

# Chapter 11 - Land Use Planning

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## 11.1.0 Objectives

11.1.1 The objectives of this chapter are as follows:

**11.1.1.1 to encourage the development of a common Yukon Land Use Planning process outside community boundaries;**

11.1.1.2 to minimize actual or potential land use conflicts both within Settlement Land and Non-Settlement Land and between Settlement Land and Non-Settlement Land;

11.1.1.3 to recognize and promote the cultural values of Yukon Indian People;

11.1.1.4 to utilize the knowledge and experience of Yukon Indian People in order to achieve effective land use planning;

11.1.1.5 to recognize Yukon First Nations' responsibilities pursuant to Settlement Agreements for the use and management of Settlement Land; and

11.1.1.6 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.

## 11.2.0 Land Use Planning Process

**11.2.1 Any Regional Land Use Planning process in the Yukon shall:**

**11.2.1.1 subject to 11.2.2, apply to both Settlement and Non-Settlement Land throughout the Yukon;**

11.2.1.2 be linked to all other land and water planning and management processes established by Government and Yukon First Nations minimizing where practicable any overlap or redundancy between the Land Use Planning process and those other processes;

**11.2.1.3 provide for monitoring of compliance with approved Regional Land Use Plans;**

**11.2.1.4 provide for periodic review of Regional Land Use Plans;**

**11.2.1.5 provide for procedures to amend Regional Land Use Plans;**

11.2.1.6 provide for non-conforming uses and variance from approved Regional Land Use Plans in accordance  
with 12.17.0;

11.2.1.7 establish time limits for the carrying out of each stage of the process;

11.2.1.8 provide for public participation in the development of Land Use Plans;

11.2.1.9 allow for the development of Sub-regional and District Land Use Plans;

**11.2.1.10 provide for planning regions which, to the extent practicable, shall conform to the boundaries of**

**Traditional Territories;**

11.2.1.11 provide, to the extent practicable, for decisions of the Yukon Land Use Planning Council and the

Regional Land Use Planning Commissions to be made by consensus; and

11.2.1.12 apply to the process of establishing or extending National Parks and National Historic Parks and

commemorating new National Historic Sites.

11.2.2 This chapter shall not apply to:

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*Note: Underlined sections are the most relevant to the CHALLENGES '99 Workshop*

**11.2.2.1** National Park reserves established or National Historic Sites commemorated prior to Settlement

Legislation, National Parks or National Historic Parks once established, or National Historic Sites once commemorated;

**11.2.2.2** subdivision planning or local area planning outside of a Community Boundary; or

**11.2.2.3** subject to 11.2.3, land within a Community Boundary.

**11.2.3** In the event a Community Boundary is altered so as to include within a Community Boundary any land

subject to an approved Regional Land Use Plan, the Regional Land Use Plan shall continue to apply to such land until such time as a community plan is approved for such land.

### **11.3.0 Yukon Land Use Planning Council**

**11.3.1** The Land Use Planning Policy Advisory Committee established by the "Agreement on Land Use Planning in

Yukon", dated October 22, 1987, shall be terminated as of the effective date of Settlement Legislation and

replaced by the Yukon Land Use Planning Council on the same date.

**11.3.2** The Yukon Land Use Planning Council shall be made up of one nominee of the Council for Yukon Indians

and two nominees of Government. The Minister shall appoint the nominees.

### **11.3.3 The Yukon Land Use Planning Council shall make recommendations to Government and each affected**

**Yukon First Nation on the following:**

**11.3.3.1 Land Use Planning, including policies, goals and priorities, in the Yukon;**

**11.3.3.2 the identification of planning regions and priorities for the preparation of Regional Land Use**

**Plans;**

**11.3.3.3 the General Terms of Reference, including timeframes, for each Regional Land Use Planning**

**Commission;**

**11.3.3.4 the boundary of each Planning Region; and**

**11.3.3.5 such other matters as Government and each affected Yukon First Nation may agree.**

**11.3.4** The Yukon Land Use Planning Council may establish a Secretariat to assist the Yukon Land Use Planning

Council and Regional Land Use Planning Commissions in carrying out their functions under this chapter.

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11.3.5 The Yukon Land Use Planning Council shall convene an annual meeting with the chairpersons of all  
Regional Land Use Planning Commissions to discuss land use planning in the Yukon.

**11.4.0 Regional Land Use Planning Commissions**

**11.4.1 Government and any affected Yukon First Nation may agree to establish a Regional Land Use**

**Planning Commission to develop a Regional Land Use Plan.**

**11.4.2 Settlement Agreements shall provide for regionally based Regional Land Use Planning Commissions**

**with one third representation by nominees of Yukon First Nations, one third representation by nominees of Government, and one third representation based on the demographic ratio of Yukon**

**Indian People to the total population in a Planning Region.**

**11.4.3 The majority of nominees of Yukon First Nations and the majority of nominees of Government on a**

**Regional Land Use Planning Commission shall be Yukon residents with a long term familiarity with**

**the region or regions being planned.**

11.4.4 Each Regional Land Use Planning Commission shall prepare and recommend to Government and the affected

Yukon First Nation a Regional Land Use Plan within a timeframe established by Government and each affected Yukon First Nation.

**11.4.5 In developing a Regional Land Use Plan, a Regional Land Use Planning Commission:**

11.4.5.1 within its approved budget, may engage and contract technical or special experts for assistance and

may establish a secretariat to assist it in carrying out its functions under this chapter;

**11.4.5.2 may provide precise terms of reference and detailed instructions necessary for identifying**

**Regional Land Use Planning issues, for conducting data collection, for performing analyses, for**

**the production of maps and other materials, and for preparing the draft and final Land Use Plan**

**documents;**

11.4.5.3 shall ensure adequate opportunity for public participation;

11.4.5.4 shall recommend measures to minimize actual and potential land use conflicts throughout the Planning

Region;

**11.4.5.5** shall use the knowledge and traditional experience of Yukon Indian People, and the knowledge and

experience of other residents of the Planning Region;

**11.4.5.6** shall take into account oral forms of communication and traditional land management practices of

Yukon Indian People;

**11.4.5.7** shall promote the well-being of Yukon Indian People, other residents of the planning region, the

communities, and the Yukon as a whole, while having regard to the interests of other Canadians;

**11.4.5.8** shall take into account that the management of land, water and resources, including Fish, Wildlife and

their habitats, is to be integrated;

**11.4.5.9** shall promote Sustainable Development; and

**11.4.5.10 may monitor the implementation of the approved Regional Land Use Plan, in order to monitor**

**compliance with the plan and to assess the need for amendment of the plan.**

#### **11.5.0 Regional Land Use Plans**

**11.5.1** Regional Land Use Plans shall include recommendations for the use of land, water and other renewable and

non-renewable resources in the Planning Region in a manner determined by the Regional Land Use Planning Commission.

#### **11.6.0 Approval Process for Land Use Plans**

**11.6.1** A Regional Land Use Planning Commission shall forward its recommended Regional Land Use Plan to

Government and each affected Yukon First Nation.

**11.6.2 Government, after consultation with any affected Yukon First Nation and any affected Yukon**

**community, shall approve, reject or propose modifications to that part of the recommended Regional**

**Land Use Plan applying on Non-Settlement Land.**

**11.6.3** If Government rejects or proposes modifications to the recommended plan, it shall forward either the

proposed modifications with written reasons, or written reasons for rejecting the recommended plan to the

Regional Land Use Planning Commission, and thereupon:

**11.6.3.1** the Regional Land Use Planning Commission shall reconsider the plan and make a final

recommendation for a Regional Land Use Plan to Government, with written reasons;  
and

**11.6.3.2** Government shall then approve, reject or modify that part of the plan recommended under 11.6.3.1

applying on Non-Settlement Land, after Consultation with any affected Yukon First Nation and any affected Yukon community.

**11.6.4 Each affected Yukon First Nation, after consultation with Government, shall approve, reject or propose modifications to that part of the recommended Regional Land Use Plan applying to the Settlement Land of that Yukon First Nation.**

**11.6.5** If an affected Yukon First Nation rejects or proposes modifications to the recommended plan, it shall forward

either the proposed modifications with written reasons or written reasons for rejecting the recommended plan

to the Regional Land Use Planning Commission, and thereupon:

**11.6.5.1** the Regional Land Use Planning Commission shall reconsider the plan and make a final recommend-

ation for a Regional Land Use Plan to that affected Yukon First Nation, with written reasons; and

**11.6.5.2** the affected Yukon First Nation shall then approve, reject or modify the plan recommended under

11.6.5.1, after consultation with Government.

### **11.7.0 Implementation**

**11.7.1** Subject to 12.17.0, Government shall exercise any discretion it has in granting an interest in, or authorizing

the use of, land, water or other resources in conformity with the part of a Regional Land Use Plan approved

by Government under 11.6.2 or 11.6.3.

**11.7.2** Subject to 12.17.0, a Yukon First Nation shall exercise any discretion it has in granting an interest in, or

authorizing the use of, land, water or other resources in conformity with the part of a Regional Land Use Plan

approved by that Yukon First Nation under 11.6.4 or 11.6.5.

**11.7.3** Nothing in 11.7.1 shall be construed to require Government to enact or amend Legislation to implement a

Land Use Plan or to grant an interest in, or authorize the use of, land, water or other resources.

**11.7.4** Nothing in 11.7.2 shall be construed to require a Yukon First Nation to enact or amend laws passed pursuant to Self-government Legislation to implement a Land Use Plan or to grant an interest in, or authorize the use of, land, water or other resources.

#### **11.8.0 Sub-Regional and District Land Use Plans**

**11.8.1** Sub-regional and District Land Use Plans developed in a region which has an approved Regional Land Use

Plan shall conform to the approved Regional Land Use Plan.

**11.8.2** The provisions of an approved Regional Land Use Plan shall prevail over any existing Sub-regional or

District Land Use Plan to the extent of any inconsistency.

**11.8.3** Subject to 11.8.4 and 11.8.5, a Yukon First Nation may develop a Sub-regional or District Land Use Plan for

Settlement Land and Government may develop a Sub-regional or District Land Use Plan for Non-Settlement Land.

**11.8.4** If Government and a Yukon First Nation agree to develop a Sub-regional or District Land Use Plan jointly,

the plan shall be developed in accordance with the provisions of this chapter.

**11.8.5** If Government and a Yukon First Nation do not agree to develop a Sub-regional or District Land Use Plan

jointly, only 11.8.1 and 11.8.2 of this chapter shall apply to the development of the Plan.

#### **11.9.0 Funding**

**11.9.1 Each Regional Land Use Planning Commission, after consultation with each affected Yukon First**

**Nation, shall prepare a budget for the preparation of the Regional Land Use Plan and for carrying out its functions under this chapter and shall submit that budget to the Yukon Land Use Planning Council.**

**11.9.2 The Yukon Land Use Planning Council shall, on an annual basis, review all budgets submitted under**

**11.9.1 and, after consultation with each affected Regional Land Use Planning Commission, propose a budget to Government for the development of Regional Land Use Plans in the Yukon and for its own**

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administrative expenses.

11.9.3 Government shall review the budget submitted under 11.9.2 and shall pay those expenses which it approves.

11.9.4 If Government initiates the development of a Sub-regional or District Land Use Plan by a planning body, the planning body established to prepare that Plan shall prepare a budget for the preparation of the Plan which shall be subject to review by Government, and Government shall pay those expenses which it approves.

## UMBRELLA FINAL AGREEMENT IMPLEMENTATION PLAN

### YUKON LAND USE PLANNING COUNCIL

#### **Mandate**

The Yukon Land Use Planning Council("the Council") shall make recommendations to Government and affected Yukon First Nations pursuant to UFA 11.3.3 and 11.9.2.

#### **Organizational Structure**

The Council shall be established at the effective date of Settlement Legislation.

The Council shall be made up of one nominee of the Council for Yukon Indians, one nominee of Yukon and one nominee of Canada. The Minister of Indian Affairs and Northern Development shall appoint the nominees (UFA 11.3.2).

The provisions of UFA 2.12.2 shall apply to the Council.

#### **Operations**

The Council shall maintain in Yukon, the facilities and administrative and planning support required to carry out its activities. The Council will establish a secretariat as soon as practicable after the establishment of the Council to assist the Council and the Regional Land Use Planning Commissions ("the Commissions") to carry out their functions under this chapter (UFA 11.3.4).

The role and activities of the Secretariat will be determined by the Council.

The Council shall propose a budget to the Minister of Indian Affairs and Northern Development for the development of regional land use plans and for its own administrative expenses. The budget approval process will respect the Council's discretion over the allocation of funds to be available to the Council under the Plan. Canada will pay the approved expenses of the Council. Canada will provide funding for Regional Land Use Planning Commissions as specified in Schedule 1 of the Plan and as described in Yukon First Nations Final Agreement Implementation Plans.



## UMBRELLA FINAL AGREEMENT IMPLEMENTATION PLAN

### Activities

The Council shall make recommendations to Government and to each affected Yukon First Nation on matters pursuant to UFA 11.3.3. The activities in UFA 11.3.3 shall be carried out in consultation with Yukon First Nations and Government.

These discussions should address the number of and the length of time to complete regional land use plans, and other matters identified in UFA Chapter 11.

The Council shall convene a meeting no later than 60 days after the establishment of the Council.

The Council shall convene an annual meeting with the chairpersons of all Commissions to discuss land use planning in the Yukon.

FIRST NATION OF NACHO NYAK DUN FINAL AGREEMENT  
IMPLEMENTATION PLAN

**REGIONAL LAND USE PLANNING COMMISSION**

**Mandate**

A Regional Land Use Planning Commission ("Commission") shall develop a regional land use plan ("Plan") and shall recommend the Plan to Government and the NNDFN for approval.

**Organizational Structure**

Canada, NNDFN and any other affected Yukon First Nations may agree to establish a Commission at any time after the Effective Date of the NNDFN.

A Commission shall have no less than six (6) members. A Commission shall have the number of members as agreed by Government and the affected Yukon First Nation or as prescribed by the specific provisions of the affected Yukon First Nation Final Agreement.

Canada shall consult with Yukon prior to nominating its members, and Yukon First Nations shall nominate their members as soon as practicable after agreement to establish a Commission. The remaining nominations shall be selected in accordance with the specific provisions of the affected Yukon First Nation Final Agreement. Canada, Yukon and affected Yukon First Nations shall adhere to 11.4.3 when selecting nominees.

Appointments will be made by the Minister of Indian Affairs and Northern Development ("the Minister").

The members of the Commission may choose a Chairperson from amongst its members.

The provisions of 2.12.2. shall apply to a Commission.

**Operations**

A Commission shall prepare an annual budget, after Consultation with each affected Yukon First Nation and shall submit that budget to the Yukon Land Use Planning Council ("Council") (11.9.1). The Council shall review the budget and after Consultation with the Commission shall propose the budget to the Minister for the preparation of regional land use

**FIRST NATION OF NACHO NYAK DUN FINAL AGREEMENT  
IMPLEMENTATION PLAN**

plans. The budget approval process will respect the discretion for the allocation of funds available to the Commissions pursuant to Part 2 Schedule 1 of the UFA Implementation Plan. Canada shall pay the approved expenses of the Commission to the Council from the amounts described in Part 2 of Schedule 1, preferably by way of a multi year contribution agreement. The Council shall pay the approved expenses to the Commission preferably by way of a multi-year contribution agreement.

A Commission may establish a local office. Within the approved budget, a Commission may engage and contract technical or special experts for assistance and may establish a secretariat to assist it in carrying out its functions (11.4.5.1).

**Activities**

A Commission shall prepare and recommend a Plan to Government and the affected Yukon First Nation within a timeframe established by Government and the affected Yukon First Nation (11.4.4). In carrying out 11.4.4, a Commission shall undertake the activities described in 11.2.0, 11.4.5.3 to 11.4.5.9, 11.5.1, 11.6.1, 11.6.3, and 11.6.5.

A Commission may undertake the activities described in 11.4.5.1 and 11.4.5.10. A Commission may carry out activities associated with 11.4.5.10 with a reduced number of members.

The Commission shall convene a meeting as soon as practicable after the Commission is established.