

The Commission Planning Process

2024



YLUPC
YUKON LAND USE
PLANNING COUNCIL

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Introduction

There is no one way to do a regional plan. Every plan (and planning process) will vary based on the region, the Commission, and the Parties (or governments). Each Commission should seek to produce a regional land use plan that is best for their region, land, people, and values.

The Mandate of the Commission is to develop a regional land use plan for the Planning Region (including Settlement Land and Non-Settlement Land) that is consistent with Aboriginal Rights, and achieves, the spirit and intent of the Treaty, including, in particular, the objectives and commitments of Chapter 11 of the Final Agreement.

Na-Cho Nyäk Dun Regional Planning Commission, General Terms of Reference (Oct. 2023)

This section outlines planning principles, concepts, and processes that the Yukon Land Use Planning Council (YLUPC) thinks should be considered for regional planning in the Yukon. These are based on what has worked best for previous planning Commissions, as well as emerging concepts. Principles and concepts discussed here can and should be adjusted for specific needs or differences in each region.

See these boxes for specific examples of processes or decisions that have occurred in the past!

See these boxes for things to keep in mind as you proceed through the planning process!

Recall that under Chapter 11 of the Umbrella Final Agreement, the purpose of a regional land use plan is:

- To provide guidance for future land use and the desired future state of the region.
- To help create certainty for all land users, assessors, and decision makers for the direction on the use of land, water, wetlands, wildlife and other renewable and non-renewable resources; and
- To assist in avoiding future land use conflicts.

At their heart, these regional plans are about people and their relationship to each other and to the land. This is why, more and more, these plans are called “land relationship plans”.

Important Planning Definitions

Commission An appointed group (usually six) of people local to the planning region who are responsible for creating the regional land use plan. The Terms of Reference for the specific planning region dictates the membership composition of the Commission and the specific roles and responsibilities.

Commission Staff Hired jointly by the Commission and the YLUPC to assist the Commission Members in creating the regional land use plan.

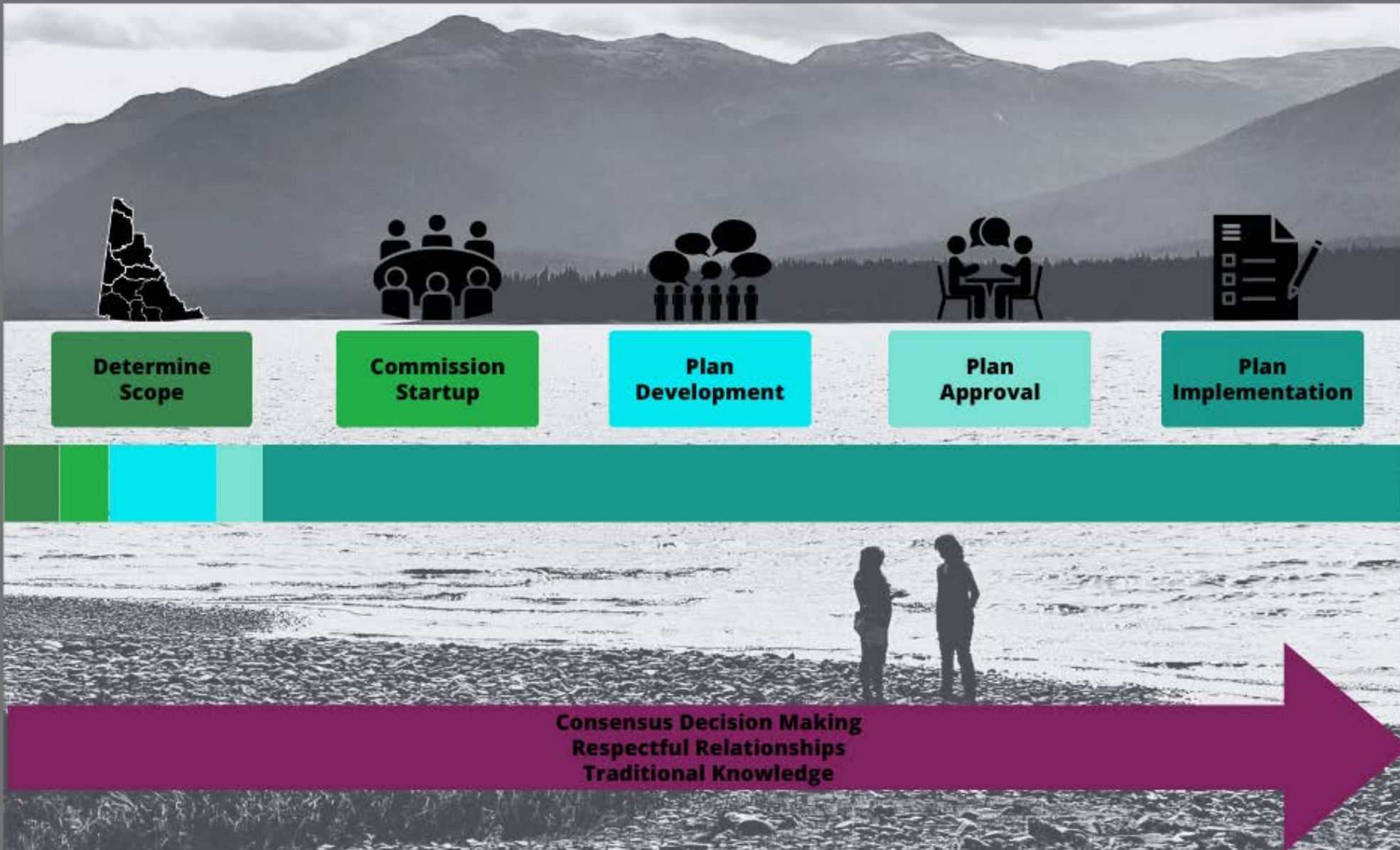
Parties Each regional land use plan has two or more Parties – the Government of Yukon and one or more First Nations Governments (depending on which traditional territories the planning region falls within).

Planning Partners Organizations or groups who have a stated interest in the planning region. These may include advocacy groups, conservation organizations, or industry representatives.

Terms of Reference A document created in the pre-planning stage that lays out the relationship between the Parties (Government of Yukon and relevant First Nation(s)) and the Commission, as well as the responsibilities of the Commission.

YLUPC Yukon Land Use Planning Council. An independent Council responsible for making recommendations to Yukon Government and First Nations Governments about land planning related issues in the Yukon. YLUPC provides in-kind support for Commissions, which may include administrative and financial management assistance.

YLUPC LAND RELATIONSHIP PLANNING



DELIVERABLES AND RESPONSIBILITIES



Determine Scope



New Commission members: The work during this stage leads to the formation of a Commission. Thus, this stage has already happened!

Terms of Reference

When a First Nation (or multiple Nations) wants to pursue a regional land use plan they work with the Yukon Government to develop a Terms of Reference. The Yukon Land Use Planning Council provides input and can coordinate and support this work. This marks one point in the process where the Parties must reach consensus and is when important relationships among the Parties and the YLUPC begin to form.

Sections of the Terms of Reference may include:

- The regions boundaries (these generally follow the traditional territories of the Yukon First Nations)
- Details about other First Nations and their shared areas within the planning region
- The importance of respect between commission members, parties, and with the land and water
- Goals of consensus decision making throughout the planning process
- Instructions for the Commission about what to include in the land use plan
- The assistance that you will receive from YLUPC throughout the planning process (typically financial, administrative, and mapping support).

Check back on the Terms of Reference to see which processes have been laid out for the Commission and the planning process.

Roles and Responsibilities

The Commission is supported by the Yukon Land Use Planning Council, the Parties, and affected First Nations. The following three working groups have provided assistance to the previous Commissions. These groups helped the flow of guidance and information between the Parties and the Commission. For future planning regions, the Commission and

the Parties may choose to use the same groups, or different groups to ensure that a range of perspectives and knowledge are provided.

Senior Liaison Committee
Senior-level guidance and support
- Government of Yukon
- First Nations government (both Parties to the Plan and Affected First Nations)
Cumulative Effects Working Group
Technical advice and support on cumulative effects (with guidance and direction provided by the Senior Liaison Committee)
- Government of Yukon
- First Nation Government
- Commission staff (Senior Planner)
- YLUPC
Technical Working Group
Staff-level, technical Support
- Government of Yukon (one representative from each the Departments of Environment and Energy Mines and Resources
- First Nation Government (two representatives)
- Commission staff (Senior Planner)
- YLUPC (Senior Planner)

Which group may provide good insight or thoughts into your regional planning process? There are many options in addition the ones used before. Perhaps a knowledge holder working group made up of Elders, trappers, Traditional Knowledge holders and local knowledge holders?

Commission Startup



New Commission members: This is the stage you are at!

The Parties nominate Commission Members based on who they feel would have the skills, knowledge, and experience to assist in developing the land use plan. One key to a Commission successfully completing a regional land use plan is having the right mix of individuals and perspectives. The Parties therefore try to agree on nominations.

Commission membership is based on the following formula (the Terms of Reference will specify the total number of Commission Members for a Plan):

- 1/3 of members nominated by the First Nation(s).
- 1/3 of members nominated by the Government of Yukon.
- 1/3 of members determined by the percentage of First Nation members in the region relative to non-First Nations.

The North Yukon Planning Commission was 1/3 Government of Yukon nominees and 2/3 First Nations nominees, since the community of Old Crow is almost exclusively First Nations citizens. For the Dawson Regional Planning Commission, ½ of the Commission members were Government of Yukon and ½ were Tr'ondëk Hwëch'in Government nominees.

Note: The nominees from Government of Yukon do not need to be non-First Nation.

The Budget

The Parties will agree on the overall budget and will include it in the Commission's Terms of Reference. Commissions then need to develop annual and multi-year work-plans and budgets after consulting with the Parties. Common budgeting categories include administration, commission expenses, planning staff costs, and planning projects. YLUPC is always willing to help with developing these budgets and work-plans; YLUPC will review the budget and workplan before Commission staff submit them for the approval by the Parties. To date, the Minister of the Department of Energy, Mines and Resources (Yukon Government) has ultimately approved final budgets. A funding transfer agreement will follow; this provides due dates, funding amounts, and expectations.

Being a Commission Member

During this startup period, you will begin to learn what it is to be a Commission Member. Not only will you focus on the details of the job before you, but you will spend a good deal of time in training and in discussions about what is expected of you in this role. Remember that Commission Members will come to this job from all walks of life. Some will have more experience in these environments than others. Before the Commission can proceed, **all** Members must have a common understanding of what it is to be an effective Commission Member. This is because each Member's role is equally important.

Though planning your region is really exciting, don't expect obvious progress at the beginning. At this early stage, you are learning about how to be a good Commission Member; you are forming relationships with the other members, your staff, people working for the Parties and plan partners, your community and even your region. Good relationships are necessary for good planning.

Perhaps the most crucial relationships are those among Commission Members. Psychologists often say that small groups go through four distinct stages:

1. **Forming:** Team members meet and are unsure of their purpose or how they fit in.
2. **Storming:** Conflict or friction arises between members, staff, and/or supporting organizations. Members may feel overwhelmed or frustrated.
3. **Norming:** People in and around a commission have gotten to know each other's strengths and differences. Members feel more comfortable to express their views and feel more committed.
4. **Performing:** Members and supporters are in a good flow and are working well towards their goals.

Guiding Principles for Planning

It is during this early period that you will set up the processes that your specific Commission will use to do its work. While there are many ways to set up a Commission, here are some guiding principles that all Commission Members should consider as they begin the work of developing a land use plan:

Be efficient & effective. Use time and resources wisely. Put timelines on discussions and develop milestones for task completion.

Be inclusive and consider all values. All individuals and groups need to be heard and their input fairly considered. No individual or group should be given preferential opportunities over another. Listen carefully and respectfully to all views.

Follow directions from the Parties. Details can be found in the Terms of Reference and in the First Nation Final Agreements.

Seek consensus. The Commission should always seek consensus in decision-making to make the Plan more effective and to increase the likelihood that it is approved by the Parties.

Strive for sustainability. A key goal is the proper and continued relationship with the land in the Yukon, for current and future generations.

Use all knowledge. Traditional Knowledge and Western Science should guide the Commission equally, recognizing that some decisions may need to draw more on one knowledge system or the other.

Commission Meeting Ground Rules

As a Commission Member you will be involved in numerous meetings as you go forward. Some meetings will involve only Commission Members, while others will be a part of a larger consultation with individuals and groups. These meetings will be most effective if all members agree to common 'ground rules'. The hope is that the different strengths of each Commission Member will be used to the fullest.

What might happen during the first few Commission meetings?

- Get to know all Commission Members and establish relationships.
- Refine the detailed budget (with assistance from YLUPC)
- Discuss roles within the Commission.
- Select a chair and vice-chair.

Here are some meeting ground rules for you to consider:

Ask questions. If you do not understand something, ask questions until you do. You may not be the only one in the room who does not understand. Do not be afraid to use experts or staff to get answers to your questions.

Be aware of non-verbal communication. Is someone's body language showing you something important? Remember that your body language may be doing the same thing for someone else.

Be punctual to meetings.

Listen. When others are speaking, ensure you are listening to what they are saying, even if you completely disagree with the points they make; put your thoughts "on the shelf" and listen. Avoid interrupting when someone is speaking.

Respect, acknowledge, and embrace cross-cultural differences in communication styles.

Show respect to all. Everyone has valuable contributions – be prepared to consider values and ideas that are different from yours.

Show up to meetings fully prepared. Read all background material and come prepared to discuss issues based on what you have learned.

Roles within the Commission

Your staff will do much of the hard work for you, but there may be some roles best done by one member or a sub-committee. In the past, Commissions have nominated chairs, vice-chairs, treasurers, and spokespeople.

Co-chairs should be avoided as they may lead to a multi-headed beast!

Other roles or subcommittees are possible too. However, core planning discussions and decisions should be done together.

The Parties and YLUPC

Commissions can assess the planning support that the Parties and YLUPC are providing and may request additional or different support. Commissions often agree to a Memorandum of Understanding (MOU) with the Council that specifies the nature and funding of Council support. Depending on circumstances, some of the Commission's budget may pay for this support.



Hiring planning staff and establishing an office. Some staff resources (administration and finance) are provided in-kind by YLUPC. The Commission will have dedicated staff, usually a Senior Planner and a Land Use Planner. YLUPC typically provides some shared office space in Whitehorse; however, a Commission may wish to establish their main office or a branch office in a community in the planning region (Responsibility: Commission and YLUPC).

Training & Orientation. Organizing training for Commission Members at the beginning of their term on the Commission as well as ongoing training throughout the term (Responsibility: YLUPC).

Compiled information about the planning region. Early in the planning process, YLUPC and the Parties are responsible for providing documents to the Commission that summarize all the available information about the land, resources, and land uses. The details of this will be included in the Terms of Reference. Information will generally be in the following categories:

- Current uses of the land: human, wildlife, commercial, industrial
- Landscape features: mountains, valleys, rivers, wetlands
- Ecosystem features: habitat, communities, wildlife corridors
- Public opinions on the use of land: past, present, future
- Policies that affect land use

Parties may also provide details about traditional knowledge and traditional land use in the planning region. (Responsibility: YLUPC and the Parties).

Once a Commission is established and has become familiar with their region and the issues, values, and interests in it, they may evaluate the information, knowledge, and data they were provided. If the Commission finds that there is a gap in the information that is

required for making some decisions, they can work with the Parties to try to find a way to fill it. There are several possible outcomes including:

- One of the Parties may have the missing information, and simply shares it.
- One of the Parties can gather the information and shares the findings.
- One or more of the Parties works with Commission (or YLUPC) staff to develop the information.
- The information cannot be developed in time for writing the plan(s). In this case, the Commission may recommend in their plan that this research be done, as well as guidance for how the information will be used.

Previous Commissions spent a lot of time and effort compiling the information provided to them into a large *Resource Assessment Report*. While useful, this delayed planning by more than a year.

YLUPC and the Parties are exploring ways of gathering information, knowledge, and data in a useful format ahead of planning. If successful, Commissions will not need to create a Resource Assessment Report.

Setting the stage: A first meeting between the Commission, the Parties, and YLUPC

Now is an ideal time for an all-Parties meeting – a working session to kickstart the Planning process and bring everyone (the Commission, the Parties (Government of Yukon and First Nations Government(s)), and YLUPC) to the table. Ideally, this meeting should take place within the Planning Region and should be on the land. The three main goals for this meeting are:

1. Build relationships between groups. Land planning is a lengthy process and many of the working relationships will be in place for many years. Having the opportunity early on to meet with everyone face-to-face will be beneficial for the long-term success of the Commission and the Plan.
2. The Commission and the Parties lay out their expectations. These can include timelines, details of responses, communication responsibilities, and many more.
3. The Parties communicate their priorities for the planning region.

The Terms of Reference may specify that a public ceremony will celebrate the start of the planning process. Commissions are encouraged to have ceremonies throughout the planning process as they see fit.

Establishing the Commission's Identity

It is important for the Commission Members to know, and to continue to remind the public, that the Commission is an independent body. The Commission Members do not represent any Parties or Governments. Instead, they represent all people who live within the planning region.

In their Methodology Report, the Dawson Regional Planning Commission highlighted that building trust with the public and creating spaces where everyone felt comfortable sharing their input was important. The report notes “In the beginning of the process there was the sentiment expressed by some members of public that decisions relating to the Regional Planning Process were ‘already decided’ by ‘government’ and that their opinion/concerns will not matter. The Commission recognized this as a challenge and addressed it numerous times in the public meetings by reassuring the public that the Commission was an independent body and they wanted everyone to ‘see themselves in the plan’”.

A Commission may choose to highlight their role publicly in the beginning of the regional planning process to solidify their independent and non-government status.

Conflict of Interest declaration

Commission Members must determine if they are free from conflicts of interest. For example, if a Commission Member (or family member) has a commercial or financial interest in the planning region (e.g., business, trap line, private land ownership), this may be a conflict of interest. Everyone from the planning region will have some degree of conflict of interest – the goal is to ensure that these do not pose a threat to the work of the Commission and that they are managed appropriately. Previous Commissions have hired an independent contractor to assess any existing or perceived conflicts. More information about Conflict of Interest will be set out in the Commission’s policies and procedures.

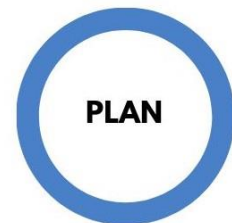
Policies and Procedures

Commission Members must become familiar with the policies and procedures including meeting related issues (role of the chair), communications (appointment of the media spokesperson), conflict of interest, and internal issues (policies related to human resources, Commission travel). Details on all policies and procedures will be presented by the YLUPC during an early Commission Meeting.

YLUPC provides policies and procedures as a template for a Commission to adopt. They are free to adjust them before approving them.

Planning to Plan

Now it is time to consider how you will actually do the planning work. In a sense, you need to create ‘a plan for how you will plan’. For this you will draw heavily on the Terms of Reference and on the expertise of the staff within your Commission and the YLUPC.



Previous Commissions have created a Communications Strategy and a Public Consultation Strategy to help guide them through the rest of the planning process. Consider what will work best for your Commission and your planning region. If you choose to make similar documents to the ones described below, they should be shared with the Parties.

Communications Strategy

How does the Commission intend to communicate the work that they have done to the public?

- How often will communication occur (weekly, monthly, as needed)?
- In what media will this communication take place (radio, newspaper, television, community bulletins, social media, websites)?
- Who will do the communicating (Commission Chair, specific Commission Members, planning staff)?
- What will be the process for approving communications (Commission consensus, Commission Chair, communications expert)?

Public Consultation Strategy

How will the Commission consult the community and the public throughout the land use planning process?

This document answers the “who”, “when”, “where”, and “why” of engagements. This will not be an easy task. You will have to be sure you have considered a wide range of possible participants. And you will need to be ready to update this document as you go through the planning process. Effective consultation is an extremely important step.

Identify Values, Issues, and Interests

Armed with the knowledge from the information compiled by the Parties and YLUPC, it is now time to hear from the public about what they want to see in the regional plan. You will want to hear from as many individuals and groups (*Planning Partners*) as possible to determine all the key issues, interests, and opportunities that need to be considered in the preparation of the Regional Land Use Plan. Meetings will need to be held with all interested Planning Partners (as well as the Parties) to allow them to share their perspectives about the planning region.

To ensure this stage proceeds well:

- Cast the net far and wide, inviting as many Planning Partners as possible.
- Ensure that the Parties are included and consulted.
- Be open-minded, accepting that all opinions, ideas, and concerns are valid.
- Summarize the key issue(s) presented by the Planning Partners and Parties. Are these issues that can be reasonably handled by a regional land use plan? Or is another body or government better suited to solve this issue?
- If there is a group that you are not successfully engaging with, consider how to amend your process to include all communities and viewpoints.

- Collect, organize, and sort all key issues and opportunities that you will address in the plan, with a clear explanation of why some are included, and others are not.
- Make an early commitment to all participants as to how you will report back what you heard.

Plan Development



The issues around land use in the Yukon are not always simple and straightforward. There are a lot of competing visions for how the land should be used and a lot of people and groups with strong opinions on these issues. Land planning decisions can sometimes be controversial, political, and sensitive. There are no right or wrong answers, but decisions made today will affect generations of people that follow.

Over the years, several planning partners have asked that:

- Designations not be *prescriptive*; that is, that they do not specify who is allowed to do what, but rather what outcomes are expected.
- Plans provide certainty to people on the land yet provide flexibility.

At first glance, it seems impossible to do this. However, the designation systems used in the first three plans shows one way that these goals can be achieved.

Principles of Planning

Adaptive management

Land use decisions should be adaptable to new information and changing environmental, economic, and social conditions. Planning must be responsive to changing needs and circumstances during the planning process and in the future when revisions or amendments are needed.

Balanced and sustainable

Consider ecological, social, cultural, and economic values to ensure healthy land and maximum benefits to current and future generations.

Precautionary principle

It must be established that activities will not substantially harm the environment before permission is granted to proceed.

Relate to other plans

It is important that any new plan integrates with neighbouring existing plans (or existing plans within the planning boundary). What Parks (Territorial or National) or municipal areas are within your planning region?

Reduce conflict

Focus on identifying common values and responsibilities and, where necessary, mutually agreeable trade-offs. Conflicts can be reduced through:

- Permitting activities only during certain times of the year (timing windows)
- Spatial separation (clear guidelines on where activities may or may not occur)
- Restoration plans (e.g., a temporary road through a wildlife area may be allowed if is rehabilitated within certain parameters and timelines)

Relationships

Good planning relies on good relationships more than on good information. You will find that the relationships among Commission Members, and with the Parties, Plan Partners, communities, and the region itself, support a healthy process that leads to understanding, respect, and eventually, a great plan.

Relevant and informed

Decisions should be made using the best available traditional, local, and scientific knowledge. The Commission should seek input from as many Planning Partners and individuals as possible, so they have a well-rounded understanding of all topics pertaining to the land use plan.

Respectful

Decisions should respect First Nations Final Agreements and all laws of the Yukon. As well, First Nations, Government of Yukon, and third-party land interests should be respected.

Stewardship

Having a sense of responsibility to the land, water, and animals.

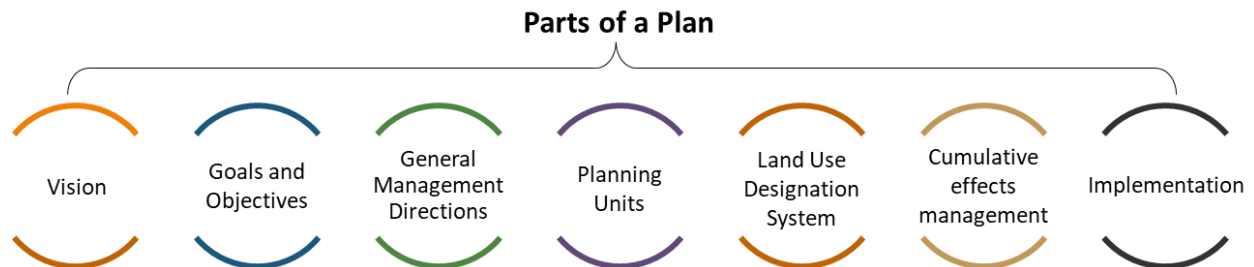
Parts of a Plan

A plan can contain whatever the Commission thinks is best for their region. Below are the *Parts of a Plan* that have been included in each of the Yukon regional plans. Future Commissions can use as many or as few of these sections as they wish (keeping in mind which components may be required in the Terms of Reference for your specific Commission or Plan).

Traditional Knowledge

First Nations Traditional Knowledge, values, and practices are required to be integrated into land relationship planning. The First Nation Party(ies) may provide some of this knowledge and can provide recommendations and perspectives on how it can be integrated into the land planning process.

YLUPC's Traditional Knowledge Circle, fellow Commission Members, or maybe even yourself may also have valuable knowledge and perspectives. How Traditional Knowledge may be used and/or shared should be set out in a formal agreement between the Commission and the First Nation or knowledge holders that provides the information.



Vision

A Plan's vision will guide the decisions about land use and management. The vision might answer questions such as:

- What does the future of the region look like?
- What are the targets or desired future states?
- What matters most?
- What are the stewardship responsibilities?

Goals and Objectives

Goals will help organize the work ahead, highlighting the direction and priorities for the land use plan. Goals are usually open-ended statements about what the region will look like in the future and apply to the entire planning region, and will answer questions such as:

- Where do we want to be in the future relative to where we are today?
- What makes this planning region unique or special?
- What values need to be reflected in the land use plan?
- Based on what we heard, what should the Plan's main focus be?
- What are the priority issues and opportunities that need to be addressed in the Plan?

Goals are often categorized in main themes such as social, economic, and ecological goals.

Within each goal, there will be multiple objectives that describe a desired future state for a specific resource (or resource use). These are more explicit and concrete than goals.

Objectives can be thought of as interim steps required to achieve broader goals. They should be measurable, either directly or indirectly, as a basis for evaluating whether they are being achieved over time.

Plan strategies (or management actions) describe *how* objectives will be achieved.

Strategies might describe appropriate types of land use activities, standards of land use or management activity. There is usually at least one strategy for achieving each objective.

General Management Directions

These are the main guidelines to which land use decisions in the entire planning region should follow. In existing plans, the General Management Directions have accounted for a significant proportion of the plan. Directions have been included for topics such as climate change, water, caribou, heritage resources and sites, recreation, highways or points of access, tourism, and economy.

Each General Management Direction is usually linked with at least one goal and objective and multiple indicators or strategies. Strategies are often intended to be integrated into existing monitoring or regulatory processes.

Planning Units

A regional plan encompasses a very large area. It's often harder to plan for the region as a whole, rather than in parts. There are many ways that this can be done but in all existing land use plans in the Yukon, Land Management Units (LMUs) have been used.

Commissions are encouraged to plan their region however they see fit – just because it has been done one way in the past, doesn't mean all plans have to follow the same process. Each planning unit should have objectives and strategies associated with it and detailed explanations of the boundaries of land use planning units should be included in the map package.

Landscape Management Units (LMUs)

of the North Yukon, Peel, and Dawson Regional plans

LMUs allow the plan to tailor guidance for local conditions or values.

An LMU is typically differentiated from the others based on a review of human use, ecological properties, current and anticipated levels of development, and/or identified land use issues. Ideally, the boundaries of each LMU follow an existing natural (e.g., major river), or man-made (e.g., highway) boundary.

LMU boundaries should be consistent with adjacent regional land use plans where possible.

Land Use Designation System

Each planning unit has a designated management intent which depends on the values, land use issues, the sensitivity of the area to disturbance, and the community's relationship to the land. Previous plans have all had similar land use designations systems (also known as zoning systems) which range from high intensity of activity allowed to very low or no activity allowed.

Additionally, some areas in the planning regions have been identified as sub-regional planning areas or special management areas (per the First Nations Final Agreements).

The Dawson plan also applied three "overlaps" or overlapping zones to certain planning units: highway corridors, caribou overlays, and wetland overlays. These provided custom guidance for certain local values.

While each regional plan does not need to use the same land designation system, using a similar system to previous plans will provide consistency across the Yukon. The land use designation system is also an iterative process and the number of designations and/or the definition of the designations can change between the draft and recommended plans.

Cumulative Effects Management

Development that occurs over time can have a “cumulative” effect on the land - the more development that occurs, the larger the effect over time as the effects build on each other. A negative effect is known as an “impact”.

For example, oil and gas development may influence the migration pattern of a caribou herd at the same time that climate change is making it more difficult for the herd to access its calving grounds. Combined, the cumulative effects of these independent actions lead to a reduction in the herd population.

With cumulative effects management, researchers aim to predict what these combined effects might be overtime. Plans can then be put in place to avoid, minimize, or mitigate the negative impacts. Strategies can be developed to enhance positive effects that may off-set or compensate for negative impacts on other values present.

One strategy to track and minimize cumulative effects in previous plans has been to create a “cumulative effects framework” that tracks indicators of cumulative effects in each LMU. Management actions are triggered when one of these indicators exceeds a threshold for that LMU’s designation.

As of mid-2024, there is no territory-wide cumulative effects framework. However, all previous Yukon plans have a cumulative effects framework that uses two indicators – surface area disturbance and linear features. Future Commissions would likely benefit from building upon these frameworks rather than starting from scratch. However, each Commission needs to determine what indicators, thresholds, and management actions are right for their region.

Implementation

One of the final sections of a Plan should be details about how it is to be used. For this section, the Commission should describe how the Draft Plan could be followed once approved. Most implementation actions are to be done by the Parties.

This section needs to:

1. Provide timelines for when certain activities or commitments need to be realized. Activities should be prioritized relative to each other.
2. Be explicit about who is responsible for implementing objectives and carrying out related strategies.
3. Be explicit about the roles of the Parties and the Commission (and YLUPC and YESAB) in the future and in the implementation of the Plan.
4. If sub-regional plans are included in the Plan, detail when these will be completed, who is responsible for completion, and the scope of the subregional plans.

5. Detail a conformity check process for new and ongoing development projects within the planning region, recognizing the uniqueness of each planning region and their requirements of the regulatory system (YESAB)
6. Provide a monitoring framework for the lifetime of the plan, including review processes and timelines.
7. Detail a revision, variance, and amendment process.

As previous planning processes moved from the Draft to Recommended Plan stages, the implementation chapters were reduced in size and detail. As the primary implementers of the plans, the Parties typically request that implementation direction be left up to them. However, experience is showing that detailed draft implementation chapters at least help clarify the intent of the Plan.

Draft Plan: What it is and how you get there

The Draft Plan is a Commission’s largest and most complex project. The Draft Plan will capture the key work completed to date including:

- Goals, objectives, strategies, and indicators for the land use plan
- Background information that explains the research conducted for this plan.
- Key issues and interests that surfaced during the consultation with Planning Partners and the Parties
- The main recommendations of the land use plan, with some rationale and/or methods used to arrive at them
- Implementation strategy

A good Draft Plan will reflect the region it represents – its people and culture, the values of residents and Yukoners, and the landscape itself. People reading the Draft Plan should see themselves in it, whether through policies that address their issues, a story they relate to or even in the pictures in the Plan.

The Draft Plan should represent the Commission’s best effort at balancing the current and future ecological, cultural, and industrial needs and values of the region. Once the Draft Plan is completed and approved by all Commission Members, it will be shared with Planning Partners and the Parties.

The Dawson Regional Planning Commission developed their Draft Plan in two phases. The first phase focussed on identifying Protected Areas. They provided the Parties their first phase report four months before the whole Draft Plan was due. While they worked on the second phase, the Parties had time to withdraw the potential Protected Areas. When the Commission publicly released their whole Draft Plan, the interim withdrawals were in place.

As you prepare to write a draft plan, the Commission is likely to have a lot of data, information, and opinions to consider. The following are tools that have helped previous

Commissions use the feedback they received from Planning Partners, the public, and the Parties to start building the Draft Plan. This list is not an exhaustive list, and it is not a requirement that a Commission uses any or all of these options. Most of these options can also be revisited when you move from the Draft Plan to the Recommended Plan.

Options Papers

For each Landscape Management Unit (LMU) or topic (e.g., wetlands) an options paper would detail the different decisions that the Commission could make. Both the North Yukon and Dawson Commissions embedded options in their Draft Plans. Though they knew the direction they wanted to take their plan, they realized that they needed specific input on certain topics. Reviewers of the Draft Plans provided input on certain questions. This approach is a good way for a Commission that is clear on its overall direction to get targeted feedback on certain questions.

The Peel Watershed Planning Commission expanded the concept of options papers to a whole step in the planning process. They created outlines of three different regional plans and presented them to the communities and Planning Partners. Feedback from this engagement gave them more confidence in their decisions leading to their Draft Plan. However, this stage added time and expense to the process and was criticized as being simplistic and polarizing.

The Dawson Regional Planning Commission found significant benefit from using Options Papers. In their Methodology Report, the Commission said: "It was the most thorough way to navigate the large amount of feedback that we received on the Draft Plan in a methodical way. Presenting the Commission with options enabled the meeting facilitator to keep the discussion flowing efficiently. This approach also highlighted where gaps in knowledge were for additional input into the decision-making process".

Options Papers for the Dawson Commission followed this format: Introduction | What the Draft Plan says | What did we hear during engagement (organized by Parties, Affected First Nations, public, and Planning Partners) | Options (including making no change from the Draft Plan) | Additional Considerations | Conclusion | Next Steps.

Facilitated working sessions

A facilitator can be used when the subject being discussed is polarizing or lots of decision-making is required. These can be in sessions with just the Commission and their staff or in sessions that include the Parties and/or Planning Partners.

Working groups and experts

In addition to the Technical Working Group and the Cumulative Effects Working Group, the Commission can seek opinions from other technical experts of the Parties and those at other organizations. The Commission and their staff should consult with whichever experts they feel will help them create the best regional land use plan.

Modelling and Satellite data

Planning staff will introduce the Commission to some modelling techniques throughout the planning process. Some used in the past include:

- Habitat Suitability Mapping: merging satellite mapping with traditional, local and/or expert knowledge to create habitat maps for specific species or groups of species.
- Overlay analysis: determining where values overlap in the Planning Region. Areas with many overlapping values often need more management directions in the plan.
- MARXAN: using map layers and zoning goals to find the best locations for protected areas and other boundaries.
- ALCES: forecasts the locations and extent of features on a changing landscape. This is useful in forecasting some cumulative effects and testing planning options.

Consensus Decision Making

To the extent practicable, the Commission will make decisions by consensus. Consensus-based decision-making is a process of arriving at a decision that relies upon satisfying the interests, values, and concerns of the whole group responsible for making the decision.

Good relationships between commission members are necessary for consensus. More details about this process are provided in the Terms of Reference.

Every past commission made nearly every decision by consensus!

Discussions with the community and elders

Is there something that the Commission is stuck on and can't decide how to proceed? You don't have to do this alone. Reach out to the community, to the knowledge keepers (both traditional and western knowledge), to the elders, to the people who use the land, to the people who work for the Parties. There is a wealth of knowledge in each and every community, and it is important to draw on as much of it as possible.

Engagement

"Deep consultation requires more than identifying and understanding the issues raised. It requires dialogue, including discussions of whether the concerns change elements of the proposed decision, and if not, explanations of why not."

Yukon Supreme Court regarding YG's consultation on the Kudz Ze Kayah mine, January 2024.



Because the Parties engage on the Recommended Plan, **the Draft Plan is typically the last and most complex public engagement run by commissions.**

A land use plan is intended to represent the views of the public of the planning region and of the Yukon. Therefore, it is important to seek public input and feedback at many stages of the planning process up to the publication of the Recommended Plan. After that, the Parties are responsible for engagement on the Recommended Plan, and, if necessary, the Final Recommended Plan.

A universal goal of engagement is to *engage* people in the process. Engaged people feel included and informed and will be more likely to accept an outcome, even if they don't completely agree with it. For this to work, a Commission needs to approach engagement with an open mind and be willing to include or address new ideas, values or concerns.

Objectives of engagement activities may change throughout the planning process. For example, before the Draft Plan is created, the goal of engagement may be to understand experiences and values that will inform the Draft Plan. This could be achieved through surveys, community meetings, and Planning Partner meetings.

After the Draft Plan has been made public, a goal of engagement may be to inform the development of the Recommended Plan. This could be done through public submissions, community meetings, or an engagement website with surveys.

How can you engage Planning Partners and the community?

- Advertising via social media, news and media, posters, mail outs, targeted email lists.
- Meetings with communities and elders
- Engagement website.
- Meetings with Planning Partners, affected First Nations, and the Parties.
- Presentations at Commission meetings from Planning Partners.
- Pop-ups in communities in the planning region.
- Public submissions.
- Public workshops hosted in the planning region.
- Site tours of industrial development within the planning region.
- Targeted surveys for First Nations citizens, youth, and the general public.
- Technical workshops on specific topics (geared to a technical audience and likely not open to the public).

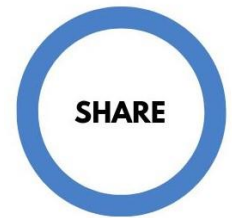
With all these ways of engaging with many audiences, it is very challenging – and time consuming – for Commission staff to collect and reflect on what they heard back to the Commission.

The Draft Plans written by previous Commissions were large technical documents. To help describe them to the public, Commissions also published *Plan Summaries*. These much shorter documents used simpler language and more photos and graphics. Many more of these were printed and distributed than the Draft Plans themselves.

After feedback from the public, Parties, and Planning Partners, the Commission can make changes to the draft plan. The Commission are not limited in what they can change at this stage – they can change boundaries, management plans, or which values are the focus in different areas.

Submit Recommended Plan

Considering the feedback on the Draft Plan, the Commission will produce a modified version of the Draft Plan, known as the **Recommended Plan**. It is at the discretion of the Commission to accept or reject each comment that they received from the Parties and Planning Partners. Plans do change when new information comes to light. Compromises and creative solutions often evolve at this point as all stakeholders gain a better appreciation of what the full plan looks like.



Getting Side-tracked from Planning

There are many ways a Commission could get side-tracked from its path to a Recommended Plan. Some can be avoided or minimized by following the guidelines above. Some tasks, like financial or hiring discussions, may not seem like planning, but are necessary to get the work done. However, there are a few topics that a Commission is well suited to address but often get bogged down by. Commissions should be aware of these topics, so that they can choose to address or perhaps avoid them.

Interim Measures

Interim Measures are temporary decisions or special rules put in place before a plan is approved in order to “ensure the integrity and effectiveness of the Planning Process and the Plan”. Typically, they are put in place to prevent or slow new patterns of human activity from interfering with planning decisions. Interim measures often take the form of staking withdrawals for areas that could see high levels of staking while planning is underway. Other types of interim measures could include local cumulative effects monitoring under YESAA or interim access management.

YLUPC encourages the Parties to agree on interim measures before a Commission starts their work as a newly formed Commission usually does not have the context or information to make these decisions right away. In practice, however, the Parties seldom agree up front. YLUPC suggests that Commissions put aside discussions of interim measures until they are far enough along their planning process for interim measure(s) recommendation(s) to be obvious to them. To be most effective, these recommendations need to be provided at least four months before a plan becomes public.

Making Representations to YESAB

YESAA says that YESAB is to alert active Commissions to any projects in the planning region, and to invite the Commission to “make representations” to them. Similar to interim measures, a newly formed Commission may not have the context or information to comment on project proposals. As they gain more confidence and understanding of the

region, a Commission may wish to provide comments on projects in their region. However, some busy regions can expect hundreds of project proposals per year; commenting on all of them would interfere with your planning. A suggested strategy is set a policy for your staff on how to deal with project proposals and re-evaluate this policy as your planning process approaches a recommended plan. These policies can triage your responses so that your staff replies with form letters for many types of projects, and only a few large projects get attention from the Commission itself.

Plan Approval



The completed Recommended Plan will be submitted to the Parties. If your engagement and communication have been successful, then the contents of the Recommended Plan should be expected by the Parties.

CONSULT

Upon receiving the Recommended Plan, the Parties will consult with affected First Nations, Yukon communities, and each other. This review typically takes a long time – often a year or more – so Commissions meet less frequently, and staff may work on publishing simpler plan summaries, better documenting methods, or even working on other planning projects. Hiring and retaining staff during this period of uncertainty can be difficult.

Commissions are only responsible for engagement up to (and including) the submission of the Recommended Plan.

Engagement on the Recommended Plan is the responsibility of the Parties (per the Terms of Reference). Commission staff may help with this process at the request of the Parties.

After review, the Parties may **approve**, **reject**, or propose **modifications** to the Plan. If modifications (or rejection) are proposed, the Commission will consider the modifications, and then submit a Final Recommended Plan to the Parties.

SHARE

After one more round of consultation with First Nations, Yukon communities, and each other, the Final Recommended Plan can then be **approved**, **modified**, or **rejected** by the Parties.

CONSULT

Plan Implementation



The Planning Cycle

Earlier, we introduced the concept of *adaptive management*. This planning principle recognizes that how we make decisions may need to adapt in response to new information and changing environmental, economic, and social conditions. The planning process envisioned in the UFA included the following mechanisms to adapt approved plans:

- **Variance:** allowing for activities that do not conform to the plan
- **Amendment:** alterations to a portion of the plan
- **Review:** a systematic update to the plan.

To date there have been no plan variances, amendments, or reviews under Chapter 11. Similarly, there have been no approved process for any of them. The Parties of the Peel Watershed and North Yukon regions have on occasion agreed to very minor changes, but these didn't follow any formal procedure.

CHANGING CIRCUMSTANCES AND NEWLY AVAILABLE INFORMATION MEAN THAT PLANS WILL NEED TO BE REVIEWED AND UPDATED OVER TIME.

Role of Parties

The Parties have the final authority to approve and implement a regional plan, according to the UFA. The work of implementation varies from plan to plan; however, some typical tasks include:

- Undertaking research.
- Tracking disturbance or other plan indicators.
- Changing policies or regulations or developing new ones.
- Further refining concepts in the plan to improve clarity.
- Doing the legal steps of enacting new protected areas and other similar areas.
- Management plans for new protected areas etc.

- Community updates.

As you can imagine, there is a lot of work to be done and decisions to be made after plan approval. To co-ordinate this, the Parties may decide to set up an “Implementation Committee” comprised of technical staff from all the Parties. Commission or Council staff may be invited as either observers or as active participants.

Role of Commission

Any further involvement of the Commission depends on what the Parties decide and budget for.

The Parties of the North Yukon and Peel Watershed Land Use Regions decided to not have the Commissions continue to exist after the plans were approved. In their absence, the Council monitored implementation and offered “consistency opinions” (in place of “conformity checks”).

However, the UFA indicates several roles for a Commission after it has written their plan, including:

- Completing conformity checks to assist in the YESAB review process.
- Monitoring plan implementation.
- Assessing the need to amend the plan.

Though not explicitly stated in the UFA, other potential roles for a Commission include:

- Assisting with periodic plan reviews.
- Completing sub-regional planning.
- Recommending amendments or variances to the plan as needed.
- Providing feedback and Plan interpretation advice to the Parties.
- Being part of an implementation committee.

The UFA said that YESAB is to request that Commissions determine whether or not incoming projects are in conformity with the approved regional land use plan. These “conformity checks” are one of the key ways that regional land use plans shape land and resource decisions in the region.