



YUKON LAND USE PLANNING COUNCIL

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Final Agreement

Provisions

relevant to

Land Use Planning

Tr'ondëk Hwëch'in Final Agreement

Chapter 2

2.12.2 Boards

Tr'ondëk Hwëch'in Final Agreement

Chapter 10

10.6.1 Special Management Areas

2.11.7.3 Government shall not be liable to Tr'ondëk Huch'in for any damage or loss suffered by Tr'ondëk Huch'in as a result of any failure of the Tr'ondëk Hwëch'in or any entity referred to in 2.11.7.1 to comply with an obligation under this Agreement.

- 2.11.8 Government may determine, from time to time, how and by whom any power or authority of Government or a Minister set out in a Settlement Agreement, other than the power to consent to an amendment pursuant to 2.3.0, shall be exercised.
- 2.11.9 The Supreme Court of the Yukon shall have jurisdiction in respect of any action or proceeding arising out of Settlement Legislation or a Settlement Agreement.
- 2.11.10 Nothing in a Settlement Agreement shall be construed to limit any jurisdiction the Federal Court of Canada may have from time to time.

2.12.0 Boards

- 2.12.1 The provisions of 2.12.2 apply to the:
- Enrollment Commission;
 - Yukon Land Use Planning Council;
 - Regional Land Use Planning Commissions;
 - Yukon Development Assessment Board;
 - Yukon Heritage Resources Board;
 - Yukon Geographical Place Names Board;
 - Yukon Water Board;
 - Fish and Wildlife Management Board, including the Salmon Sub-Committee;
 - Renewable Resources Councils;
 - Dispute Resolution Board;

Surface Rights Board;

Kluane National Park Management Board; and

any other entity agreed to in a Yukon First Nation Final Agreement.

2.12.2 Unless otherwise provided in a Settlement Agreement, the following provisions shall apply to a Board:

- 2.12.2.1 a majority of the members nominated by Yukon First Nations or the Council for Yukon Indians, as the case may be, and a majority of the members nominated by Government shall be residents of the Yukon;
- 2.12.2.2 the Council for Yukon Indians or Yukon First Nations, as the case may be, and Government, shall put forward their nominees within 60 days of a request by the Minister;
- 2.12.2.3 appointments of Government nominees shall be made by the Minister as soon as practicable;
- 2.12.2.4 the Minister shall appoint as soon as practicable those persons nominated by Yukon First Nations or the Council for Yukon Indians, as the case may be;
- 2.12.2.5 in the event of a vacancy, the Board may discharge its duties with such members as have been nominated and appointed;
- 2.12.2.6 a member shall not be deemed to be in a position of conflict of interest solely by virtue of being a Yukon Indian Person;
- 2.12.2.7 members may only be removed for cause, provided however that, in addition to the grounds for removal for cause recognized generally in Law, a Board, may specify additional grounds in its procedures;
- 2.12.2.8 each Board shall prepare an annual budget for review and approval by Government and the approved expenses of the Board shall be a charge on Government;

- 2.12.2.9 each Board shall consider including in its annual budget funding to allow the Board to provide its members with cross cultural orientation and education, and other training directed to improving its members' ability to carry out their responsibilities, as well as funding for facilities to allow board members to carry out their responsibilities in their traditional languages;
- 2.12.2.10 each Board may adopt bylaws for its internal management and may make rules governing its procedures consistent with the Umbrella Final Agreement and with any Legislation establishing the Board;
- 2.12.2.11 appointments to a Board shall be for a three year term except that the term of initial appointments to a Board may, in the discretion of the nominating party, be less than but not exceed three years and any appointment replacing a member whose term has not expired shall only be for the unexpired portion of that term; and
- 2.12.2.12 members of Boards shall not be delegates of the parties who nominate or appoint them.

- 10.5.7 Should a management advisory body other than a body referred to in 10.5.5 be established by Government for the purpose of 10.3.3, 10.3.4 or 10.5.5, Yukon First Nation representation shall be 50 percent on any such body unless Government and the affected Yukon First Nation agree otherwise. Any such management advisory body shall have the responsibilities of a Renewable Resource Council or the Heritage Resources Board set out in this chapter.
- 10.5.8 Except as provided otherwise in this chapter, or in a Yukon First Nation Final Agreement, all National Parks and extensions, national park reserves and extensions and national historic parks and sites shall be planned, established and managed pursuant to the National Parks Act, R.S.C. 1985, c. N-14, other Legislation, the Canadian Parks Service policy and park management plans in effect from time to time.
- 10.5.9 Where a Special Management Area includes a National Park or its extension or national park reserve or its extension, exploration and development of non-renewable resources shall not be permitted, except in respect of the removal of sand, stone and gravel for construction purposes within the National Park or national park reserve.
- 10.5.10 Where a Special Management Area includes Yukon First Nation Burial Sites or places of religious and ceremonial significance to a Yukon First Nation, the management plan shall be consistent with the provisions of Chapter 13 - Heritage and shall provide for the protection and preservation of the sites or places.
- 10.6.0 Relationship to the Land Use Planning and Development Assessment Processes**
- 10.6.1 Special Management Areas established after the effective date of Settlement Legislation shall be:
- 10.6.1.1 consistent with land use plans approved in accordance with Chapter 11 - Land Use Planning; and
 - 10.6.1.2 subject to the provisions of Chapter 12 - Development Assessment.

- 12.3 The Management Plan shall be jointly reviewed by Government and the Tr'ondëk Hwëch'in no later than 10 years after its initial approval and at least every 10 years thereafter.
- 12.4 Review of the Management Plan under 12.3 shall include a process for public consultation.
- 12.5 Government and the Tr'ondëk Hwëch'in shall make reasonable efforts to reach consensus as to any action to be taken as a result of the review of the Management Plan.
- 12.6 If Government and the Tr'ondëk Hwëch'in are unable to reach consensus pursuant to 12.5, Government shall determine what action, if any, shall result from the review of the Management Plan and shall advise the Tr'ondëk Hwëch'in of its decision.
- 12.7 Government and the Tr'ondëk Hwëch'in shall consider and may develop mechanisms or enter into agreements to facilitate co-operative implementation and monitoring of the Management Plan.

13.0 Development Assessment and Land Use Planning

- 13.1 In carrying out their functions under Chapter 12 - Development Assessment, the Yukon Development Assessment Board and a Designated Office shall consider the Management Plan.
- Tombstone → 13.2 In developing a land use plan which includes all or part of the Park, a Regional Land Use Planning Commission shall consider the Management Plan.

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Chapter 11

Land Use Planning

CHAPTER 11 - LAND USE PLANNING

11.1.0 Objectives

11.1.1 The objectives of this chapter are as follows:

- 11.1.1.1 to encourage the development of a common Yukon land use planning process outside community boundaries;
- 11.1.1.2 to minimize actual or potential land use conflicts both within Settlement Land and Non-Settlement Land and between Settlement Land and Non-Settlement Land;
- 11.1.1.3 to recognize and promote the cultural values of Yukon Indian People;
- 11.1.1.4 to utilize the knowledge and experience of Yukon Indian People in order to achieve effective land use planning;
- 11.1.1.5 to recognize Yukon First Nations' responsibilities pursuant to Settlement Agreements for the use and management of Settlement Land; and
- 11.1.1.6 to 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.

11.2.0 Land Use Planning Process

11.2.1 Any regional land use planning process in the Yukon shall:

- 11.2.1.1 subject to 11.2.2, apply to both Settlement and Non-Settlement Land throughout the Yukon;
- 11.2.1.2 be linked to all other land and water planning and management processes established by Government and Yukon First Nations minimizing where practicable any overlap or redundancy between the land use planning process and those other processes;

- 11.2.1.3 provide for monitoring of compliance with approved regional land use plans;
 - 11.2.1.4 provide for periodic review of regional land use plans;
 - 11.2.1.5 provide for procedures to amend regional land use plans;
 - 11.2.1.6 provide for non-conforming uses and variance from approved regional land use plans in accordance with 12.17.0;
 - 11.2.1.7 establish time limits for the carrying out of each stage of the process;
 - 11.2.1.8 provide for public participation in the development of land use plans;
 - 11.2.1.9 allow for the development of sub-regional and district land use plans;
 - 11.2.1.10 provide for planning regions which, to the extent practicable, shall conform to the boundaries of Traditional Territories;
 - 11.2.1.11 provide, to the extent practicable, for decisions of the Yukon Land Use Planning Council and the Regional Land Use Planning Commissions to be made by consensus; and
 - 11.2.1.12 apply to the process of establishing or extending National Parks and national historic parks and commemorating new national historic sites.
- 11.2.2 This chapter shall not apply to:
- 11.2.2.1 national park reserves established or national historic sites commemorated prior to Settlement Legislation, National Parks or national historic parks once established, or national historic sites once commemorated;
 - 11.2.2.2 subdivision planning or local area planning outside of a Community Boundary; or
 - 11.2.2.3 subject to 11.2.3, land within a Community Boundary.

11.2.3 In the event a Community Boundary is altered so as to include within a Community Boundary any land subject to an approved regional land use plan, the regional land use plan shall continue to apply to such land until such time as a community plan is approved for such land.

11.3.0 Yukon Land Use Planning Council

11.3.1 The Land Use Planning Policy Advisory Committee established by the "Agreement on Land Use Planning in Yukon", dated October 22, 1987, shall be terminated as of the effective date of Settlement Legislation and replaced by the Yukon Land Use Planning Council on the same date.

11.3.2 The Yukon Land Use Planning Council shall be made up of one nominee of the Council for Yukon Indians and two nominees of Government. The Minister shall appoint the nominees.

11.3.3 The Yukon Land Use Planning Council shall make recommendations to Government and each affected Yukon First Nation on the following:

11.3.3.1 land use planning, including policies, goals and priorities, in the Yukon;

11.3.3.2 the identification of planning regions and priorities for the preparation of regional land use plans;

11.3.3.3 the general terms of reference, including time frames, for each Regional Land Use Planning Commission;

11.3.3.4 the boundary of each planning region; and

11.3.3.5 such other matters as Government and each affected Yukon First Nation may agree.

11.3.4 The Yukon Land Use Planning Council may establish a secretariat to assist the Yukon Land Use Planning Council and Regional Land Use Planning Commissions in carrying out their functions under this chapter.

11.3.5 The Yukon Land Use Planning Council shall convene an annual meeting with the chairpersons of all Regional Land Use Planning Commissions to discuss land use planning in the Yukon.

11.4.0 Regional Land Use Planning Commissions

11.4.1 Government and any affected Yukon First Nation may agree to establish a Regional Land Use Planning Commission to develop a regional land use plan.

11.4.2 Settlement Agreements shall provide for regionally based Regional Land Use Planning Commissions with one third representation by nominees of Yukon First Nations, one third representation by nominees of Government, and one third representation based on the demographic ratio of Yukon Indian People to the total population in a planning region.

Specific Provision

11.4.2.1 Any Regional Land Use Planning Commission established for a planning region which includes any part of the Traditional Territory of the Tr'ondëk Hwëch'in shall be composed of one-third nominees of the Tr'ondëk Hwëch'in and the other Yukon First Nations whose Traditional Territories are included in the planning region, one-third nominees of Government, and one-third nominees appointed in accordance with 11.4.2.2.

11.4.2.2 Government, the Tr'ondëk Hwëch'in and the other Yukon First Nations whose Traditional Territories are included in the planning region shall agree on who may nominate each of the last one-third of the nominees to the Regional Land Use Planning Commission referred to in 11.4.2.1 based upon the demographic ratio of Yukon Indian People in the planning region to the total population in the planning region.

11.4.2.3 The Tr'ondëk Hwëch'in and the other Yukon First Nations whose Traditional Territories are included in the planning region shall determine the proposed Yukon First Nation nominees to the Regional Land Use Planning Commission, prior to entering the process in 11.4.2.5 and 11.4.2.6.

11.4.2.4 Failing agreement under 11.4.2.2 or determination under 11.4.2.3, Government, the Tr'ondëk Hwëch'in or any Yukon First Nation whose Traditional

Territory is included in the planning region may refer the matter to the dispute resolution process under 26.3.0.

- 11.4.2.5 Prior to any appointments being made to a Regional Land Use Planning Commission, Government, and the Tr'ondëk Hwëch'in and the other Yukon First Nations whose Traditional Territories are included in a planning region, shall make reasonable attempts to reach a consensus as to the individuals which each nominates to the Regional Land Use Planning Commission.
- 11.4.2.6 In attempting to reach consensus under 11.4.2.5, Government, and the Tr'ondëk Hwëch'in and the other Yukon First Nations whose Traditional Territories are included in a planning region, shall consider:
- (a) any prospective nominee's familiarity with and sensitivity to the culture and aspirations of the Tr'ondëk Hwëch'in and the other Yukon First Nations whose Traditional Territories are included in a planning region;
 - (b) any prospective nominee's familiarity with land use planning issues;
 - (c) the compatibility of proposed nominees; and
 - (d) any other matters to which Government, and the Tr'ondëk Hwëch'in and the other Yukon First Nations whose Traditional Territories are included in the planning region, agree.

11.4.2.7 If, after having made the reasonable attempts required by 11.4.2.5, Government, and the Tr'ondëk Hwëch'in and the other Yukon First Nations whose Traditional Territories are included in the planning region, are unable to reach a consensus, either may give written notice to the others setting out the names of the individuals which it intends to nominate to the Regional Land Use Planning Commission and 14 days thereafter may so nominate those individuals.

11.4.2.8 Any Regional Land Use Planning Commission established for a planning region which includes any part of the Primary Use Area shall include one nominee of the Tetlit Gwich'in in the place of one nominee of the Tr'ondëk Hwëch'in and the other Yukon First Nations whose Traditional Territories are included in the planning region.

11.4.3 The majority of nominees of Yukon First Nations and the majority of nominees of Government on a Regional Land Use Planning Commission shall be Yukon residents with a long term familiarity with the region or regions being planned.

11.4.4 Each Regional Land Use Planning Commission shall prepare and recommend to Government and the affected Yukon First Nation a regional land use plan within a timeframe established by Government and each affected Yukon First Nation.

11.4.5 In developing a regional land use plan, a Regional Land Use Planning Commission:

11.4.5.1 within its approved budget, may engage and contract technical or special experts for assistance and may establish a secretariat to assist it in carrying out its functions under this chapter;

11.4.5.2 may provide precise terms of reference and detailed instructions necessary for identifying regional land use planning issues, for conducting data collection, for performing analyses, for the production of maps and other materials, and for preparing the draft and final land use plan documents;

- 11.4.5.3 shall ensure adequate opportunity for public participation;
- 11.4.5.4 shall recommend measures to minimize actual and potential land use conflicts throughout the planning region;
- 11.4.5.5 shall use the knowledge and traditional experience of Yukon Indian People, and the knowledge and experience of other residents of the planning region;
- 11.4.5.6 shall take into account oral forms of communication and traditional land management practices of Yukon Indian People;
- 11.4.5.7 shall promote the well-being of Yukon Indian People, other residents of the planning region, the communities, and the Yukon as a whole, while having regard to the interests of other Canadians;
- 11.4.5.8 shall take into account that the management of land, water and resources, including Fish, Wildlife and their habitats, is to be integrated;
- 11.4.5.9 shall promote Sustainable Development; and
- 11.4.5.10 may monitor the implementation of the approved regional land use plan, in order to monitor compliance with the plan and to assess the need for amendment of the plan.

11.5.0 Regional Land Use Plans

- 11.5.1 Regional land use plans shall include recommendations for the use of land, water and other renewable and non-renewable resources in the planning region in a manner determined by the Regional Land Use Planning Commission.

11.6.0 Approval Process for Land Use Plans

- 11.6.1 A Regional Land Use Planning Commission shall forward its recommended regional land use plan to Government and each affected Yukon First Nation.

- 11.6.2 Government, after Consultation with any affected Yukon First Nation and any affected Yukon community, shall approve, reject or propose modifications to that part of the recommended regional land use plan applying on Non-Settlement Land.
- 11.6.3 If Government rejects or proposes modifications to the recommended plan, it shall forward either the proposed modifications with written reasons, or written reasons for rejecting the recommended plan to the Regional Land Use Planning Commission, and thereupon:
 - 11.6.3.1 the Regional Land Use Planning Commission shall reconsider the plan and make a final recommendation for a regional land use plan to Government, with written reasons; and
 - 11.6.3.2 Government shall then approve, reject or modify that part of the plan recommended under 11.6.3.1 applying on Non-Settlement Land, after Consultation with any affected Yukon First Nation and any affected Yukon community.
- 11.6.4 Each affected Yukon First Nation, after Consultation with Government, shall approve, reject or propose modifications to that part of the recommended regional land use plan applying to the Settlement Land of that Yukon First Nation.
- 11.6.5 If an affected Yukon First Nation rejects or proposes modifications to the recommended plan, it shall forward either the proposed modifications with written reasons or written reasons for rejecting the recommended plan to the Regional Land Use Planning Commission, and thereupon:
 - 11.6.5.1 the Regional Land Use Planning Commission shall reconsider the plan and make a final recommendation for a regional land use plan to that affected Yukon First Nation, with written reasons; and
 - 11.6.5.2 the affected Yukon First Nation shall then approve, reject or modify the plan recommended under 11.6.5.1, after Consultation with Government.

11.7.0 Implementation

- 11.7.1 Subject to 12.17.0, Government shall exercise any discretion it has in granting an interest in, or authorizing the use of, land, water or other resources in conformity with the part of a regional land use plan approved by Government under 11.6.2 or 11.6.3.
- 11.7.2 Subject to 12.17.0, a Yukon First Nation shall exercise any discretion it has in granting an interest in, or authorizing the use of, land, water or other resources in conformity with the part of a regional land use plan approved by that Yukon First Nation under 11.6.4 or 11.6.5.
- 11.7.3 Nothing in 11.7.1 shall be construed to require Government to enact or amend Legislation to implement a land use plan or to grant an interest in, or authorize the use of, land, water or other resources.
- 11.7.4 Nothing in 11.7.2 shall be construed to require a Yukon First Nation to enact or amend laws passed pursuant to self-government Legislation to implement a land use plan or to grant an interest in, or authorize the use of, land, water or other resources.

11.8.0 Sub-Regional and District Land Use Plans

- 11.8.1 Sub-regional and district land use plans developed in a region which has an approved regional land use plan shall conform to the approved regional land use plan.
- 11.8.2 The provisions of an approved regional land use plan shall prevail over any existing sub-regional or district land use plan to the extent of any inconsistency.
- 11.8.3 Subject to 11.8.4 and 11.8.5, a Yukon First Nation may develop a sub-regional or district land use plan for Settlement Land and Government may develop a sub-regional or district land use plan for Non-Settlement Land.
- 11.8.4 If Government and a Yukon First Nation agree to develop a sub-regional or district land use plan jointly, the plan shall be developed in accordance with the provisions of this chapter.

11.8.5 If Government and a Yukon First Nation do not agree to develop a sub-regional or district land use plan jointly, only 11.8.1 and 11.8.2 of this chapter shall apply to the development of the plan.

11.9.0 Funding

11.9.1 Each Regional Land Use Planning Commission, after Consultation with each affected Yukon First Nation, shall prepare a budget for the preparation of the regional land use plan and for carrying out its functions under this chapter and shall submit that budget to the Yukon Land Use Planning Council.

11.9.2 The Yukon Land Use Planning Council shall, on an annual basis, review all budgets submitted under 11.9.1 and, after Consultation with each affected Regional Land Use Planning Commission, propose a budget to Government for the development of regional land use plans in the Yukon and for its own administrative expenses.

11.9.3 Government shall review the budget submitted under 11.9.2 and shall pay those expenses which it approves.

11.9.4 If Government initiates the development of a sub-regional or district land use plan by a planning body, the planning body established to prepare that plan shall prepare a budget for the preparation of the plan which shall be subject to review by Government, and Government shall pay those expenses which it approves.

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Chapter 12

Development Assessment

12.15.8 After a body holds a public hearing under 12.15.7, the body may make recommendations to the Decision Body in respect of the disposition of the matter.

12.16.0 Transboundary Impacts

12.16.1 Government shall make best efforts to negotiate with other relevant jurisdictions, in Consultation with affected Yukon First Nations, agreements or cooperative arrangements that provide for development assessments equivalent to the screening and review requirements in the Yukon for enterprises or activities located outside the Yukon that may have significant adverse environmental or socio-economic effects on the Yukon.

12.16.2 The representation of transboundary claimant groups on the YDAB shall be as established in Transboundary Agreements and, in any case, the proportion of Government nominees on a panel shall be as provided in this chapter.

12.16.3 Prior to the enactment of Settlement Legislation, the parties to the Umbrella Final Agreement shall make best efforts to resolve any conflict and avoid any duplication in North Yukon between the development assessment process provided pursuant to this chapter and the environmental impact screening and review process provided pursuant to the Inuvialuit Final Agreement.

12.17.0 Relationship to Land Use Planning

12.17.1 Where YDAB or a Designated Office receives a Project application in a region where a regional land use plan is in effect, YDAB or the Designated Office, as the case may be, shall request that the Regional Land Use Planning Commission for the planning region determine whether or not the Project is in conformity with the approved regional land use plan.

12.17.2 Where a Regional Land Use Planning Commission is preparing a regional land use plan, YDAB or a Designated Office, as the case may be, shall provide the Regional Land Use Planning Commission with the information it has on any Project in the planning region for which a review is pending and shall invite the Regional Land Use Planning Commission to make representations to the panel or the Designated Office.

- 12.17.3 Where a panel is reviewing a Project and a Regional Land Use Planning Commission has determined pursuant to 12.17.1 that the Project does not conform with an approved regional land use plan, the panel shall consider the regional land use plan in its review, invite the relevant Regional Land Use Planning Commission to make representations to the panel and make recommendations to the Decision Body that conform so far as possible to the approved regional plan.
- 12.17.4 Where a Decision Document states that a non-conforming Project may proceed, the Project proponent may proceed with the Project if permitted by and in accordance with Law.
- 12.17.5 The Development Assessment Legislation shall set out the relationship between the issuance of a Decision Document for a Project that has not been assessed by YDAB and the grant of a variance from a regional land use plan or the amendment of the land use plan.

12.18.0 Funding

- 12.18.1 Each Designated Office, after Consultation with the affected Yukon First Nation, shall prepare a budget respecting its responsibilities under the Development Assessment Legislation and this chapter and shall submit that budget to YDAB or to Government, whichever is designated by Government from time to time.
- 12.18.2 YDAB shall, on an annual basis, review all budgets submitted to it under 12.18.1 and shall prepare an annual budget for its responsibilities and for those of each Designated Office under the Development Assessment Legislation and this chapter for review and approval by Government. The approved expenses of YDAB and the Designated Offices shall be a charge on Government.

12.19.0 Implementation

- 12.19.1 Government, in Consultation with the Yukon First Nations, shall prepare a detailed plan:
- 12.19.1.1 providing for the planning and implementation of the Development Assessment Legislation which addresses the involvement of Yukon First Nations; and

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Chapter 13

Heritage

CHAPTER 13 - HERITAGE

13.1.0 Objectives

13.1.1 The objectives of this chapter are as follows:

- 13.1.1.1 to promote public awareness, appreciation and understanding of all aspects of culture and heritage in the Yukon and, in particular, to respect and foster the culture and heritage of Yukon Indian People;
- 13.1.1.2 to promote the recording and preservation of traditional languages, beliefs, oral histories including legends, and cultural knowledge of Yukon Indian People for the benefit of future generations;
- 13.1.1.3 to involve equitably Yukon First Nations and Government, in the manner set out in this chapter, in the management of the Heritage Resources of the Yukon, consistent with a respect for Yukon Indian values and culture;
- 13.1.1.4 to promote the use of generally accepted standards of Heritage Resources management, in order to ensure the protection and conservation of Heritage Resources;
- 13.1.1.5 to manage Heritage Resources owned by, or in the custody of, Yukon First Nations and related to the culture and history of Yukon Indian People in a manner consistent with the values of Yukon Indian People, and, where appropriate, to adopt the standards of international, national and territorial Heritage Resources collections and programs;
- 13.1.1.6 to manage Heritage Resources owned by, or in the custody of, Government and related to the culture and history of Yukon Indian People, with respect for Yukon Indian values and culture and the maintenance of the integrity of national and territorial Heritage Resources collections and programs;

- 13.1.1.7 to facilitate reasonable public access, except where the nature of the Heritage Resource or other special circumstances warrant otherwise;
- 13.1.1.8 to identify and mitigate the impact of development upon Heritage Resources through integrated resource management including land use planning and development assessment processes;
- 13.1.1.9 to facilitate research into, and the management of, Heritage Resources of special interest to Yukon First Nations;
- 13.1.1.10 to incorporate, where practicable, the related traditional knowledge of a Yukon First Nation in Government research reports and displays which concern Heritage Resources of that Yukon First Nation;
- 13.1.1.11 to recognize that oral history is a valid and relevant form of research for establishing the historical significance of Heritage Sites and Moveable Heritage Resources directly related to the history of Yukon Indian People; and
- 13.1.1.12 to recognize the interest of Yukon Indian People in the interpretation of aboriginal Place Names and Heritage Resources directly related to the culture of Yukon Indian People.

13.2.0 Definitions

In this chapter, the following definitions shall apply.

"Non-Public Records" means all Documentary Heritage Resources other than Public Records.

"Place Names" includes Yukon Indian place names.

"Public Records" means records held by any department or agency or public office of any level of Government, and records which were formerly held by any such department, agency or public office.

- 13.4.4 A Yukon First Nation or a Yukon Indian Person who is an owner of a Heritage Resource may transfer the ownership or custody of the Heritage Resource to another Yukon First Nation or to another aboriginal person.
- 13.4.5 Government shall Consult Yukon First Nations in the formulation of Legislation and related Government policies on Heritage Resources in the Yukon.
- 13.4.6 Yukon First Nation Final Agreements may include provisions in respect of territorial heritage parks or sites, heritage rivers, heritage routes, heritage buildings, special management areas for Heritage Resources, for other sites or areas of unique cultural or heritage significance, or for other such heritage matters.

Specific Provision

- 13.4.6.1 The Forty Mile, Fort Constantine and Fort Cudahy historic site shall be established as a Designated Heritage Site, and the specific provisions in respect of the Forty Mile, Fort Constantine and Fort Cudahy historic site are set out in Schedule A - Forty Mile, Fort Constantine and Fort Cudahy Historic Site, attached to this chapter.
- 13.4.6.2 Specific Provisions establishing the Tr'o-ju-wech'in Heritage Site are set out in Schedule B - Tr'o-ju-wech'in Heritage Site, attached to this chapter.
- 13.4.6.3 The heritage routes and sites in the Traditional Territory of the Tr'ondëk Hwëch'in identified in Schedule C - Heritage Routes and Sites, attached to this chapter are recognized as having cultural and heritage significance to the Tr'ondëk Hwëch'in.
- 13.4.6.4 In developing a land use plan which includes all or part of the Traditional Territory of the Tr'ondëk Hwëch'in, a Regional Land Use Planning Commission shall take into account the cultural and heritage significance of the heritage routes and sites identified in Schedule C - Heritage Routes and Sites, attached to this chapter.

SCHEDULE C

HERITAGE ROUTES AND SITES

Heritage Routes:

The following routes, which are also identified by number on map "Tr'ondëk Hwëch'in Heritage Routes (THHR)", in Appendix B - Maps, which forms a separate volume to this Agreement, are the routes referred to in 13.4.6.3 to 13.4.6.6 inclusive:

1. Eagle to Old Crow;
2. Dawson to Fort McPherson;
3. Han migration;
4. Dawson to Tetlin; and
5. Dawson to Moosehide.

Heritage Sites:

The following sites, which are also identified by letter on the specified Territorial Resource Base Maps in Appendix B - Maps, which forms a separate volume to this Agreement, are the sites referred to in 13.4.6.3 to 13.4.6.6 inclusive:

- A. The caribou fence areas in the Blackstone Uplands/ Chapman Lake area shown as Heritage Sites "A-1" and "A-2" on Territorial Resource Base Map 116 B/16, dated July 16, 1998;
- B. The old village site area at the White River shown as Heritage Site "B" on Territorial Resource Base Map 115 O/4, dated July 16, 1998, and also described as Parcel R-45B in Appendix A - Settlement Land Descriptions;

- C. The traditional gathering site at the Yukon River shown as Heritage Site "C" on Territorial Resource Base Map 115 O/4, dated July 16, 1998, and also described as Parcel R-44A in Appendix A - Settlement Land Descriptions;
- D. The archaeological/grave site at the confluence of the Stewart River and the Yukon River shown as Heritage Site "D" on Territorial Resource Base Map 115 O/6, dated July 16, 1998 and also described as Parcel S-15B in Appendix A - Settlement Land Descriptions;
- E. The Han/Peel gravesites along the Dempster Highway shown as Heritage Sites "E-1", "E-2", "E-3", "E-4" and "E-5" on Territorial Resource Base Map 116 B/16, dated July 16, 1998;
- F. The traditional gathering site at the Dempster Highway/Blackstone River shown as Heritage Site "F" on Territorial Resource Base Map 116 G/1, dated July 16, 1998;
- G. The traditional food gathering/village sites at the headwaters of the Ogilvie River shown as Heritage Sites "G-1", "G-2" and "G-3" on Territorial Resource Base Map 116 G/5, dated July 16, 1998;
- H. The traditional hunting/fishing village at Mission Island in the Yukon River shown as Heritage Site "H" on Territorial Resource Base Map 116 C/7, dated July 16, 1998; and
- I. The Billy Silas spiritual site at Rosebud Creek shown as Heritage Site "I" on Territorial Resource Base Map 115 P/4, dated July 16, 1998, and also described as Parcel S-56B in Appendix A - Settlement Land Descriptions.

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Chapter 16

Fish and Wildlife

Chapter 16

16.6.0 Renewable Resource Councils

16.6.11 Each Council shall be granted status as an interested party to participate in public proceedings of any agency, board or commission on matters that affect the management and Conservation of Fish and Wildlife and their habitats within the relevant Traditional Territory for which that Council was established.

16.7.0 Fish and Wildlife Management Board

16.7.13 the Board shall have standing as an interested party to participate in the public proceedings of any agency, board or commission dealing with matters that affect the management and Conservation of Fish and Wildlife and their habitat in the Yukon.

16.7.17 Salmon Sub-Committee

16.7.17.14 The Sub-Committee shall be granted standing as an interested party to participate in the public proceedings of any agency, board or commission dealing with matters that affect the management and Conservation of Salmon or their habitat in the Yukon.

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Chapter 17

Forest Resources

17.6.0 Relationship between Forest Resources Management and Other Processes

→ 17.6.1 A Forest Resources Management plan and a forest fire management plan shall be consistent with any approved regional land use plans.

17.6.2 Yukon First Nations and Government shall manage, allocate and protect their respective Forest Resources in a manner consistent with any recommendations approved in accordance with Chapter 12 - Development Assessment.

17.7.0 Forest Resources Pest and Disease Control

17.7.1 Where Forest Resources are threatened by pests or diseases a Yukon First Nation shall Consult the Minister before applying or permitting the application of pesticides and herbicides on Settlement Land.

17.7.2 Where Forest Resources are threatened by pests or diseases the Minister shall Consult the affected Yukon First Nation before applying pesticides and herbicides on Crown Land within that Yukon First Nation's Traditional Territory.

17.7.3 Where a pest or disease affects Forest Resources on Settlement Land, Government and the affected Yukon First Nation shall take such action as they may agree to control the problem.

17.7.4 The application of pesticides or herbicides pursuant to 17.7.1, 17.7.2, and 17.7.3 shall be subject to Chapter 12 - Development Assessment.

17.7.5 In emergency situations, nothing in 17.7.1 to 17.7.4 shall be construed to restrict the Minister's authority to control pests or diseases which threaten Forest Resources.

17.8.0 Forest Resources Protection

17.8.1 Nothing in this chapter shall be construed to obligate Government to fight forest fires.

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Chapter 18

Non-Renewable Resources

CHAPTER 18 - NON-RENEWABLE RESOURCES

18.1.0 Specified Substances

- 18.1.1 A Yukon First Nation having a Specified Substances Right and a Person having a Mineral Right shall exercise those rights so far as practicable in a manner that the exercise of one right does not interfere with the exercise of the other right.
- 18.1.2 In the event that there is conflict between the exercise of the Specified Substances Right and the exercise of the Mineral Right, either the Yukon First Nation or the Person having the Mineral Right may apply to the Surface Rights Board.
- 18.1.3 Subject to 18.1.4, on an application under 18.1.2, the Surface Rights Board shall make an order specifying the terms and conditions of exercising either the Specified Substances Right or the Mineral Right or both so as to reduce such interference as far as practicable and, to the extent that interference with the exercise of the Specified Substances Right cannot be avoided, the Board shall give priority to the Person having the Mineral Right subject only to the payment of compensation to the Yukon First Nation for:
- 18.1.3.1 interference with the exercise of the Specified Substances Right; and
 - 18.1.3.2 loss of opportunity to exercise the Specified Substances Right, taking into account the associated production cost incurred by the Person holding the Mineral Right.
- 18.1.4 The holder of an Existing Mineral Right is not required to pay compensation under 18.1.3.
- 18.1.5 Subject to any order of the Surface Rights Board issued pursuant to 18.1.3, any Person exercising a Mineral Right has a right to take, use, encounter, damage or destroy any Specified Substance incidental to the exercise of that Mineral Right without compensation to a Yukon First Nation.
- 18.1.6 Subject to 18.1.7, any Specified Substance taken, used, encountered, damaged or destroyed under 18.1.5 shall become the property of the Person exercising the Mineral Right.

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ANNEX B -- COMMISSIONS, COUNCILS AND COMMITTEES

Application

This Annex applies as provided herein to the:

Regional Land Use Planning Commission

Settlement Land Committee

Dawson District Renewable Resources Council

hereinafter called the "Boards".

Contents

This Annex has five parts:

Part 1 - General Provisions

Part 2 - Board Training and Cross-Cultural Orientation and Education

Part 3 - Arrangements for the Provision of Aboriginal Language Services to the Boards

Part 4- Board Mandates and Activities

Part 5 - Board Budgets and Related Arrangements.

These parts, as they apply, are to be read together. Their provisions reflect the agreement of the Parties with respect to the establishment and operation of the Boards, and the related arrangements and activities which the Parties expect to perform in those connections.

TR'ONDĚK HWĚCH'IN FINAL AGREEMENT IMPLEMENTATION PLAN

Part 1 - General Provisions

Initial Nominations and Appointments:

Dawson District Renewable Resources Council

Each party has a right to nominate Dawson District Renewable Resources Council ("RRC") members as provided by the THFA in paragraph 2.12.2, 16.6.2 (all), 16.6.4 (all) and 16.6.5 (all).

The process of nomination and appointment will require each party to identify, recruit and select nominees in an effective manner. The procedures and criteria to be used in that respect are within the discretion of the nominating party.

To establish the initial complement of RRC members, each party should commence its procedures to identify prospective nominees upon ratification of the THFA by all Parties. The Minister will request nominations pursuant to THFA 2.12.2.2 as soon as practicable after the date of signing by the Parties.

Nominations, including a statement of the initial term for which a particular nomination may be made (THFA 16.6.5.1, 16.6.5.2), shall be forwarded to the Minister within the time provided by THFA 2.12.2.2. The Minister will appoint the nominees in sufficient time for the RRC to be in place as indicated in Part 4 of this Annex.

To facilitate these procedures, each party should confirm that its proposed nominees are ready to serve on the RRC prior to submitting its nominations to the Minister. If a nominee declines an appointment, the Minister and the nominating party should take steps as soon as practicable to ensure that a new nominee is identified and appointed.

Initial Nominations and Appointments:

Regional Land Use Planning Commission and Settlement Land Committee

The initial nominations and appointments for the Regional Land Use Planning Commission ("RLUPC") and Settlement Land Committee ("SLC") will be made as provided in Part 4 of this Annex..

TR'ONDĚK HWĚCH'IN FINAL AGREEMENT IMPLEMENTATION PLAN

On-Going Process for Nominations and Appointments: Dawson District Renewable Resources Council and Regional Land Use Planning Commission

1. Replacement of Board Members

Upon termination of the initial appointments, the Parties should follow the procedures outlined in THFA 2.12.2.2 to 2.12.2.4 and above, in respect of the initial appointments, to ensure that repeat or replacement nominations are submitted and appointments take effect in a timely manner. The Parties should use best efforts to avoid vacancies arising on the Boards due to failures in the nominating or appointing process.

If a vacancy during term arises on a Board, the Parties should follow the same procedures to ensure that a replacement nominee is appointed at the earliest practicable date for a term consistent with the provisions of THFA 2.12.2.11.

2. Removal for Cause

The authority to remove a Board member lies with the appointing Minister. It is acknowledged that the Minister will choose whether to exercise that authority on the basis of any relevant information which the Minister may receive. However, the Minister should act to remove a Board member only after consultation with the nominating party, subject to requirements for confidentiality. A replacement for the member removed should be nominated and appointed as soon as practicable.

Where a Board chooses to specify grounds for the removal of a member pursuant to THFA 2.12.2.7, that Board should communicate those grounds in writing to the nominating parties and the Minister as soon as those grounds have been adopted by the Board.

3. Resignation of a Member

A Board may wish to establish rules or procedures concerning the resignation of Board members. It is recommended that Board members who wish to resign during their term be required to communicate their resignation in writing to the Board, and that the Board immediately advise the Minister of the resignation. A replacement for the member who resigned should be nominated and appointed as soon as practicable.

Organization of the Board

The RRC and RLUPC, within the first 60 days after being established by appointments, should convene at least one meeting. The initial meeting of the Board should be convened by the members with such organizational assistance from the appointing Minister or Minister's representative as may be required to complete the necessary arrangements.

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At its initial meeting or as soon as practicable thereafter, each Board should address:

- (a) the selection or nomination of a Chair and/or Vice-Chair, as the THFA may provide in respect of that Board;
- (b) any rules and procedures which it may require pursuant to THFA 2.12.2.7 and 2.12.2.10;
- (c) the Board budget and the completion of related financial arrangements;
- (d) any organizational and policy matters, and arrangements with respect to support services and facilities required for the discharge of its mandate under the THFA; and
- (e) any arrangements required with respect to the training and cross-cultural orientation and education of Board members.

Board Services and Facilities

It is expected that the RRC and RLUPC will arrange for the support services and facilities they require. The Boards may co-operate in these arrangements, as they may find convenient. In determining their arrangements, the Boards should consider the training and economic opportunities which may be made available to Yukon First Nations, and the specific provisions of the THFA.

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Part 2 - Board Training and Cross-Cultural Orientation and Education

Part 2 applies to the Dawson District Renewable Resources Council, Regional Land Use Planning Commission and Settlement Land Committee ("SLC").

For the purposes of THFA 2.12.2.9, 28.3.5, 28.3.7 and the SLC, Board training should include:

1. training in Board procedures and functions;
2. training directed to improve Board members' ability to carry out their responsibilities in the field or fields within the mandate of the Board;
3. familiarization with the provisions of the THFA; and
4. cross-cultural orientation and education.

1. **Board procedures and functions**

This training should reflect both internal Board needs and needs of the Board in relation to public process. It should enable a Board to develop the internal rules it may require and to develop its approach and organization for decision-making. This latter area may include matters of policy development, planning, prioritization, time management and financial management. The timing of the different aspects of this training may vary from Board to Board.

It is strongly recommended that each Board assess and take steps, including budget provisions, to address its training requirements in these areas as soon as practicable after the Board is established. These requirements should be reassessed and addressed accordingly within 90 days after the termination of the initial appointments, for the benefit of the replacement nominees. The Board's previous training activities should be considered by subsequent members when assessing their training needs and the means by which those needs may be addressed.

Refresher training or specific needs for procedural advice during the term of a Board should be left for each Board to address as it deems necessary.

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2. Training related to Board Mandate

Each Board should assess and take the steps necessary, including budget provisions, to address the training needs of its members which will enable them to improve their ability to carry out their responsibilities in the field or fields within the Board's mandate. It is recommended that this occur as soon as practicable in the first year of each Board's term and at least annually thereafter. The specific program or initiatives to be taken in this area should be left to each Board to decide and arrange as it may require.

3. Familiarization with the THFA

The Parties have an interest in ensuring that the members of each Board understand the purposes of the Board under the THFA. The Parties also have an interest in ensuring that this understanding is achieved through appropriate, balanced procedures.

As provided in THFA 28.3.7, the Parties should jointly inform each Board about relevant provisions of the THFA and THFA Plan. This information program should be carried out in a co-operative, co-ordinated way. It should be completed as soon as is practicable after the Board is established, at a time convenient to the Board and the Parties.

Each party should designate representatives who will participate in this program. The designated participants should include persons who will facilitate the program generally, as well as persons who have actual knowledge of the negotiations and considerations which led to the provisions of the agreements in each area.

4. Cross-Cultural Orientation and Education

On-going cross-cultural awareness and sensitivity is important for the effective working of the Boards.

It is strongly recommended that each Board consider and take the steps necessary, including budget provisions, to ensure that its members have the benefit of cross-cultural orientation and education. This should be considered and addressed as soon as practicable in the term of each Board, and thereafter as may be required.

It is expected that cross-cultural orientation and education will relate to the mandate of each Board and address cultural values, attitudes, strengths and differences in ways that enable the members of each Board, as a cross-cultural group, to work well together to fulfil their mandate.

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Part 3 -Aboriginal Language Services

This Part applies to the Dawson District Renewable Resources Council, Regional Land Use Planning Commission and Settlement Land Committee.

The Boards should be able to conduct their proceedings in aboriginal languages when appropriate.

Aboriginal language services in Yukon are currently the subject of a multi-year agreement between Canada and Yukon. It is expected that aboriginal language services will be available to the Boards pursuant to such agreements as may be in place from time to time or through contracting with individuals or organizations for the services desired.

It is expected that all best efforts will be made to ensure that the language services the Boards may require will be available to them at the earliest practicable date.

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Part 4- Board Mandates and Activities

The following provisions address the mandate, the expected activities, and the relevant specific arrangements, in respect of each of the Boards.

REGIONAL LAND USE PLANNING COMMISSION

Mandate

The Regional Land Use Planning Commission ("RLUPC") shall develop a regional land use plan and shall recommend it to Government and TH for approval.

Organizational Structure

Canada, TH and any other affected Yukon First Nations may agree to establish the RLUPC at any time after the Effective Date of the THFA.

The RLUPC shall have no less than six (6) members. Canada shall consult with Yukon prior to nominating its members, and TH shall nominate its members as soon as practicable after agreement to establish the RLUPC. The nominations shall be selected in accordance with THFA 11.4.2 (all) and 11.4.3.

Appointments will be made by the Minister of Indian Affairs and Northern Development ("the Minister").

The members of the RLUPC may choose a Chair from amongst its members. The provisions of 2.12.2 shall apply to the RLUPC.

Operations

The RLUPC shall convene a meeting as soon as practicable after it is established.

The RLUPC shall prepare an annual budget, after Consultation with TH and any other affected Yukon First Nation, and shall submit that budget to the Yukon Land Use Planning Council ("Council") (THFA 11.9.1). The Council shall review the budget, and, after Consultation with the RLUPC, shall propose the budget to the Minister for the preparation of regional land use plans. The budget approval process will respect the

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discretion for the allocation of funds available to the RLUPCs pursuant to Part 2 Schedule 1 of the UFA IMPLEMENTATION Plan. Canada shall pay the approved expenses of the RLUPC to the Council from the amounts described in Part 2 of Schedule 1, preferably by way of a multi-year contribution AGREEMENT. The Council shall pay the approved expenses to the RLUPC, preferably by way of a multi-year contribution AGREEMENT.

The RLUPC may establish a local office. Within the approved budget, the RLUPC may engage and contract technical or special experts for assistance and may establish a secretariat to assist it in carrying out its functions (THFA 11.4.5.1).

Activities

The RLUPC shall prepare and recommend a regional land use plan to Government and the affected Yukon First Nations within a time frame established by Government and the affected Yukon First Nations (THFA 11.4.4). In carrying out its obligations under THFA 11.4.4, the RLUPC shall undertake the activities described in THFA 11.2.0, 11.4.5.3 to 11.4.5.9, 11.5.1, 11.6.1, 11.6.3, 11.6.5 and Chapter 10 Schedule A 13.2.

The RLUPC may undertake the activities described in THFA 11.4.5.1 and 11.4.5.10. The RLUPC may carry out activities associated with THFA 11.4.5.10 with a reduced number of members.

SETTLEMENT LAND COMMITTEE

Mandate and Activities

Each Settlement Land Committee ("SLC") shall be responsible for:

- the identification and selection of Site Specific Settlement Land out of Proposed Site Specific Settlement Land;
- determining priorities for the survey of all Settlement Land;
- indicating to the Surveyor General portions of boundaries, if any, of those Special Management Areas which should be considered for definition by survey in order to better serve the mutual interests of TH and the public;
- receiving requests relating to the use and enjoyment of Proposed Site Specific Settlement Land by Yukon Indian People; and
- determining whether it is practicable to give effect to such requests and recommending to Canada or the Yukon, as the case may be, that it take such steps as the SLC considers appropriate.

UMBRELLA FINAL AGREEMENT IMPLEMENTATION PLAN

SCHEDULE 1

PART 1 (1992\$) GOVERNMENT OF CANADA FUNDING TO INSTITUTIONS

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Surface Rights Board	124,944	124,944	124,944	124,944	124,944	124,944	124,944	124,944	124,944	124,944
Yukon Land Use Planning Council	447,519	447,519	447,519	447,519	447,519	447,519	447,519	447,519	447,519	447,519
Dispute Resolution Board	100,604	100,604	100,604	100,604	100,604	100,604	100,604	100,604	100,604	100,604
Salmon Sub Committee	159,354	159,354	159,354	159,354	159,354	159,354	159,354	159,354	159,354	159,354

PART 2 (1992\$) GOVERNMENT OF CANADA FUNDING FOR PROJECTS

The Government of Canada agrees to provide up to \$7,428,000 for Regional Land Use Planning.
 The Government of Canada agrees to provide up to \$1,500,000 for the Yukon River Drainage Basin Salmon Harvest Study.



CANADA

CONSOLIDATION

CODIFICATION

Yukon Environmental and Socio-economic Assessment Act

Loi sur l'évaluation environnementale et socioéconomique au Yukon

S.C. 2003, c. 7

L.C. 2003, ch. 7

Current to December 6, 2018

À jour au 6 décembre 2018

Last amended on December 14, 2017

Dernière modification le 14 décembre 2017

Termination of assessment

(3) If a proponent does not provide the required supplementary information within two years after the day on which the request is made, the assessment of the project is discontinued, unless the Board grants an extension of that period.

Extension of time limit

(4) The Board may extend the period referred to in subsection (3) by a maximum of one year.

Interpretation

(5) For greater certainty, the proponent may submit a new proposal in relation to the project in accordance with section 50.

Consideration of previous assessments

(6) In conducting an assessment of the project to which the new proposal relates, a designated office, the executive committee or a panel of the Board must consider, and may rely on, any assessment activities previously carried out under this Act in respect of the project.

2003, c. 7, s. 43; 2015, c. 19, s. 10.

Regional land use plans

44 (1) If a regional land use plan is in effect in a planning region established under a final agreement, a designated office, the executive committee or a panel of the Board shall, when conducting an assessment of a project proposed in the planning region, request the planning commission established under the final agreement to advise it as to whether the project is in conformity with the regional land use plan, unless such a request has already been made in relation to the project.

Non-conformity with plan

(2) A designated office, the executive committee or a panel of the Board shall, if advised by the planning commission for a planning region, before or during its assessment of a project, that the project is not in conformity with the regional land use plan, consider the regional land use plan and invite the planning commission to make representations to it with respect to the project.

Recommendation for project

(3) Where a designated office, the executive committee or a panel of the Board recommends that a project referred to in subsection (2) be allowed to proceed, it shall, to the extent possible, recommend terms and conditions that will bring the project into conformity with the regional land use plan.

Fin de l'évaluation

(3) L'évaluation prend fin dans le cas où le promoteur ne fournit pas les renseignements supplémentaires dans les deux ans suivant la date où ils ont été exigés, sauf si l'Office a prolongé ce délai.

Prolongation du délai

(4) L'Office peut prolonger le délai prévu au paragraphe (3) pour une période d'au plus un an.

Précision

(5) Il est entendu que le promoteur peut soumettre une nouvelle proposition relativement au projet de développement conformément à l'article 50.

Prise en compte des travaux antérieurs

(6) Le bureau désigné, le comité de direction ou le comité restreint chargé de l'évaluation du projet de développement visé par la nouvelle proposition tiennent compte des travaux d'évaluation antérieurs effectués au titre de la présente loi à l'égard du projet et peuvent s'appuyer sur ceux-ci.

2003, ch. 7, art. 43; 2015, ch. 19, art. 10.

Plan d'aménagement régional

44 (1) Le bureau désigné, le comité de direction et le comité restreint sont tenus, durant l'évaluation d'un projet de développement devant être réalisé dans une région assujettie, en vertu d'un accord définitif, à un plan d'aménagement régional, de demander à l'office d'aménagement mis sur pied en conformité avec cet accord de les conseiller quant à la conformité du projet avec ce plan. Ils sont soustraits à cette obligation si une telle demande a déjà été présentée à l'égard du projet.

Non-conformité

(2) Si l'office d'aménagement les avise, avant la fin de l'évaluation, que le projet n'est pas conforme au plan d'aménagement régional, le bureau désigné, le comité de direction et le comité restreint doivent tenir compte du plan et inviter l'office à leur présenter des observations sur le sujet.

Conditions recommandées

(3) Le bureau désigné, le comité de direction et le comité restreint sont tenus, dans la mesure du possible, d'assortir toute recommandation visant à permettre la réalisation du projet de conditions assurant sa conformité avec le plan d'aménagement.

Pending land use plan

45 (1) When a planning commission established for a planning region under a final agreement notifies the executive committee and designated offices that it is preparing a regional land use plan pursuant to the final agreement, the executive committee and each designated office whose assessment district includes any part of the planning region shall provide the planning commission with the information in its possession about every project in the planning region for which an assessment is pending.

Representations

(2) The executive committee shall invite a planning commission that is preparing a land use plan to make representations to it and to each panel of the Board that is conducting a review of a project, and each designated office that is conducting an evaluation of a project shall invite the planning commission to make representations to it.

Participation by interested persons

46 Subject to subsections 60(4), 95(4) and 103(4), a designated office, the executive committee or a panel of the Board shall provide and publicize opportunities for interested persons and the public to participate in any assessment conducted by it.

Time Limits

Authority and validity

46.1 The failure of the federal minister, the Minister of the Environment, the territorial minister, the Board, a decision body, a designated office, the executive committee, a panel of the Board or a joint panel to exercise a power or perform a duty or function within a period provided for under this Act does not terminate their authority to do so nor does it invalidate any document prepared or submitted or any decision or action taken in the exercise or performance of their powers, duties or functions.

2015, c. 19, s. 11.

Proposed Activities Subject to Assessment

Regulations identifying activities

47 (1) The Governor in Council may make regulations

- (a) listing activities that may be made subject to assessment; and
- (b) making exceptions from activities so listed.

Plan d'aménagement en cours d'établissement

45 (1) Une fois informés par l'office d'aménagement mis sur pied en conformité avec un accord définitif qu'un plan d'aménagement régional visant — même en partie — une circonscription est en cours d'établissement conformément à cet accord, le bureau désigné compétent et le comité de direction sont tenus de communiquer à l'office d'aménagement tous les renseignements dont ils disposent relativement aux projets de développement devant être réalisés dans la région en question et faisant l'objet d'une évaluation.

Invitation

(2) Ils sont aussi tenus d'inviter l'office d'aménagement à leur présenter, avant la fin de l'examen ou de la préétude, selon le cas, ses observations au sujet du plan. Le comité de direction peut aussi inviter l'office à faire cette présentation devant le comité restreint qui procède à l'étude du projet de développement.

Participation des intéressés

46 Sous réserve des paragraphes 60(4), 95(4) et 103(4), le bureau désigné, le comité de direction et le comité restreint sont tenus de permettre la participation des intéressés et du public aux évaluations et de donner avis public des occasions offertes à cette fin.

Délais

Mandat et validité des actes

46.1 Le défaut du ministre fédéral, du ministre de l'Environnement, du ministre territorial, de l'Office, d'un décisionnaire, d'un bureau désigné, d'un comité de direction, d'un comité restreint ou d'un comité mixte d'exercer ses attributions dans le délai prévu sous le régime de la présente loi n'a pas pour effet de mettre fin à son mandat ni d'invalider les documents préparés ou présentés dans l'exercice de ses attributions ou les décisions et mesures prises dans le cadre de celles-ci.

2015, ch. 19, art. 11.

Activités visées

Pouvoir réglementaire

47 (1) Le gouverneur en conseil peut, par règlement, établir la liste des activités qui pourraient être assujetties à l'évaluation; il peut aussi prévoir des exceptions à celles-ci.

