

## **Regional Land Use Planning in the Yukon; the Past and the Promise.**

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**Regional Land Use Planning was introduced to the Yukon more than twenty years ago, but to date only three plans have been completed, and of these only one has been implemented. In this paper the way in which regional land-use planning in the north evolved is examined and the record in the Yukon critically appraised. It is argued that despite the apparent failure of planning to realize its potential over the last two decades the necessity, and the ability, to plan at the regional scale is greater than ever.**

**Driven variously by the imperative of economic development, spatial rationalization, and political ideology large scale regional planning was very much a child of the twentieth century. It was manifest in initiatives as diverse as central planning in the Soviet arctic, the TVA in the USA, the plan for South East England, and in Canada in settlement rationalization in Newfoundland and regional devolution in Ontario. Large scale regional planning in northern Canada was a late-comer to the scene. In the late 1970's Tom Berger's report on the proposed Mackenzie Valley Pipeline highlighted the conflict between non-renewable resource development introduced from outside the north and the interests of Indigenous populations, to who the north was home. Debate over the pipeline had been fractious and the Federal Government sought a less confrontational approach to northern development, especially as mega-project proposals including oil and natural gas development in the Beaufort Sea, a proposal to build the Alaska Highway pipeline and a proposal to ship**

natural gas from Melville Island through Lancaster Sound were still on the table. The Federal Government introduced a Green Paper outlining the potential role of regional planning as a pro-active approach to anticipate industrial development and address conflicts between Traditional and “industrial” land-use in the north. It was a far-sighted and enlightened initiative, advocating that planning should be at the large scale, have maintenance of biosphere quality as a central goal, and accommodate local interests through a strong participatory role in plan development. Philosophically it was also significant because its tone and emphasis on planning in the broad context of the biosphere was almost contemporaneous with the Brundtland Report (c1986) that popularized the notion of “sustainable development”.

Subsequently regional planning, Northern Land Use Planning, was introduced across northern Canada, often in association with land-claim agreements. Entrenchment of regional land use planning in agreements reflected acceptance that historically extraction of resources by outside interests had taken place in a fairly unrestricted regime, often where non-renewable resource extraction was given priority over long-standing Traditional land-use. Boom-bust cycles and highly transient populations, had been detrimental to First Nations interests. Additionally, given that the land-claim process resulted in First Nations surrendering claims to ownership to most of the lands they traditionally occupied, a public regional planning process in which they had a guaranteed voice would give them a role in land-use decisions throughout their traditional territories

Initially planning initiatives were under Federal jurisdiction and three plans were produced, all were for regions in which mega-projects had been proposed,-- Lancaster Sound (transport of LNG from Melville Island), Mackenzie Beaufort (oil and natural gas development), and Kluane (proposed Alaska Highway pipeline). With the exception of the Kluane Region Land Use Plan, produced in the early 1990’s the completed plans were somewhat cursory. Kluane had been selected as a planning region because it was a proposed pipeline corridor, contained a multiplicity of land-use interests,---dominantly traditional use by the Champagne

Aishihik and Kluane First Nations, mining, agriculture and tourism. It was also believed that a successful plan could be produced,--almost a show-case for what regional planning in the north could accomplish. A sophisticated multi-volume plan was produced but the plan was not implemented,--partly because of resistance from within the Yukon Government, and partly because the Champagne Aishihik saw the introduction of land-use classification as detrimental to ongoing land-claim negotiations. To some extent the Kluane experience was the shape of things to come.

Pursuant to the Yukon Umbrella Final Agreement in 1993 Northern Land Use Planning mutated into Yukon Regional Land Use Planning. Principles incorporated into the land-use planning agreement reflected those of the Green Paper. These were that planning be locally based in regions; that the values and aspirations of regional populations become a central component of the processes; that development not detract from the qualities of the natural environment, and, that planning be integrated with other land and resource regulatory regimes, and that there should be a formal coherent path for walking a plan through from inception to implementation. The notion of integrative environmentally sensitive planning was reflected in the principle that planning should 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*” (Chapter 11 Yukon UFA). Of course the devil is in the details, we still ponder how the principles underlying “sustainable development” translate into practical action.

The agreement also called for the integration of Traditional Knowledge into plan development. The reasons behind this were highly practical, Although some may have, and may still view this as archaic First Nations knowledge of land and environment is living geography, providing detailed and current information on landscapes land-use, and landscape change capturing information at spatial and temporal scales that may not be captured by other means.

YLUP was seen as ensuring that proposals for development were transparent and were compatible with maintenance of environmental quality. The process was

designed to bring satisfaction to both broad parties to the agreement. To local populations it provided assurance that land use activity will be compatible with their general interests. To land users, potential land users, and governments, a land-use plan would provide a high degree of certainty about the regulation of land and resources and about where different types of land-use might be located, and at the wider scale it would be compatible with broad territorial interests. Perhaps a difficult circle to square.

It was envisaged that that planning would take place within the region, rather than in Whitehorse, and that locally based, and broadly representative planning commissions would oversee and give direction to plan development and oversee implementation. A central planning office would provide technical support and direction for plan development. In execution a completed land use plan could be viewed as a “blue-print” to be consulted when new land-use initiatives are proposed to ensure compatibility with the constraints, goals and strategic direction contained in the plan.

The world in which NLUP and then YLUP evolved was considerably different than today. Twenty years ago it was expected that the physical environmental context in which planning was taking place, if not immutable, was predictable, Tundra and Boreal Forests were seen as known quantities with predictable behavior and it was expected future would be very much like the past. Consequently planning was involved in looking at emerging land-use issues and conflicts within broadly stable environments. Twenty five years ago geo-technology,--GIS and remote sensing---although increasingly employed, were still in their infancy and their potential to be a powerful tool in depicting land-use interests, evaluating potential environmental stresses and for scenario building had not yet been realized. In other words we were largely unaware of climate change as we understand it today, and the technology with the ability to assist in complex planning necessitated by the size and complexity of planning regions barely did.

It is telling that of five regional land-use planning initiatives introduced in the Yukon over the past eighteen years, only one has come to fruition. The Kluane

Plan (c 1993) was completed but never implemented; the Teslin Plan (c 2006) was never completed, the Northern Yukon Plan (c 2009) was completed, but here the implementation process differed significantly than that envisaged when regional planning was introduced. The Peel Plan (2010) was completed but rejected by the Yukon Government, and the Trondeck Plan is still being prepared.

The North Yukon Plan, is an outstanding piece of work and the technical approach taken could serve a model for regional plan development anywhere in the circumpolar north. The planning region contains varied and sensitive landscapes that have been integral to Vuntut Gwitchin sustenance, culture and well-being for thousands of years, as well as containing oil and natural gas potential. In developing the plan geo-technology was employed for Cumulative Impacts modeling, identifying landscape sensitivities, critical stress threshold levels, and as a basis for making recommendations regarding the tolerance of landscapes to stress generated by intrusive activities. This then led to landscape classification,---and a plan. Technically the plan was excellent, as was the Peel Plan. But in the event, the implementation process was much less rigorous than that which was envisaged when Chapter 11 of the UFA was negotiated.

Despite the energetic and dedicated work of the Yukon Land Use Planning Council the track record for plan production is not good. The failure of Yukon land Use Planning to attain its full potential can be attributed to a number of factors.

1) Failure in execution attributable to dislocation between planning seen as the comprehensive process that walks a plan through from inception to implementation, and the technical process nested within it which employs a range of techniques and technologies to build scenarios, depict options and produce a tactile plan. Ideally at the broader level the planning process operates in a transparent manner to set “the rules of the game” for the plan preparation, give it direction, ascertains that critical milestones are reached, and ensures implementation. The technical process brings a wide range of geographical tools, expert input, and the considered perspectives of the region’s population to produce a document that describes the desirable future and constraints and options for future land-use.

Both completed plans,--North Yukon and Peel, are technically highly competent, and in many respects are show-cases for good technical planning, However its an understatement to say that implementation met expectations. After the North Yukon plan was completed the planning commission was dissolved and essentially the process removed to Whitehorse, arguably weakening the implementation mechanism and potentially giving Government considerable freedom in translating the plan,. The Peel Plan generated considerable debate and acrimony and was rejected by the Government of Yukon.

2) Introduction of large-scale regional planning in the Yukon where no such activity existed before and where historically land and resources were viewed as easily accessible to outside interests, was bound to meet with resistance, viewed variously as unduly bureaucratic, or at worst smelling of socialism.

3) The necessity to plan has been viewed as an obligation arising from the Yukon UFA rather than from any broader imperative related to environmental quality or questions of regional equity, thus a tendency by YG to conform to the letter rather than the spirit of the planning chapter of the UFA.

4)A tendency to characterise plan outcomes very simplistically. For example the controversial over the Peel land-use plan has been represented as allocating eighty percent as land for conservation, and the balance potentially for non-renewable resource development. Such a simplistic perspective is the antitheses of what a good land–use plan should be. A good plan should be organic, flexible, capable of responding to conditions as they change, and never moreso than now when climate change means that landscape are increasingly dynamic and the old assumptions that for context conditions the future will be very much like the past are no longer valid.

5)Planning Commissions have not fulfilled their intended role. The success of a plan lies in its implementation which involves monitoring and making modifications as conditions change, or assumptions made as the plan was being produced are not realized. When the UFA was negotiated there was a strong

**expectation that Regional Planning Commissions would play a multiplicity of roles. They would serve as essentially neutral bodies that, once planning was introduced, would oversee the process. They would assure that planning would be a transparent and local process and, most importantly, remain in place once a plan was accepted to monitor compliance with the plan, to adjust the plan where appropriate.**

**6)Lack of precision in Chapter 11 of the Yukon Umbrella Final Agreement. Especially egregious is the failure to speak to timeliness in submissions of information or concerns by the parties to the agreement as a plan is being prepared or to incorporate a dispute resolution mechanism into the agreement.**