

Regional Planning Boundaries

Discussion Leader: Jeff Hamm

Facilitators: TBA

Introduction

This breakout will explore options for determining planning boundaries, discuss how agreement between First Nations on 'overlapping' Traditional Territory influences boundary decisions and consider opportunities for participation of unsettled First Nations in claim based regional land use planning.

Background

The provisions of Chapter 11 require the YLUPC to make recommendations on "planning regions", that "to the extent practicable, shall conform to the boundaries of the Traditional Territories". Where one or more First Nation Traditional Territories (FNTT) overlap, additional schedules of First Nations Final Agreements set out which provisions of the Agreement will apply in the 'overlapping area'. While all of Chapter 11 is included, several key clauses in chapters containing linkages to regional planning do not, including those ensuring involvement of Renewable Resource Councils in Special Area Management Plans and components of regional economic development plans.

The process of establishing planning boundaries began with YLUPC's recommendation to form 8 planning regions, followed by discussions between YLUPC, Canada, Yukon Government and interested Yukon First Nations ('the Parties') to assess priority regions for joint land use planning. In 1999, Council recommended that priority be given to commencement of planning in North Yukon. Since then, two further Planning Commissions have been established (Teslin, Peel Watershed) and one is waiting in the wings (Dawson).

When the Parties agree to proceed in a region, Council strikes a region specific technical working committee to define the boundary and scope of a land use plan. Where FNTT overlaps occur, consideration may be given to use of natural boundaries (heights of land and rivers), other administrative boundaries (YESA) or other legal agreements (Overlap Agreements) to aid in construction of contiguous planning boundaries (i.e. no gaps between regions).

Participation of unsettled Yukon First Nations in regional planning has implications for boundaries, membership, and funding for participation. Strictly speaking, YLUPC has no mandate to plan in areas with unsettled First Nations' interests.

Issues

In areas where the traditional territories of YFNs overlap, agreement must first be reached between First Nations as to how planning is to be done and the composition of planning commissions. The options for delineation of boundaries using natural features or administrative boundaries may not resolve into formal overlap agreements between FNs. A number of Final Agreement provisions do not apply in overlap areas, restricting the range of options a Commission may explore as tools for Plan implementation.

Questions

Are the 8 conceptual planning areas still a realistic expression of potential planning regions?

Should formal overlap agreements be in place before planning boundaries be determined in areas where YFN Traditional Territories overlap?

What other factors might be considered in creating a planning region boundary?