

Carcross/Tagish First Nation - Self-Government Agreement

31.0 Local Area Planning for Carcross and Tagish

Planning Areas

31.1 The Yukon and the Carcross/Tagish First Nation shall attempt to reach consensus on the identification of a Community Boundary for Carcross and for Tagish within 180 days after the Effective Date.

31.2 If the Yukon and the Carcross/Tagish First Nation are unable to reach consensus on the identification of a Community Boundary under 31.1, either may refer the matter to the dispute resolution process under 26.4.0 of the Final Agreement.

31.3 In the event the parties are unable to reach consensus under 31.1 or resolve the matter under 31.2, the Yukon will identify a Community Boundary which may be modified by the Yukon on the recommendation of the planning committees.

Planning Committees

31.4 Two planning committees, one for Carcross and one for Tagish, shall be established within 14 months of the Effective Date to direct the preparation of local area plans.

31.5 Each planning committee shall be comprised of six members of whom half shall be nominated by the Yukon and half shall be nominated by the Carcross/Tagish First Nation.

31.6 All nominees to the planning committees shall have familiarity with the Carcross Area or Tagish Area, as the case may be. Existing members of the Carcross Area Advisory Planning Committee and the Tagish Advisory Council may be considered as potential nominees.

31.7 Prior to any appointments being made to the planning committees, the Minister and the Carcross/Tagish First Nation shall make reasonable efforts to reach consensus as to the individuals which each nominates to the planning committees.

31.8 In attempting to reach consensus under 31.7, the Minister and the Carcross/Tagish First Nation shall consider:

31.8.1 any prospective nominee's familiarity with and sensitivity to the culture and aspirations of Carcross/Tagish people and Yukon people;

31.8.2 any prospective nominee's familiarity with issues relating to local area planning;

31.8.3 any other matters to which the Minister and the Carcross/Tagish First Nation agree.

31.9 If, after having made the reasonable efforts required by 31.7, the Minister and the Carcross/Tagish First Nation are unable to reach consensus, either may give written notice to the other setting out the names of the individuals whom it intends to designate to the planning committees and 14 days thereafter may designate those individuals.

31.10 The funding of the planning committees is subject to the appropriation of funding by the Legislature of Yukon.

Preparation of Local Area Plans

31.11 The objectives of the local area plans are:

1. to achieve the safe, healthy and orderly development and use of land and patterns of human activities within the plan area;
2. to maintain and improve the quality, compatibility and use of the physical and natural environment within which the patterns of human activities are situated within the plan area;
3. to consider the use and development of land and other resources in adjacent areas; and
4. to determine a process for subsequent review or amendment of the local area plans.

31.12 The planning committees shall participate in the selection of consultants or firms of consultants who will be contracted by the Yukon to prepare the plans under the direction of the planning committees.

31.13 In preparing the plans, the planning committees shall establish public consultation processes which provide the opportunity for members of the public to express their ideas, concerns and views related to the local area plans.

31.14 Each planning committee shall make best efforts to have its plan completed and to provide its recommendations to the Yukon and the Carcross/Tagish First Nation within 20 months of its establishment.

Approval of Local Area Plans

31.15 Within 90 days of receipt of the recommendations of the planning committee, the Yukon and the Carcross/Tagish First Nation shall jointly review those recommendations and shall make reasonable attempts to reach consensus as to the approval or approval with variations of the local area plans.

31.16 Following the approval of a local area plan or plans pursuant to 31.15, the Yukon and the Carcross/Tagish First Nation will jointly develop zoning regulations under the *Area Development Act* (Yukon) to give effect to the local area plan or plans.

31.17 If the Yukon and the Carcross/Tagish First Nation are unable to reach consensus as to approval of one or both of the local area plans, either may refer the matter to the dispute resolution process under 26.4.0 of the Final Agreement.

31.18 If the matter referred to the dispute resolution under 31.17 is not resolved, or if the matter under 31.17 is not referred to dispute resolution, the Minister may accept, vary or set aside the provisions set out in a local area plan, and the decision of the Minister as to the provisions to be included in a local area plan shall be forwarded in writing to the Carcross/Tagish First Nation and the appropriate planning committee.

Interim Provisions

31.19 Prior to the approval or determination of a local area plan for Carcross or Tagish as contemplated by 31.15 to 31.18, the Yukon shall not exercise its power to enact laws in relation to planning or zoning in the Carcross or Tagish areas, except for specific zoning variations relating to individual parcels. The Yukon agrees to Consult the Carcross/Tagish First Nation prior to making any specific zoning variations in the Carcross or Tagish areas during this interim period before a local area plan is in effect.