

MEMORANDUM OF UNDERSTANDING
Respecting the development of a local area plan
for Alaska Highway West

BETWEEN:

Department of Energy, Mines and Resources, the Government of Yukon

AND:

Champagne and Aishihik First Nations

hereinafter referred to as "Parties"

WHEREAS, the Department of Energy, Mines and Resources is responsible for undertaking local area planning and zoning outside of incorporated communities;

AND WHEREAS, the Champagne and Aishihik First Nations are responsible for undertaking local area planning and zoning within their Settlement Lands;

AND WHEREAS, the Parties share an interest in developing a local area plan for the Alaska Highway corridor area between Ibex Valley and Haines Junction, excluding Mendenhall, in respect of provisions of the Champagne and Aishihik First Nations Final and Self-Governing Agreements to guide development in an orderly fashion, minimize land use conflicts, promote sustainable development and to provide the residents of the area with some certainty over how the land within the plan will be used in the future;

AND WHEREAS, the Parties recognize the benefits of entering into a cooperative local area planning process within the plan boundary for the purpose of minimizing actual or potential land use conflicts between Settlement and Non-Settlement Land;

AND WHEREAS, the Parties recognize the benefits of entering into an agreement to provide for cooperative planning and zoning as contemplated by the provisions of Section 26.1 of the Champagne and Aishihik First Nations Self-Government Agreement and, agree to apply the principles of the Local Area Land Use Planning provisions of Section 30 of the Kwanlin Dün First Nation Self-Government Agreement when developing the plan;

AND WHEREAS, the completion of a cooperative local area plan will provide opportunities for mutual land development projects on Settlement and Non-Settlement Land and promote acceptable forms of development along the highway corridor in a planned manner as an alternative to meeting the demand for land through individual land applications;

AND WHEREAS, an administrative reserve will be established in the Alaska Highway West planning area that identifies the types of land use applications which can be considered while the planning process is underway.

NOW THEREFORE the Parties agree as follows:

1. Boundary of the Planning Area

- 1.1 The boundaries of the planning area are as shown on the map which is attached to and forms part of this Memorandum of Understanding as Appendix A. The Parties may agree to modify these boundaries as a result of a public consultation process.
- 1.2 The planning process will apply to privately titled lands, public lands, and Champagne and Aishihik First Nations Settlement Land.
- 1.3 The planning area shall not include the Mendenhall Development Area, Kusuwa Park or Kwanlin Dün First Nation Settlement Lands.
- 1.4 The Parties may agree to enter into separate local area planning processes for Bear Creek and Haines Road south of Quill Creek to the British Columbia Border.

2. Steering Committee

- 2.1 A Steering Committee will be established to guide the planning process and assist Yukon government and Champagne and Aishihik First Nations in developing the draft local area plan. The Steering Committee shall have equal representation of Champagne and Aishihik First Nations and Government of Yukon appointees.
- 2.2 Prior to any appointments being made to the Steering Committee, the Minister of Energy, Mines and Resources and the Champagne and Aishihik First Nations Chief and Council shall make reasonable efforts to reach consensus as to the individuals which each nominates to the Steering Committee.
- 2.3 Planning staff from Government of Yukon and Champagne and Aishihik First Nations shall participate as ex-officio members of the Steering Committee in a technical support capacity.
- 2.4 Each of the Parties shall cover its own costs for staff participation on the Steering Committee.
- 2.5 The Steering Committee may review and comment on any applications for subdivision approval, land dispositions or leaseholds that may be proposed in the planning area on Settlement and non-Settlement Land, while the local area plan is being developed.

3. Public Participation and Consultation

3.1 Any additional consultation deemed necessary by Champagne and Aishihik First Nations for its own Citizens that is not reflected in the Request For Proposal for the local area planning process shall be paid for by Champagne and Aishihik First Nations.

3.2 Government of Yukon will be responsible for ensuring consultation requirements with other First Nations in relation to this planning process are being met.

4. Use of Traditional Knowledge

4.1 Any information obtained by Government of Yukon, the Steering Committee, or the consultants assisting with the development of the local area plan with respect to traditional knowledge shall be considered the exclusive property of Champagne and Aishihik First Nations and may only be incorporated into the plan or released to the public in a manner deemed appropriate by Champagne and Aishihik First Nations.

5. Planning Principles

5.1 The local area plan shall be consistent with other land and resource plans approved by Yukon Government and/or Champagne and Aishihik First Nations as they apply to non-Settlement Land and Settlement Land, respectively. The local area plan shall take into consideration information and draft policies from land and resource management plans in development, but not yet approved. These may include, but are not limited to:

- Final Report of the Kluane Land Use Working Group (2000);
- Champagne Community Land Use Plan (2004);
- Champagne and Aishihik Traditional Territory Strategic Forest Management Plan (2005);
- Integrated Landscape Plan For the Champagne and Aishihik Traditional Territory (2007);
- Regional Assessment of Wildlife in the Yukon Southern Lakes Region (2012);
- Dakwākāda Community Land Use Plan (draft);
- any timber harvest plans in the planning area; and
- any fish and wildlife management plans in the planning area.

6. Approval Process

6.1 The Steering Committee shall submit a recommended local area plan to the Minister of Energy, Mines and Resources and Champagne and Aishihik First Nations Chief and Council for review and approval.

6.2 The Parties shall approve, reject or modify the recommended local area plan as it applies to lands under their respective jurisdiction.

- 6.3 If one Party decides to reject or modify the recommended local area plan, it shall explain its decision in writing, with proposed modifications if any, to the other Party.
- 6.4 The Parties agree to endeavor to reach consensus on a joint plan for the entire area, although each government reserves the right to develop and approve a plan for its area of jurisdiction independent of the other Party to this Memorandum of Understanding.

7 Term, Termination and Amendment of the Memorandum of Understanding

- 7.1 The Parties will make the best effort to complete the local area plan within two (2) years of the effective date of the Memorandum of Understanding, or as otherwise agreed to by the Parties, subject to the availability of financial resources and personnel to prepare the local area plan.
- 7.2 Unless the Parties agree to terminate it, the Memorandum of Understanding shall remain in effect until the completion of the local area plan.
- 7.3 The Memorandum of Understanding may be amended by written agreement of the Parties.
- 7.4 Any Party may withdraw from the Memorandum of Understanding by providing the other Parties with thirty (30) days written notice of withdrawal.
- 7.5 Upon withdrawal of one of the Party, the Memorandum of Understanding shall be terminated.



Dän nātthe äda (Chief) Steve Smith
Champagne and Aishihik First Nations

Sept 28, 2020
DATE

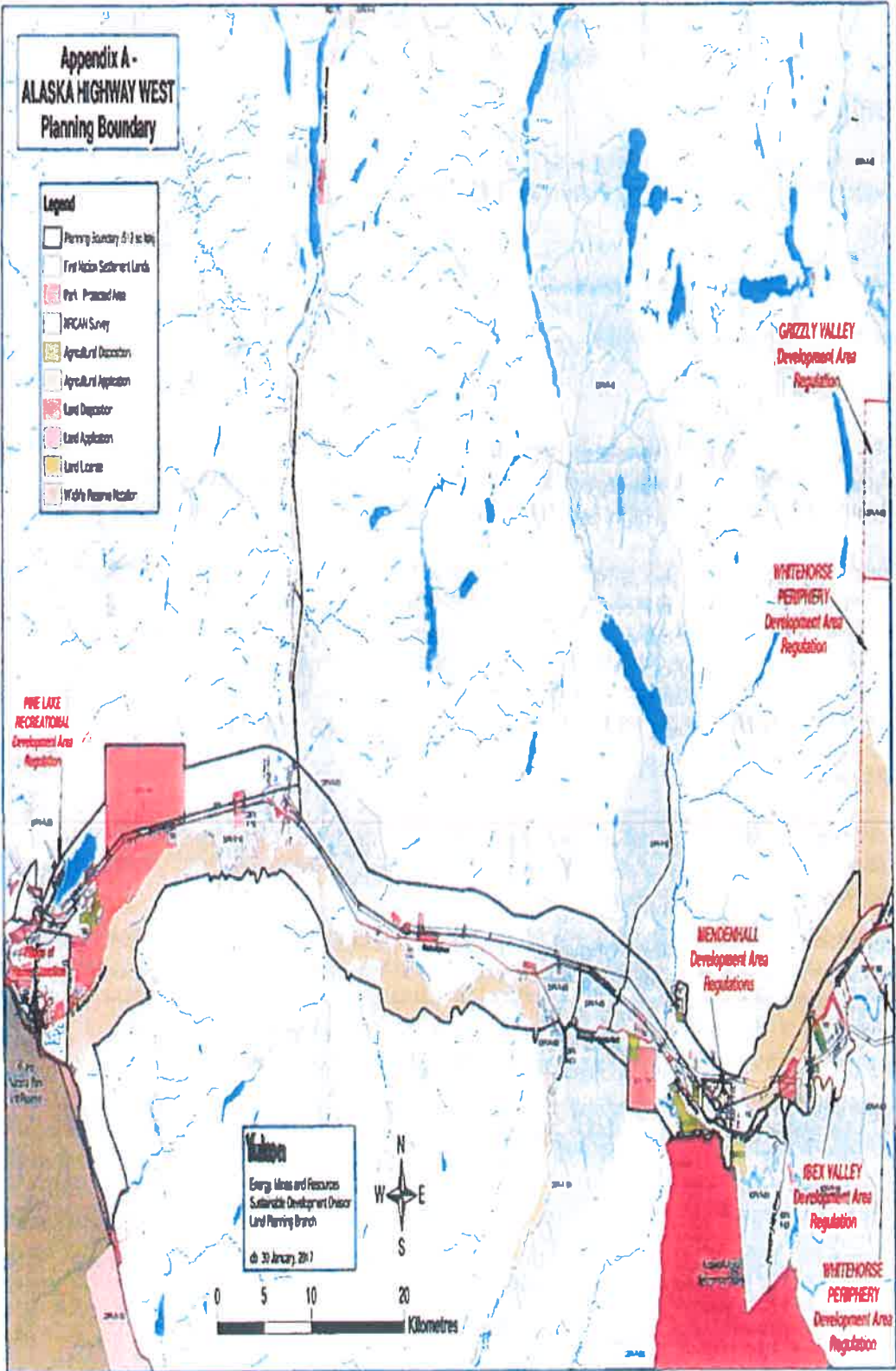


Minister Ranj Pillal
Department of Energy, Mines and Resources
Government of Yukon

Oct 15, 2020
DATE

**Appendix A -
ALASKA HIGHWAY WEST
Planning Boundary**

- Legend**
- Planning Boundary (1/2 scale)
 - First Nation Settlement Lands
 - Park Protected Area
 - NRCAN Survey
 - Agricultural Discretion
 - Agricultural Application
 - Land Disposition
 - Land Application
 - Land License
 - Wildlife Reserve/Resector



APPENDIX B:

**Administrative Reserve Agreement within the
Alaska Highway West Local Area Plan Boundary**

BETWEEN:

The Government of Yukon, Department of Energy, Mines and Resources, the Land Management Branch, the Land Planning Branch and the Agriculture Branch.

AND:

Champagne and Aishihik First Nations.

hereinafter referred to as "Parties"

2. PURPOSE

The purpose of this agreement is to provide further clarity on an administrative reserve to be established in the Alaska Highway West planning area by identifying the types of land applications and activities which can be considered while the planning process is underway.

Through this agreement, the parties made an attempt to balance the current land uses in the region with the interest in not disposing of lands that may impede the abilities of the planning committee to develop a local area plan. The parties agree that some applications could be considered that generally occupy areas of land that do not impede the development of the local area plan, support the emerging needs of current occupants of lands, permits and leases, and/or would cause undue challenges to wait for a conclusion of the planning process.

3. SCOPE

The administrative reserve will apply to all lands within the planning area, and while is established independently of the Memorandum of Understanding, is shown in Appendix A of the Memorandum of Understanding.

Notwithstanding the provisions of the MOU, the administrative reserve will remain in place for two years or until the completion of the planning process. If the planning process takes longer than two years, the Parties agree to review the terms of this agreement two years from the signing date of this agreement and then, if required, annually to identify any emerging needs or issues which may warrant a revision to the terms of the administrative reserves.

The administrative reserve does not apply to resource authorizations issued by Forest Resources Branch or Mineral Resources Branch.

Table 1. Status of authorizations or dispositions in the administrative reserve within the Alaska Highway West Local Area Plan boundary managed by Government of Yukon.

EMR Branch	Type of Authorization or Disposition	Applications Considered?	Additional Notes
Land Management	Individual land application (rural residential, commercial/Industrial, institutional)	No	
	Lot enlargement (rural residential, commercial/Industrial, institutional)	Case-by-case	Lot enlargements will be considered only if they support the needs of the occupants of principal residences and are intended to resolve existing or emerging critical health and safety concerns such as water or septic replacement, or to adapt to changing slope stability or erosion affecting the structural stability of a dwelling or infrastructure related to human health and safety.
	Lease (commercial/Industrial, outfitting concession, water lot)	No	
	Gravel reserves (administrative reserves for granular resources)	Case-by-case	Development within existing gravel reserves will be allowed. New gravel reserves will be considered on a case-by-case basis.
	Quarry lease and permit	Case-by-case	Existing leases will be considered for renewal or re-issue. Development of new quarry areas, for lease or permit, would be considered on a case-by-case basis.
	License of occupation	Case-by-case	Any licenses issued except for permanent infrastructure, including powerlines or septic systems during development of the Alaska Highway West LAP will be reviewed following plan approval to ensure compliance with the plan.
	Planned lot development	No	


EMR Branch	Type of Authorization or Disposition	Applications Considered?	Additional Notes
	Land use permit	Yes	
Land Planning	Private-land subdivision	Yes	
	Zoning amendments	Case-by-case	<p>Application driven rezoning applications for privately titled agricultural lands may be considered.</p> <p>Upon completion of a draft plan, or two years from the signing date of the Alaska Highway West Memorandum of Understanding (whichever occurs first), the Parties will revisit how rezoning applications will be evaluated for the remainder of the planning process.</p>
Agriculture	Individual land applications	No	
	Lot enlargement	Case by case	Applicants must demonstrate that agricultural land has been used to 100 percent capacity, why more land is required, and the rationale for lot enlargement.
	Grazing rights agreements (grazing agreements)	Case by case	Existing grazing rights agreements will be considered for reapplication and renewals. New grazing rights agreements would not be considered.
	Planned agricultural lot development	Marshall Creek	Development will continue in the Marshall Creek agricultural reserve.

Table 2. Administrative reserves within the Alaska Highway West Local Area Plan boundary managed by Champagne and Aishihik First Nations.


CAFN Department	Type of authorization or disposition	Applications considered?	Additional notes
Heritage, Lands and Resources	All land applications	Case-by-case basis	


 Tom Buzzell, Director
 Department of Heritage, Lands and Resources
 Champagne and Aishihik First Nations

Sept 28, 2020
 DATE


 Jerome McIntyre, Director
 Land Planning Branch, Department of Energy, Mines and Resources
 Government of Yukon

Sept 29, 2020
 DATE


 Gelin McDowell, Director
 Land Management Branch, Department of Energy, Mines and Resources
 Government of Yukon


 Susan Antpoehker, A/Director
 Land Management Branch, Department of Energy, Mines and Resources
 Government of Yukon

DATE


Matt Ball, Director
 Agriculture Branch, Department of Energy, Mines and Resources
 Government of Yukon

Sept 29/20
 DATE