



YUKON LAND USE PLANNING COUNCIL

Annual Work plan and Budget: 2016-2017

1. Introduction and Overview

Mandate

The Yukon Land Use Planning Council makes recommendations to Government and Yukon First Nations with respect to land use planning as defined in Chapter 11 of the Umbrella Final Agreement.

The Council makes recommendations relating to:

- land use planning, including policies, goals and priorities, in the Yukon (11.3.3.1);
- the identification of Planning Regions and priorities for the preparation of Regional Land Use Plans (11.3.3.2);
- the Terms of Reference, including timeframes, for each Regional Land Use Planning Commission (11.3.3.3);
- the boundary of each Planning Region (11.3.3.4); and
- other matters that Governments and each affected Yukon First Nation may agree (11.3.3.5).

The Council reviews the work plans and budgets of the Planning Commissions, and after reviewing them, recommends these documents to the Yukon Government for approval (11.9.2).

The Council assists Regional Planning Commissions in carrying out their function under Chapter 11 (11.3.4).

Members

The Yukon Land Use Planning Council is comprised of three members:

Patrick Rouble, Chair

Pearl Callaghan, Member

George Nassiopolous, Member

The Secretariat staff includes: Director, Senior Planner, Senior Planning and Policy Advisor and Senior Financial Administrator.

Context¹

In 1993, the Umbrella Final Agreement was signed and provides the framework for the 11 Yukon First Nations land claim agreements that have now been signed. The implementation of these agreements has led to the establishment of regional planning commissions in four planning regions. To date, two regional plans have been produced: the North Yukon Regional Land Use Plan (approved) and the Peel Watershed Regional Land Use Plan (not yet approved).

The Peel Watershed Regional Land Use Plan approval process has been contentious and has resulted in legal action. The future of this plan is currently uncertain, as the decision of December 3rd, 2014 (the Veale Decision) was appealed by the Yukon Government to the BC/Yukon Court of Appeal and the BC/Yukon Court of Appeal Decision of November 4th, 2015 has been appealed to the Supreme Court of Canada by the Nacho Nyak Dun et. al coalition. The Supreme Court will likely make its decision to accept or reject taking the case sometime in the first quarter.

The Dawson Regional Planning Commission completed its Alternatives (Options) stage before a decision by the Tr'ondëk Hwëch'in, the Vuntut Gwitchin and Yukon was made to place the process in abeyance until such time as there is clarity regarding the plan approval process.

The Council also anticipates a territorial election sometime in 2016. During an election year, the Yukon Government, one of the Council's closest working partners, limits its policy decisions. This may affect the participation of the government in the development of Council's recommendations and any associated decisions.

The Council's review of the Common Land Use Planning Process (CLUPP) has been ongoing for the last three years and requires closure. The review will be influenced by the interpretations of key land claim agreement clauses that the Council is seeking from the Parties and which have been brought to the Parties attention in the past. The recommendations that will stem from the CLUPP review will be important for improving the terms and practise of all organizations associated with regional planning in the Yukon.

2. Annual Work Plan

Based upon the Council's Strategic Planning Session of January 11rd, 2016, the Council's work in 2016/17 will focus upon:

- advancing the developing of a common understanding amongst the signatories to the land claim agreements regarding how Chapter 11 is to be interpreted and implemented;
- developing an organizational structure and planning process for regional commissions that create regional plans consistent with Chapter 11, including clarifying the role of the Council in the implementation of Chapter 11;

¹ The Council has an accumulated surplus that is available to for this fiscal year. The work that will be funded from this surplus is identified with a bracket (*surplus*) in this work plan's budget.

- assisting the Yukon Government and Vuntut Gwitchin Government with the implementation of the North Yukon Regional Land Use Plan.

Specific areas of work include:

Document 1: Chapter 11 Land Use Planning: Interpretation/Clarification

The Council has invited the Yukon Government and the Yukon First Nations with settled land claims (the Parties) to help interpret key clauses of Chapter 11 (letter of October 16th, 2015). These interpretation issues require detailed examination in a discussion paper that illuminates the core of the issues and potential options for interpretations.

Document 2: Overview of Key Potential Improvement to the Common Land Use Planning Process (CLUPP)

The Council envisions recommending changes to the process of creating and changing regional plans based upon the agreed interpretation of the land claim agreements. There has been considerable work done to date, including recommendations to the Parties, workshops, post-planning process, reflective interviews and analysis with Commission members and a consultant's report. The substantive potential improvements to the process need to be outlined before detailed or technical improvements can be examined.

Document 3: The Roles of Strategies, Terms of References and Work Plans in Regional Planning

The regional planning done by the commissions to date has depended upon two primary documents: the Land Claim Agreements and the Terms of Reference the Parties have agreed to prior to the commission beginning its work. More guidance and structure could be provided through the development of a Yukon Land Use Strategy and/or a Regional Land Use Strategy which would support the Commission's Terms of Reference and/or a Precise Terms of Reference. Annual Work Plan's and Budget would be based upon these higher level documents. The discussion paper would examine when and how different levels of government policy direction may be considered and the role of key agencies in this process.

Document 4: Plan Development without Plan Alternatives/Options and Draft Plan

The current CLUPP includes a Plan Alternatives/Options stage and a Draft Plan stage. As neither of these stages is mandatory under the agreements, the Council would explore the consequence of removing these stages from the planning process with the goal for reducing the cost and time required for the Commissions to produce their Recommended Plan.

Document 5: Information Collection and Resource Assessment

This paper would describe the Resource Assessment Report (RAR) template and how the Council should work with the Parties and stakeholders to populate it prior to the commission needing the information. The aim would be to avoid the length of time (and cost) this work has taken past commissions. The scope and types of information required, as well as the roles and responsibilities for information management would be examined.

Document 6: Organizational Structure/Governance

This paper would explore governance model and organizational structures that addresses the authority, decision-making and accountability of the Council, the Parties and the commissions. These would need to be consistent with the organizational and governance structures indicated in the land claim agreements.

Document 7: Sub regional and District Planning

The land claim agreements make reference to Sub-regional and District planning (11.8.0) and delineate a process for their creation. However, little work has been done to define what constitutes a Sub-regional or District plan or regarding the details of this process. A discussion paper on this topic would focus on creating a consistent and clear process of Sub-regional and District plans and their relationship with regional plans.

North Yukon Cumulative Effects Technical Work

The Yukon Government and Vuntut Gwitchin Government may be asking the Council under Clause 11.3.3.5 of the Vuntut Gwitchin Final Agreement to make a recommendation regarding the historical linear disturbance and surface disturbance in the Eagle Plain (LMU 9) area. The goal is to better define “disturbance” and understand the recovery of historical disturbances. This will assist in the tracking of disturbances as required under the North Yukon Regional Land Use Plan.

The Annual Council Sponsored Conference/Workshop

Each year the Council hosts a workshop or conference on topics relevant to regional planning. The topic or theme for the 2017 workshop or conference will be defined once there is clarity on the future of the Peel process and there is feedback from the Parties on the issues they would like address at a regional planning forum.

Budget

A) ADMINISTRATION **\$128,355**

These costs are primarily associated with the financial and administrative costs of the Council’s Secretariat, including office rental. The Council will also utilize the expertise of a lawyer to assist with its Chapter 11 related interpretation work.

B) COUNCIL **\$64,260**

Meetings:

- Council anticipates holding 8 meetings, including one preparation day per meeting, two special meeting days and 19 special assignment days (total for all members);
- Attend relevant conferences, workshops, meetings, and training, with one “out-of-territory” conference identified in the budget.

C) PERSONNEL **\$399,689**

The YLUPC Secretariat has the following positions:

Senior Financial Administrator (SFA):

In addition to ongoing duties included in the job description, the Senior Financial Administrator is responsible for providing reception, office management and financial administrative services to the Council. The Senior Financial Administrator will also be involved with the Organizational Structure review (financial component), assisting with workshops and conferences.

Director:

In addition to ongoing duties in the job description, the Director is responsible for the following work plan items:

- develop and organize the Council’s annual strategic planning session and planning forum;
- oversee the development of discussion papers on: *Chapter 11: Land Claim Interpretation Issues, Key Potential Improvements to the Common Land Use Planning Process, The Role of Strategies, Terms of References and Work plans in Regional Planning, Improving the Plan Alternative/Draft Plan stage, Organizational Structure Improvements and Clarifying Sub-regional and District Planning Processes;*
- oversee, and be directly involved with, any correspondence with the Parties on efforts to create a clear, common and consistent understanding of Chapter 11;
- oversee the development of a recommendation regarding historical linear and surface disturbance in conformity check technical work requested by the Parties;

- advise the Council on potential legal questions that require the Council seeking legal advice (e.g. interpreting the court decisions stemming from the Peel court case).

Senior Planner (SP):

In addition to ongoing duties included in the job description, the Senior Planner shall be responsible for the following work plan items:

- assist with development of the recommended changes to the Common Land Use Planning Process including researching and assisting with the writing of discussion paper regarding: *Key Potential Improvements to the Common Land Use Planning Process, The Role of Strategies, Terms of References and Work plans in Regional Planning, Improving the Plan Alternative/Draft Plan Stage, Organizational Structure Improvements and Clarifying Sub-regional and District Planning Processes;*
- assist with the Council land use planning forum (4th quarter);
- maintain the database inherited from the North Yukon, Peel and Dawson planning processes and monitor the implementation of the North Yukon Plan (lead);
- conduct conformity checks on incoming projects in the North Yukon Region and lead any work associated with calculating historical and disturbance and regeneration rates requested by the Parties.

Senior Planning and Policy Advisor (SPPA):

In addition to ongoing duties included in the job description², the Senior Planning and Policy Advisor shall be responsible for the following work plan items:

- lead the communications with First Nations across the territory regarding regional planning. This includes attended First Nations General Assemblies;
- assist with the development of the recommended changes to the Common Land Use Planning Process, including any community/First Nation education, communication and engagement. Assist with the researching and writing of discussion paper regarding: *Key Potential Improvements to the Common Land Use Planning Process, The Role of Strategies, Terms of References and Work plans in Regional Planning, Improving the Plan Alternative/Draft Plan stage, Organizational Structure Improvements and Clarifying Sub-regional and District Planning Processes;*

² The job description for this position is currently being examined in detail as it is expected that the staff currently in this position will be retiring during the 1st qrt.

- assist in identifying questions of a legal matter that may require the Council seeking legal advice and the Peel Watershed legal decision communication ;
- assist with any workshops or conferences that the Council organizes (including community workshops)

D) PLANNING \$20,500

These activities support the work the Council does advocating for regional planning and assessing regional readiness to plan:

- Attendance and/or booth display at First Nations General Assemblies, as invited, in an effort to advance regional land use planning in Yukon;
- Attendance and/or booth display at local Conferences and workshops such as the Environment Forum, Yukon Geoscience Forum (November), Tourism Industry Association (May), AMEBC Round-up (January), Planning Institute of British Columbia, (April), Canadian Institute of Planners (June)

E) SPECIAL PROJECTS \$136,500 (\$98,000)

- The limited staff of Council results in the Council requiring contracted advise from time to time regarding specific topic. Contracted expert advice may be required for portions of discussions papers: *the Role of Strategies, Terms of References and Work plans in Regional Planning, Improving the Plan Alternative/Draft Plan stage, Organizational Structure Improvements and Clarifying Sub-regional and District Planning Processes;*
- Contracted expert advice and landscape imagery (e.g. satellite or air photo) needed for the identification of historical linear and surface disturbance levels and for calculations associated regeneration rates.

Totals: From Core YLUPC Budget: \$651,284

From YLUPC Surplus: \$98,000



YUKON LAND USE PLANNING COUNCIL

2016/2017 Work plan

Document =



Gathering =



YLUPC WORKPLAN 16/17 Work Theme	2016									2017		
	Apr	Ma	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Regional Planning in the Yukon												
Chapter 11: Interpretation Clarification Issues	Flag											
Common Land Use Planning Process: Overview of Key Potential Improvements	Shaded	Shaded	Shaded	Flag								
Role of Strategies, Terms of References and Work plans in Regional Planning	Shaded	Shaded	Shaded	Shaded	Shaded		Flag					
Improving the Resource Assessment Stage							Shaded	Shaded	Flag			
Improving the Options/Draft Plan Stage								Shaded	Shaded	Shaded	Shaded	Flag
Sub Regional/District Planning	Shaded	Shaded	Shaded	Shaded	Flag							
Organizational Structure Improvements											Shaded	Flag
North Yukon Plan												
Cumulative Effects Technical Work, Conformity Checks, Monitor Implementation	Shaded	Shaded	Flag	Shaded	Shaded	Shaded	Shaded	Shaded	Flag	Shaded	Shaded	Shaded
Peel Watershed Legal Decision Communication	Shaded	Flag										
Website/Communications	Shaded	Shaded	Shaded	Shaded	Shaded	Star	Star	Star				
YLUPC Strategic Planning									Flag			
Regional Planning Conference/Workshop								Shaded	Shaded	Star	Shaded	Flag

3. Products, Milestones, Deliverables

Planning Milestones

<u>Product, Milestone, Deliverable</u>	<u>Description</u>	<u>Chronology</u>
1. Chapter 11: Interpretation Clarification (Document)	Land Claim Interpretation issues requiring detailed examination regarding the core of the issues and potential options for interpretations	April 2016
2. Peel Watershed Legal Decision Communication	The Council will need to communicate the implications to regional planning of the Supreme Court's decision to accept or refuse the appeal of the Peel appeal decision	May 2016
3. CLUPP: Key Potential Improvements (Document)	This will identify the key potential improvements to the Common Land Use Planning Process	July 2016
4. North Yukon Regional Land Use Plan Implementation: Technical Recommendation	YLUPC will assist the Parties to the North Yukon Regional Land Use Plan with technical work associated with delineating historic linear and surface disturbance and regeneration rates	July 2016, October 2016
5. Sub regional and District Planning (Discussion Document)	This paper will examine the process by which Sub-regional and District plans are produced under the terms of the land claim agreements	August 2016
6. Role of Strategies, Terms of Reference and Work plans (Discussion Document)	An examination of the development of a Yukon Land Use Strategy and/or a Regional Land Use Strategy which would support the Commission's Terms of Reference and/or a Precise Terms of Reference.	October 2016
7. Regional Planning in the Yukon: Organizational Structure Review (Discussion Document)	YLUPC will examine options for organizing the relationships and responsibilities of the Council, Commissions and the Parties	September 2016
8. YLUPC Strategic Planning	The Council's Annual Strategic Planning Session	November 2016
9. Improving the Resource Assessment Stage (Discussion Document)	This paper will examine how to reduce the time/cost of the resource assessment stage of the CLUPP	December 2016
10. Regional Planning Forum	The topic or theme for the 2017 workshop or conference will be defined once there is clarity on the future of the Peel process and there is feedback from the Parties	February 2017
11. Plan Development: Improving the Alternatives and Draft Plan Stage (Discussion Document)	This document would explore the consequence of removing the Plan Alternatives and/or the draft plan stages from CLUPP.	March 2017