Periodic changes to the Plan can incorporate new research findings and contribute to improved decision-making. A process for reviewing and changing the Plan supports the adaptive management approach.</p> <p>Changes to the Plan may be required when:</p> <ul style="list-style-type: none"> • New land management concepts emerge; • New land and resource information becomes available; • Knowledge about land use impacts is advanced; • Land management values that the Plan is based upon change; or, • Demand for land and resources in the region changes. <p>There are three ways to accommodate changes to the Plan:</p> <ul style="list-style-type: none"> • Plan Variance: when minor changes to the Plan are required; • Plan Amendment: when alterations to management strategies presented in the Plan are required; and, • Plan Review: a formal process when the entire Plan is re-evaluated, usually when major changes and revisions to the Plan are deemed necessary. <p>Plan Reviews will occur on an agreed-upon schedule, or whenever the Yukon and Vuntut Gwitchin governments agree, it is required. Methods and timelines for changing the Plan will be developed as part of the detailed implementation strategy (North Yukon Final Recommended Land use Plan, 2009).</p>
<p>17. What is the average cost of regional planning processes in the jurisdiction?</p>	<p>17. The planning process for the Peel Watershed region has taken over twice as long (2004 – 2011) and went over its budget costing an estimated \$1.6 million (Pope, 2012, p.1). This was due to many factors which will be discussed later in the report.</p>

References

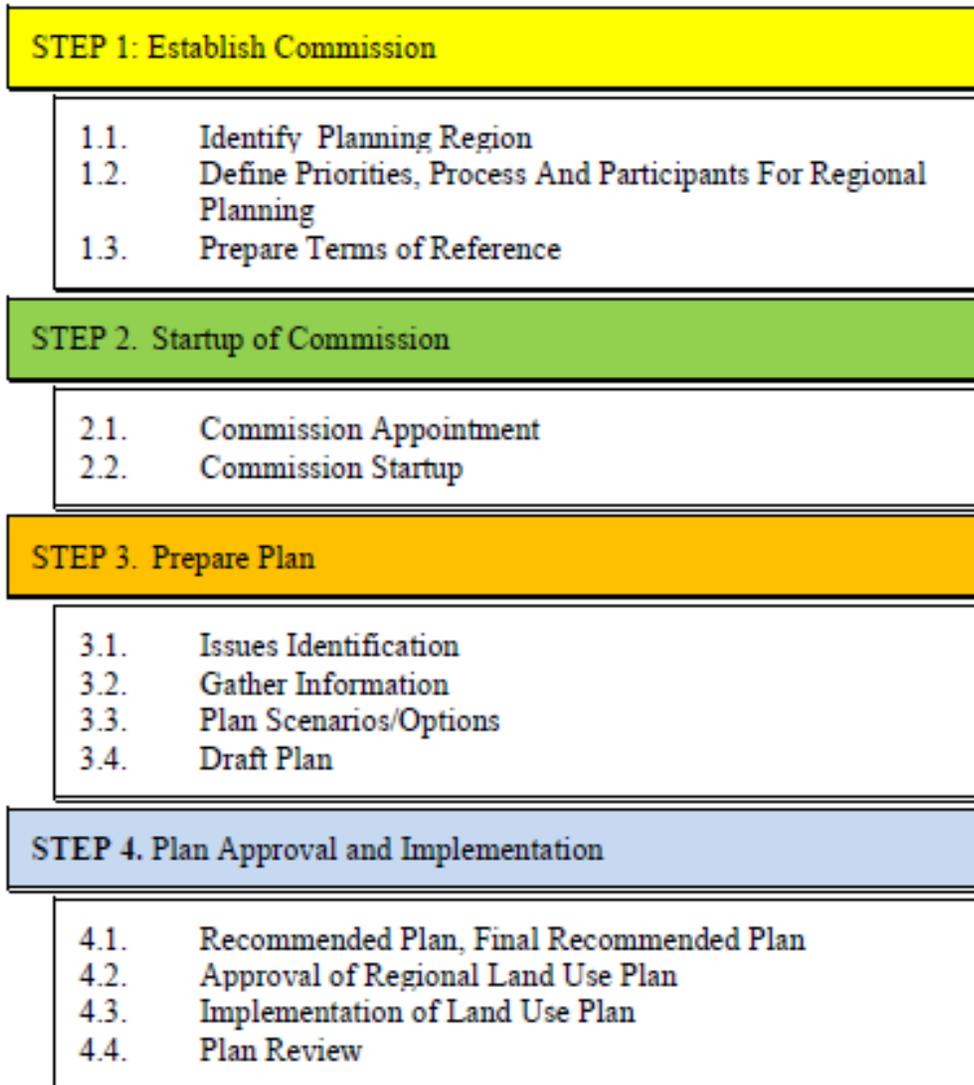
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Appendix 1 Yukon Planning Regions



Source Yukon Land use Planning Council website n.d.

Appendix 2 – Regional Planning Process



Source Yukon Land use Planning Council website, n.d

Appendix 3 Protocols for Decision Making From Dawson Regional Planning Commission

1. The Commission, to the extent practicable, will make decisions by consensus. Consensus-based decision-making is a process of arriving at a decision that reflects and relies upon satisfying the interests, values and concerns of the whole group responsible for making the decision.
2. Within a consensus-based decision-making environment, Commission members have the responsibility to:
 - Be committed to relying upon the agreed upon consensus process to construct the decision.
 - Ensure that all members are adequately informed and knowledgeable of the issues surrounding the decision.
 - Ensure all members' interests, values and concerns are openly articulated and understood.
 - Ensure all members' interests, values and concerns are addressed and reflected in the decision.
3. In order to create and maintain a consensus-based decision-making environment, the following techniques should be used:
 - All members need to invite, welcome and respect the interests, values and concerns of each Commission member.
 - All members must understand that decisions reached will rely upon, and be constructed from, understanding and satisfying the interests, values and concerns of each Commission member.
 - All members must take responsibility for satisfying the interests, values and concerns expressed by others.
 - The Commission must ensure, through flexible arrangements and other measures that all decision-makers participate in all phases of constructing the decision.
4. Examples of consensus-based techniques include:
 - Exploring many options and solutions
 - Determining the underlying issues and interests
 - Providing new or additional information to illuminate interests, values or concerns
 - Separating personal conflict from decision-making
 - Assessing level of agreement among members
 - Avoiding taking hard and fast positions
 - Deciding when to postpone a decision for future discussion
 - Defer construction of a decision until interests, values and concerns are addressed
 - Re-configuring the issue or question
 - Seeking alternative solutions to a problem
 - Making incremental decisions rather than addressing large questions all at once
 - Invite and encourage independent advisors, mediators and experts to facilitate understanding, or to assist in the construction of a decision

5. For clarity, the following should be noted:

- Decisions made when all members are not informed and educated on a matter is not consensus.
- Decisions made by individuals or by less than quorum is not consensus.
- A decision made by a simple vote without seeking and exhausting more acceptable alternatives is not consensus.
- Voting is a fundamentally different decision-making process than making decisions by consensus. Voting is not consistent with a consensus-based decision making process.

6. When internal efforts have not provided for a decision to be made by consensus, a Commission should invite, and welcome, other resources to enable a consensus to be reached. These other resources may include:

- Employing a facilitator from outside the Commission
- Seeking guidance about an issue through public consultation
- Seeking guidance from the Parties, Council or a knowledgeable Elder

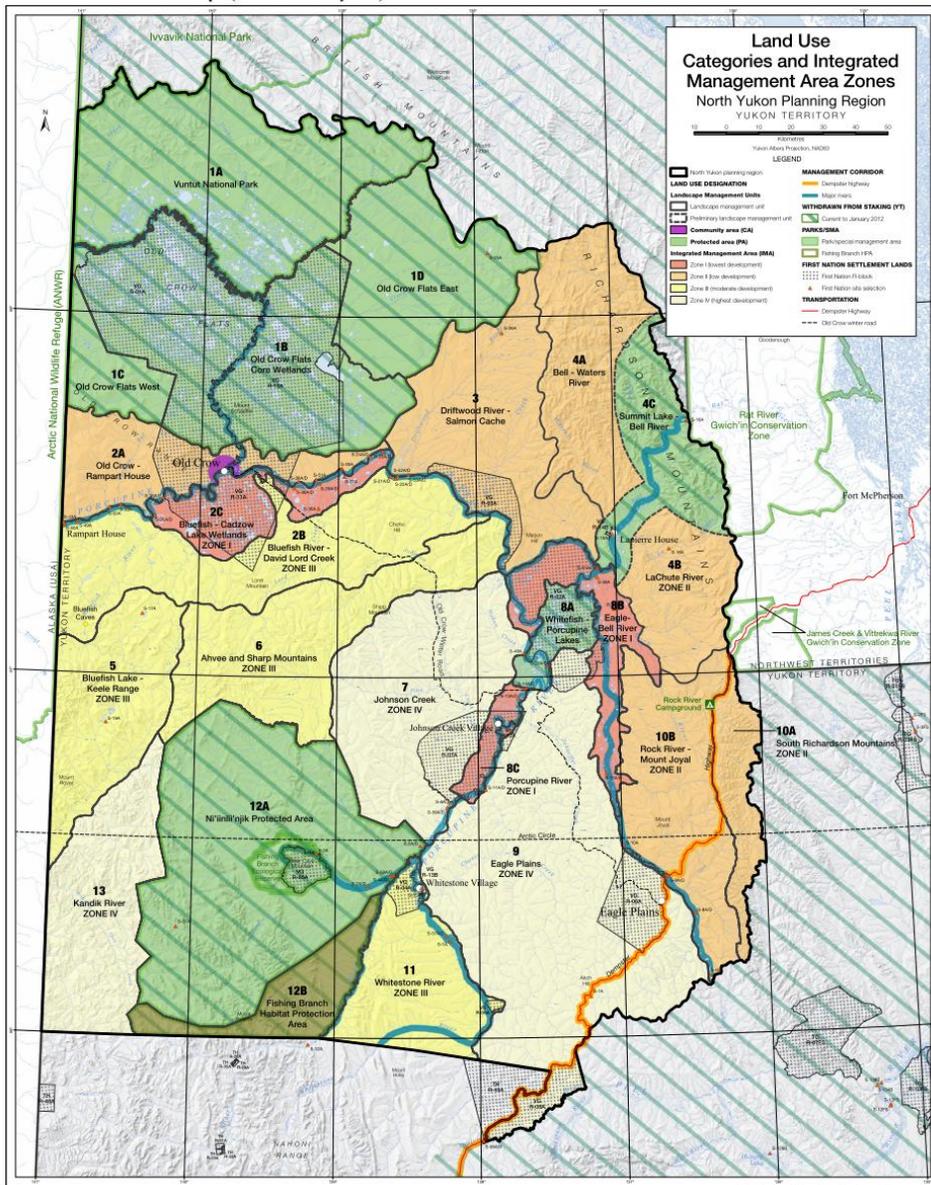
7. Decisions and resolutions must be recorded in the minutes with a clear indication that consensus has been reached. In the event that other decision-making measures are used, such as majority voting, minutes should indicate that consensus was attempted, failed and that a vote occurred. Minutes should also record where conditions or limitations have been placed on an action or decision.

Source Yukon Land Use Planning Council Documents and Downloads, 2011

Appendix 4 Roles and Responsibilities of Government

Government (Yukon, First Nations)	Land Claim Implementers	<ul style="list-style-type: none"> • Implement Land Claim • Nominate members for YLUPC (CYFN, Canada, YG) • Ensure governments have adequate staff to participate where they have agreed to implement the • Chapter 11 process (Canada, YTG)
	Approval Body	<ul style="list-style-type: none"> • Ensure FN has appropriate staff to participate where they have agreed to implement the Chapter 11 • process (FN)
	Information Provider	<ul style="list-style-type: none"> • Inform Commission and Council when TOR, FA, and FTPs are not being complied with. • Consult with Council and Commission on proposed changes to TOR if necessary. • Provide timely feedback on annual budgets (FN)
	Reviewer	<ul style="list-style-type: none"> • Approve annual budgets and provide funds to Commissions and YLUPC • Consider linkages between regional land use planning and other water and land planning processes • Provide technical support when requested • Provide policy-level advice (i.e. advise when Commission is likely to contravene policy) • Stay informed of Commission activities • Recommend removal of members for cause if necessary (YG) • Removal of members if necessary. • Respond to formal Council Recommendations in timely fashion

Appendix 5 North Yukon land use designations

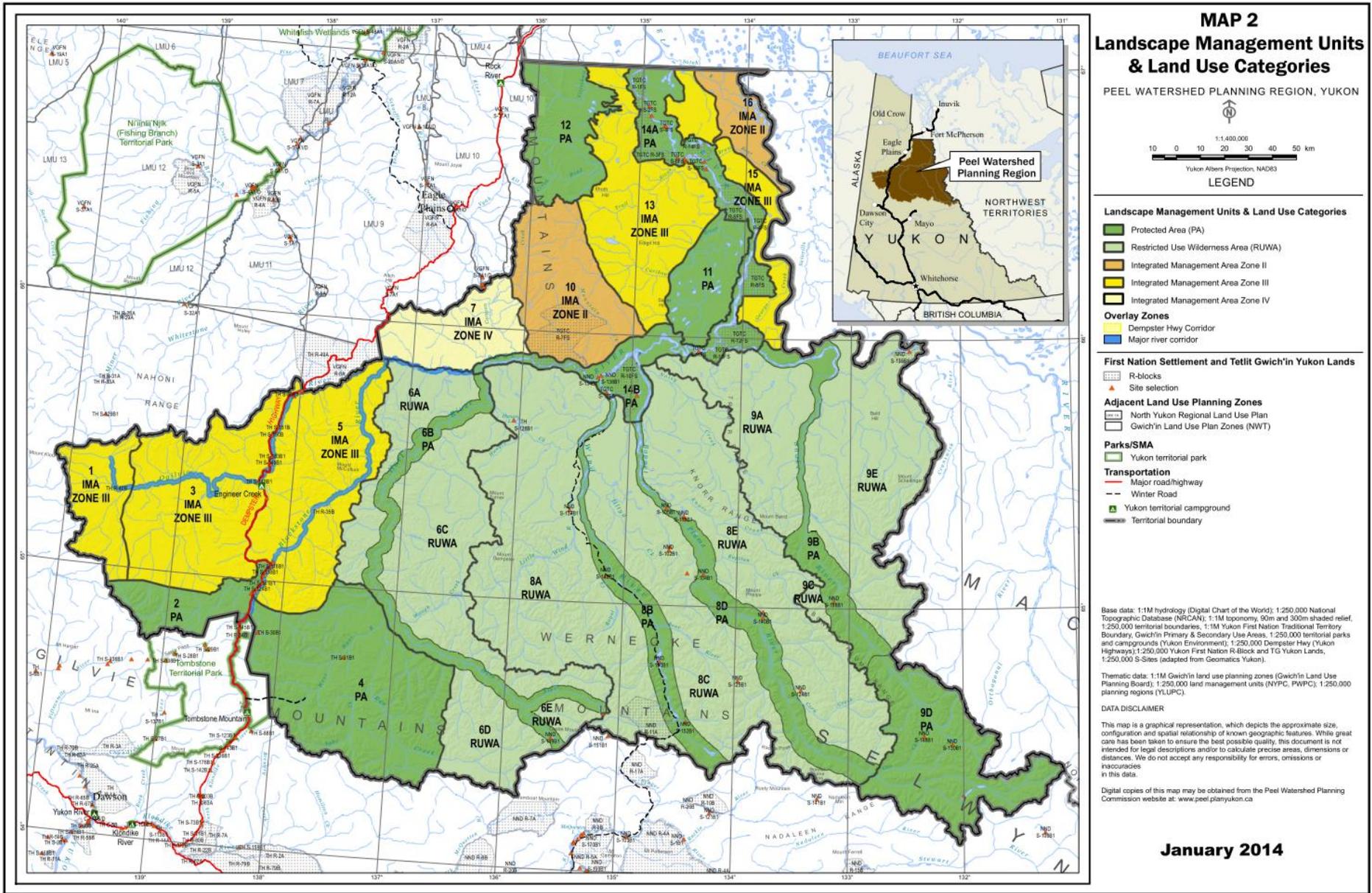


Source [Map#1-Land Use Categories and IMA Zones-Updated Jan 2012](#)

Category	Sub-category	Description	% region
Conservation Area	Special Management Area (SMA)	<ul style="list-style-type: none"> intended to become legally designated as protected area permanently withdrawn from any new industrial development and surface access (e.g., roads) 	55
	Wilderness Area	<ul style="list-style-type: none"> intended to become an interim protected area interim withdrawal from any new industrial development and surface access (e.g., roads) 	25
Subtotal			80
Integrated Management Area	Zone II *	<ul style="list-style-type: none"> low levels of industrial development and access allowed 	1
	Zone III	<ul style="list-style-type: none"> conservative levels of industrial development and access allowed 	11
	Zone IV	<ul style="list-style-type: none"> higher levels of industrial development and access allowed 	8
Subtotal			20
Overlay Zones (overlap above categories)	Major River Corridors	<ul style="list-style-type: none"> land adjacent to the major river corridors requires special management no new all-season infrastructure is allowed 	
	Dempster Highway Corridor	<ul style="list-style-type: none"> requires additional detailed planning 	
Total			100

Source: Yukon Land use Planning Council website n.d.

Appendix 7 Peel Watershed plan produced by the Yukon Government



Land Use Category	Area (km ²)	Area (% region)
Protected Area (PA)		
Natural Environment Park or Wilderness Preserve	14,190	21%
Wild River Park	5,610	8%
Total	19,800	29%
Restricted Use Wilderness Area (RUWA)		
Total	29,702	44%
Integrated Management Area (IMA)		
Zone I	0	0%
Zone II	3,214	5%
Zone III	13,155	20%
Zone IV	1,559	2%
Total	17,928	27%
Peel Watershed Planning Region		
Totals	67,430	100%

Source Government of Yukon, n.d.