

AGREEMENT

ON

LAND USE PLANNING IN YUKON

BETWEEN

THE GOVERNMENT OF CANADA

AND

THE GOVERNMENT OF YUKON

OCTOBER 22, 1987

**AGREEMENT ON
LAND USE PLANNING IN THE YUKON**

1. GOAL AND OBJECTIVES

- 1.1 The goal of Land Use Planning in the Yukon is to assist the Federal and Yukon Governments and the Council for Yukon Indians in applying social, cultural, economic and environmental policies to the management of renewable and non-renewable resources, thereby achieving their respective goals and objectives.

The objectives to achieve this goal are:

- 1.2 To assist in the coordination of renewable and non-renewable resource activities or processes.
- 1.3 To assist in the identification and resolution of renewable and non-renewable resource use issues, and related social, cultural and environmental matters.
- 1.4 To ensure an open public participation process in the development of Land Use Plans.

2. DEFINITIONS

2.1 Yukon Land Use Planning is a systematic process for decision-making, relating to the conservation, development, management, and use of land, water, renewable and non-renewable resources, to achieve the goal and objectives set forth in Section 1.

2.2 A Land Use Plan will be in the form of maps or written statements or a combination of both, and makes recommendations for the use of land and renewable and non-renewable resources, in a planning region.

3. PRINCIPLES

The following principles shall guide the Land Use Planning process:

- 3.1 As an instrument for the application of social and economic, cultural and environmental policy to land, water and resources, the Yukon Land Use Planning process will establish a framework of objectives and guidelines relating to land use, land disposition and resource management and will serve as a frame of reference for decisions and activities affecting resource use.
- 3.2 In establishing a framework of objectives and guidelines, the Yukon Land Use Planning process will assist the integration of all land, water and renewable and non-renewable resources management regimes. For this reason all agencies having land and related renewable and non-renewable resource management responsibilities, as well as government agencies managing social, economic, and environmental programs should participate actively in the development and implementation of land use plans. These agencies should also have due regard for Yukon Land Use Planning and policy recommendations in exercising their mandates.
- 3.3 Yukon Land Use Planning will take into consideration the policies and plans of municipalities and Bands when making recommendations on land use for areas adjacent to communities.
- 3.4 People are an integral part of the environment in which they live, and therefore social, cultural and economic aspects will be central to the Land Use Planning process.
- 3.5 The planning program will be based in the Yukon. The resulting Land Use Plans will reflect the priorities, values and aspirations of Yukoners, in relation to regional, national and international interests, and will take into consideration traditional Indian Territories, patterns of land use, and existing ecosystems.
- 3.6 Land Use Planning will not prejudice ongoing land claims negotiations, or subsequent Lands Claims Agreements.

- 3.7 The establishment of Land Use Planning structures, processes and functions will be without prejudice to discussions on similar items within the Land Claims negotiation process, including the composition of management boards, and be without prejudice to aboriginal self government jurisdictions.
- 3.8 Plans should include recommendations for the implementation of principles and policy.
- 3.9 Implementation, monitoring and auditing mechanisms will be established to determine compliance with approved Land Use Plans and to permit assessment of the need for any revisions.
- 3.10 Where any of the parties fails to nominate a sufficient number of persons within a reasonable time, the Policy Advisory Committee and/or Regional Planning Commission(s) may discharge their responsibilities with such members as have been appointed.
- 3.11 In keeping with the Land Use Planning principles, every effort will be made to reach decisions by consensus among the members of the respective planning bodies.
- 3.12 Where Land Use Planning activities involving band participation are already in place in the Yukon, these activities shall continue in their present form if all parties involved agree.
- 3.13 Where land claims agreements have been reached with bands on rural land selections and site specific land selections, those bands shall determine when their lands are to be included in the planning process conducted by the Regional Planning Commission.

4.0 STRUCTURE

4.1 There will be three major levels of responsibility in the Yukon Land Use Planning process:

- a) Subject to the terms of this Agreement, the Minister of DIAND and the Minister of the Government of Yukon's Department of Renewable Resources are responsible for the planning program, including approving Land Use Plans and giving direction to the Regional Planning Commission(s).
- b) The Policy Advisory Committee advises the Ministers with respect to the matters referred to in Clause 4.3.2. as required.
- c) The Regional Planning Commission(s) give direction to the Planning Office for preparation of Land Use Plans, and provide such plans to the Ministers for their review and approval.

In addition, the structure includes:

- d) The Land Use Planning Office which prepares the Land Use Plans as directed by the Regional Planning Commission(s).

4.2 FEDERAL AND TERRITORIAL MINISTERS

- 4.2.1 The Federal Minister of Indian Affairs and Northern Development and the Yukon Minister of Renewable Resources shall provide Regional Planning Commission(s) with their terms of reference as outlined in 4.3.2.
- 4.2.2 The Ministers within their respective jurisdictions, are responsible for reviewing, accepting, and modifying or rejecting the Land Use Plans developed by the Regional Planning Commission(s).
- 4.2.3 When the Ministers exercise their responsibilities with respect to 4.2.1 and 4.2.2 they shall involve fully the Council for Yukon Indians, represented by the Chairman or his designate.
- 4.2.4 The affected Regional Planning Commission(s), affected municipalities and Bands shall be consulted before the Ministers exercise their authority to approve, or seek modifications to Land Use Plans.
- 4.2.5 In modifying or rejecting Land Use Plans and associated recommendations, the Ministers shall issue the reasons in writing to the Regional Planning Commission(s), thereby, enabling the Regional Planning Commission(s) an opportunity to resubmit a Land Use Plan for the Ministers' approval.
- 4.2.6 Upon accepting a plan the Ministers will seek their respective Cabinet approvals.
- 4.2.7 Once approved, Land Use Plans will be implemented on the basis of Band, Municipal and existing Government jurisdictional responsibilities, and upon the basis of jurisdictional responsibilities established by Land Claims or other Agreements, which may be concluded between the Government of Canada, the Government of Yukon and the Council for Yukon Indians.
- 4.2.8 In order to ensure the smooth and efficient implementation of the land use planning process, the Ministers shall ensure that plans are reviewed and responded to in a reasonable period of time.

4.3 POLICY ADVISORY COMMITTEE

4.3.1 A joint, federal-territorial and Council for Yukon Indians Policy Advisory Committee will advise the Ministers with respect to the broad direction of the planning process.

4.3.2 The Policy Advisory Committee will advise the Ministers with respect to:

- a) Identification and priority ranking of planning regions.
- b) Terms of reference for Regional Planning Commission(s).
- c) General terms of reference for preparation of Land Use Plans.
- d) Implementation of plans.
- e) Consistency of plans with prevailing policy.
- f) Budgets for Land Use Planning.

4.3.3 The Policy Advisory Committee shall consist of:

One senior Federal Government Representative
One senior Government of Yukon Representative
One senior Council for Yukon Indians Representative.

4.3.4 The Committee shall establish its own operating procedures, including the appointment of a Chair. The procedures will be designed to ensure ongoing liaison with the Chairperson(s) of the Regional Planning Commission(s).

4.4 REGIONAL PLANNING COMMISSION(S)

4.4.1 Regional Planning Commission(s) are responsible for:

- a) Preparation of specific Terms of Reference for Land Use Plans.
- b) Directing the Land Use Planning Office with respect to preparation of Land Use Plans.
- c) Ensuring adequate opportunity for public participation.
- d) Assessing and ensuring the proper functioning of the planning process.
- e) Recommending draft regional land use plans to the Ministers.
- f) Monitoring implementation of approved Land Use Plans to determine compliance with the Plan and to assess the need for amendment.
- g) Preparing and recommending necessary amendments.
- h) Preparing and recommending budgets for the conduct of regional land use planning and directing the expenditure of approved budgets.

4.4.2 Each Regional Planning Commission shall be appointed by both Ministers with the full involvement of the Council for Yukon Indians.

1 person shall be nominated by the Government of Canada

1 person shall be nominated by the Government of Yukon

1 person shall be nominated by the Council for Yukon Indians.

- 4.4.3 In addition, three additional representatives will be nominated to include native and non-native representatives on the regional planning commission in accordance with their demographic ratio within the planning region; however, in no instance will the representation of the Indians and non-Indians on a Regional Planning Commission be less than one third of the total membership of the Commission unless the Ministers and the Council for Yukon Indians agree.
- 4.4.4 The nomination of the representatives for the Indian people will be made by the Council for Yukon Indians.
- 4.4.5 Each Regional Planning Commission shall select a Chairperson.
- 4.4.6 Once a land use plan for a region is accepted, the Regional Planning Commission will be reduced to three people who monitor and advise on implementation and compliance.
- 4.4.7 Six person Commissions may be reconstituted as necessary to redraft or revise plans.
- 4.4.8 When two or more Commissions are operating at any given time, the Chairpersons of those Commissions shall form an Executive to direct the work of the Land Use Planning Office and to address issues of mutual concern.

4.5 DIRECTOR OF PLANNING AND LAND USE PLANNING OFFICE

4.5.1 A Director of Planning will be appointed by the Department of Indian Affairs and Northern Development, in consultation with the Government of Yukon and the Council for Yukon Indians.

4.5.2 The Director will:

a) Prepare Land Use Plans as directed by the Regional Planning Commission(s).

b) Act as a planning advisor to the Commission(s).

c) Act as a focal point, providing linkage between the Commission(s) and the Planning Office.

4.5.3 The Director will be in charge of a Planning Office established in Whitehorse by the Department of Indian Affairs and Northern Development and the Government of Yukon. It will be comprised of a staff of planners, other specialists, and technical and administrative support services. Federal and Territorial Departments and the Council for Yukon Indians will contribute to the planning process additional staff resources and other support.

4.6

HUMAN AND FINANCIAL RESOURCES

- a) The Policy Advisory Committee, in consultation with established Regional Planning Commission(s), will recommend a budget(s) for Regional land use planning in the Yukon. Specific budget allocations shall be granted to the Land Use Planning Office, in accordance with established government authorities.

The two Ministers will review the budgets and funding will be allocated according to established government authorities. The Director of Planning shall be responsible for the operational allocation of resources.

- b) The Federal Government will make funds available to the Government of Yukon and the Council for Yukon Indians and to the Regional Planning Commission(s) to participate effectively in the land use planning process as outlined in this Agreement.
- c) In order for Yukon Indian people to participate in the planning process in an informed, responsible, and meaningful manner, adequate funding for on-the-job training and orientation at the community level will be provided through the Regional Planning Commission(s).

4.7 PUBLIC PARTICIPATION

4.7.1 Land use planning is a cooperative process, involving the Governments of Canada and the Yukon, the Council for Yukon Indians, industry, communities, public interest groups and individuals. Consequently, there will be a full opportunity for the active and informed participation of all parties and individuals at all stages of the plan preparation.

4.7.2 Public participation will be promoted in various ways, including the provision of easy access to information; wide distribution of materials; public meetings; and realistic time schedules.

4.8 RELATIONSHIP OF YUKON LAND USE PLANNING TO
SUB REGIONAL AND OTHER LAND USE PLANS

4.8.1 This agreement sets out a comprehensive overall planning process which will deal with land use on a broad scale. More detailed plans by Bands or Municipalities, or sectoral plans should proceed in accordance with the general spirit and intent of the broader Land Use Plan for the surrounding region.

4.9 PROGRAM REVIEW

- 4.9.1 Two years from the appointment of a Regional Commission, the Land Use Planning program will be evaluated as to structure, process, resourcing and effectiveness by Department of Indian Affairs and Northern Development, Government of Yukon and the Council for Yukon Indians. The evaluation will be repeated every two years, and amended as deemed necessary.

5.0 APPROPRIATION

Notwithstanding any other clause in this Agreement respecting the payment of any money by Canada, payment hereunder is subject to there being an appropriation for the fiscal year in which any commitments hereunder would come in the course of payment, as provided for in section 33 of the Financial Administration Act.

6.0 LEGISLATIVE JURISDICTION

Notwithstanding any other term or condition of this Agreement, it is in no way intended to replace, alter or limit in any manner whatsoever the respective legislative jurisdiction of the parties hereto.

7.0 NO BENEFITS

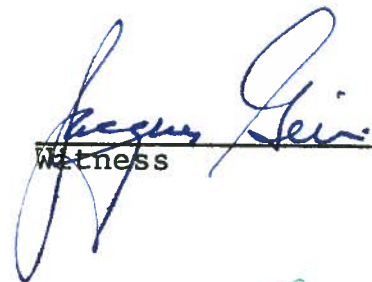
No member of the House of Commons shall be admitted to any share of this Agreement or to any benefits arising out of it.

The Government of Canada as represented by the Minister of Indian Affairs and Northern Development and the Government of the Yukon as represented by the Minister of Renewable Resources, with the participation of the Council for Yukon Indians have reached this Agreement which establishes a process for land use planning in the Yukon Territory.

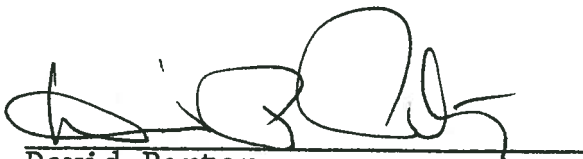
Dated at Whitehorse this day, the 22nd of October of 1987.



William McKnight
Minister of Indian Affairs and Northern Development



Witness



David Porter
Minister of Renewable Resources
Government of the Yukon Territory



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