

**GENERAL TERMS OF REFERENCE**  
for a  
**REGIONAL LAND USE PLANNING COMMISSION**  
for the  
**NORTH YUKON**

**Introduction**

Chapter 11 of the Land Claim Agreements of the Yukon First Nations states:

*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).*

The Parties (the Government of Canada, the Yukon Government and the Vuntut Gwitchin First Nation) and affected Yukon First Nations (the Tr'ondek Hwech'in Han Nation and the First Nation of Na-cho Nyak Dun), based on the recommendation of the Yukon Land Use Planning Council (the Council), approve this General Terms of Reference (GTOR) for the establishment of the North Yukon Regional Land Use Planning Commission (the Commission).

The provisions and requirements of the Final Agreements of the affected Yukon First Nations shall be followed by the Commission throughout the planning process. In the event that any of the conditions contained within this GTOR conflict with the Vuntut Gwitchin, Na-cho Nyak Dun or Tr'ondek Hwech'in Final Agreements, the Final Agreements shall prevail.

**Purpose of the General Terms of Reference**

The purpose of this GTOR is to provide direction to the Commission to prepare a Regional Land Use Plan for the North Yukon in a manner consistent with the Final Agreements.

This document covers the following:

1. Mandate of the Commission
2. General Goals for the Regional Land Use Plan
3. Boundary of the Planning Area
4. Representation on the Commission
5. Application of Regional Planning
6. Roles
7. Planning Procedures, Process and Products
8. Data, Background and Research Information
9. Budget Considerations
10. Remuneration
11. Final Approval
12. Amendments

## 1. Mandate of the Commission

The Commission shall develop a Regional Land Use Plan (Plan) and shall recommend the Plan to the Parties and affected Yukon First Nations for approval.

## 2. General Goals for the Regional Land Use Plan

The Commission shall prepare a Plan that:

- promotes the well being of the Vuntut Gwitchin, other residents of the planning region, the communities and the Yukon as a whole, while having regard to the interest of other Canadians (reference 11.4.5.7);
- recommends measures to minimize actual or potential land use conflicts throughout the planning region (reference 11.4.5.4);
- recognizes and promotes the cultural values of the Vuntut Gwitchin and other affected Yukon Indian People (reference 11.1.1.3);
- ensures that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in a integrated and co-ordinated manner so as to ensure sustainable development (reference 11.1.1.6);
- promotes sustainable development (reference 11.4.5.9); and
- takes into account that the management of land, water and resources, including fish, wildlife, and their habitats, is to be integrated (reference 11.4.5.8).

## 3. Boundary of the Planning Area

The boundary of the North Yukon Planning Region is shown on Map 1 (attached). In general, the planning area is the traditional territory of the Vuntut Gwitchin, and the Yukon portion of the watershed of the Porcupine River.

The simplified boundary description is as follows:

Northern Boundary: Commencing at the Yukon/Alaska border at the approximate Latitude of 68 degrees, 35 minutes, and proceeding in an easterly direction along the watershed boundary between the Porcupine River and the North Slope of the Yukon to the Yukon/NWT border (as described in Western Arctic Claim: the Inuvialuit Final Agreement: Annex A-2), thence;

Eastern Boundary: Proceeding in a southerly direction along the Yukon/NWT border following the height of land along the Richardson Mountains to the Dempster Highway, south of McDougall Pass, continuing on the height of land of the Richardson Mountains which separates the Porcupine River Watershed and the Peel River Watershed curving in a westerly direction where it meets the northerly boundary of the Tr'ondek Hwech'in traditional territory at an approximate Latitude of 65 degrees, 58 minutes, thence;

Southern Boundary: Proceeding in a westerly direction along the northern boundary of the traditional territory of the Tr'ondek Hwech'in to a point on the Alaska/Yukon border at an approximate Latitude of 66 degrees, thence;

Western Boundary: Proceeding in a northerly direction along the Alaska/Yukon border to an approximate Latitude of 68 degrees, 35 minutes, to the point of origin.

The Southern Boundary is subject to change pending the development of a contiguous planning boundary or joint planning arrangements in the overlapping traditional territories of the Tr'ondek Hwech'in and Vuntut Gwitchin (Area B on Map 1 attached).

No proposed change to any of the boundaries will take effect until Canada, Yukon and the Yukon First Nations affected by the boundary change have agreed to the change.

#### **4. Representation on Planning Commission**

The appointment of Commission members shall occur through the process defined in Chapter 11. The Commission shall also adhere to the provisions of section 2.12.2 of the Vuntut Gwitchin Final Agreement.

Based on 11.4.2 of the Vuntut Gwitchin Final Agreement, the Commission shall consist of six (6) members:

- two (2) members nominated by the Vuntut Gwitchin;
- two (2) members based on the demographic ration of Yukon First Nations to the total population of the planning region. This being agreed upon to mean one (1) member being nominated by the Vuntut Gwitchin and one (1) being nominated jointly by the Yukon Government and Canada, this member being a Vuntut Gwitchin; and
- two (2) members being nominated by Governments; one (1) by Canada and one (1) by the Yukon Government.

The majority of nominees of Yukon First Nations and the majority of nominees of Government on the Commission shall be Yukon residents with a long-term familiarity with the region being planned (reference 11:4.3).

#### **5. Application of Regional Planning**

Any Regional Land Use Planning process in the Yukon shall:

- apply to both Settlement and Non-Settlement Land throughout the North Yukon; and
- apply to the process of establishing or extending National Parks and National Historic Parks and commemorating new National Historic Sites.

This Regional Land Use Planning process shall not apply to:

- 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 and established Special Management areas;
- subdivision planning or local area planning outside of a Community boundary; or
- land within a Community boundary.

## 6. Roles

The Commission shall work with the Council on matters pertaining to carrying out their functions under Chapter 17, including preparation of budgets.

Two committees will be established to facilitate communications among the Commission, the Council, the Parties, affected Yukon First Nations and, as appropriate, the Inuvialuit. Details respecting composition, mandate and operating procedures of the committees will be determined before the appointment of the Commission members and shall form an Appendix to this GTOR. One of the committees will be composed of senior officials who will provide timely input, advice and support to the Commission on issues arising. The second committee will be composed of individuals from the Council and the Parties and will provide technical information and support to the Commission.

## 7. Planning Procedures, Process and Products

The specific planning process shall be determined by the Commission. At minimum it is expected that the Commission shall:

1. provide a Precise Terms of Reference (PTOR) and detailed instructions necessary for identifying Regional Land Use Planning issues, for conducting data collection, for performing analysis, for the production of maps and other materials, and for preparing the draft and final Land Use Plan documents;
2. produce a Communication & Consultation Strategy;
3. collect background and resource information and land use forecasts;
4. present options for the Plan and for the process of issue resolution;
5. prepare a draft Plan;

8. allow for land and resource use decisions to be made concurrent with the preparation of the Plan;
9. ensure the land use planning process is linked with other land and water planning processes and that the relationships between those processes are clearly described;
10. provide to the Parties draft products and opportunities for review and comments; and
11. ensure that issues that are important to the Parties are addressed in the Plan. Each of the Parties will provide a detailed list of issues to the Commission. The Commission will identify the issues, clarify them in the planning process and ensure they are adequately addressed.

The final Plan:

- shall provide for monitoring of compliance with approved Plans;
- shall provide for non-conforming uses in accordance with applicable Yukon First Nation Final Agreements;
- shall provide for procedures to make amendments to the Plan; and
- may provide for recommendations for priority areas for Sub-regional and District Land Use Plans.

## **8. Data, Background and Research Information**

The Parties shall make their best effort to provide the Commission, in a timely manner, information that the Commission requires upon request. The Commission may also undertake its own studies and data collection.

## **9. Budget Considerations**

The Commission shall prepare a PTOR for the preparation of a Plan. This should be completed in the first three (3) months and should include an adequate budget. The Commission will receive interim funding and will prepare a detailed budget for submission with their PTOR. It is anticipated that it will take 24 to 36 months to prepare the Plan for recommendation to the Parties.

The Commission, after consultation with the affected Yukon First Nations, shall prepare a budget for the preparation of the Plan and for carrying out its functions under Chapter 11 and shall submit that budget to the Council.

6. undertake consultation on the draft Plan; and
7. prepare a final Plan.

The Commission shall also produce other documents in support of the Land Use Plan.

The Commission shall make provisions for the Council, the Parties and, as appropriate, affected Yukon First Nations and the Inuvialuit, to be involved at key stages of the planning process. This includes providing periodic opportunities for consultation on issues, process, progress, draft products, linkages with other planning processes and receiving any input any of the Parties may choose to make. Specifically the Council and the Parties shall be given an opportunity to review the PTOR, planning issues identified and the Communication & Consultation Strategy prepared, before they are finalized by the Commission.

For greater certainty, planning issues to be addressed in the Plan will include those relating to, but not limited to, traditional uses, renewable resource uses, oil and gas, mining and mineral exploration, transportation and communication, waste management, tourism, heritage and culturally significant sites. Issues identified by the Commission shall be identified in a timely fashion.

Throughout the planning process the Commission shall:

1. provide for meaningful involvement of the Parties and affected Yukon First Nations;
2. ensure adequate opportunity for public, industry and stakeholder participation including a forum for Yukon-wide planning issues relevant to the North Yukon;
3. involve the Inuvialuit in the identification of Regional Planning issues at all stages of the planning process where issues, which may affect their interests on the North Slope, are being discussed. Should it be established that activities being discussed north of the Porcupine and Bell Rivers affect the interests of the Inuvialuit on the North Slope (Inuvialuit Settlement Region), they shall be invited by the Commission to participate in the deliberations and decisions with respect to those activities;
4. consult with adjacent jurisdictions where trans-boundary issues and/or resources are identified (NWT, Inuvialuit, Alaska);
5. give full and fair consideration to the oral forms of communication, traditional knowledge, traditional land knowledge and management practices of the Vuntut Gwitchin;
6. utilize the knowledge and experience of other residents of the planning region;
7. develop working relationships with land and resource management agencies in the planning region and in adjacent areas that affect the planning region;

The Commission:

- 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;
- shall develop financial and administrative policies;
- may monitor the implementation of the approved Plan and assess the level to which the Plan is being followed. The Plan shall include recommendations regarding Plan review and a process for this review.

## **10. Remuneration**

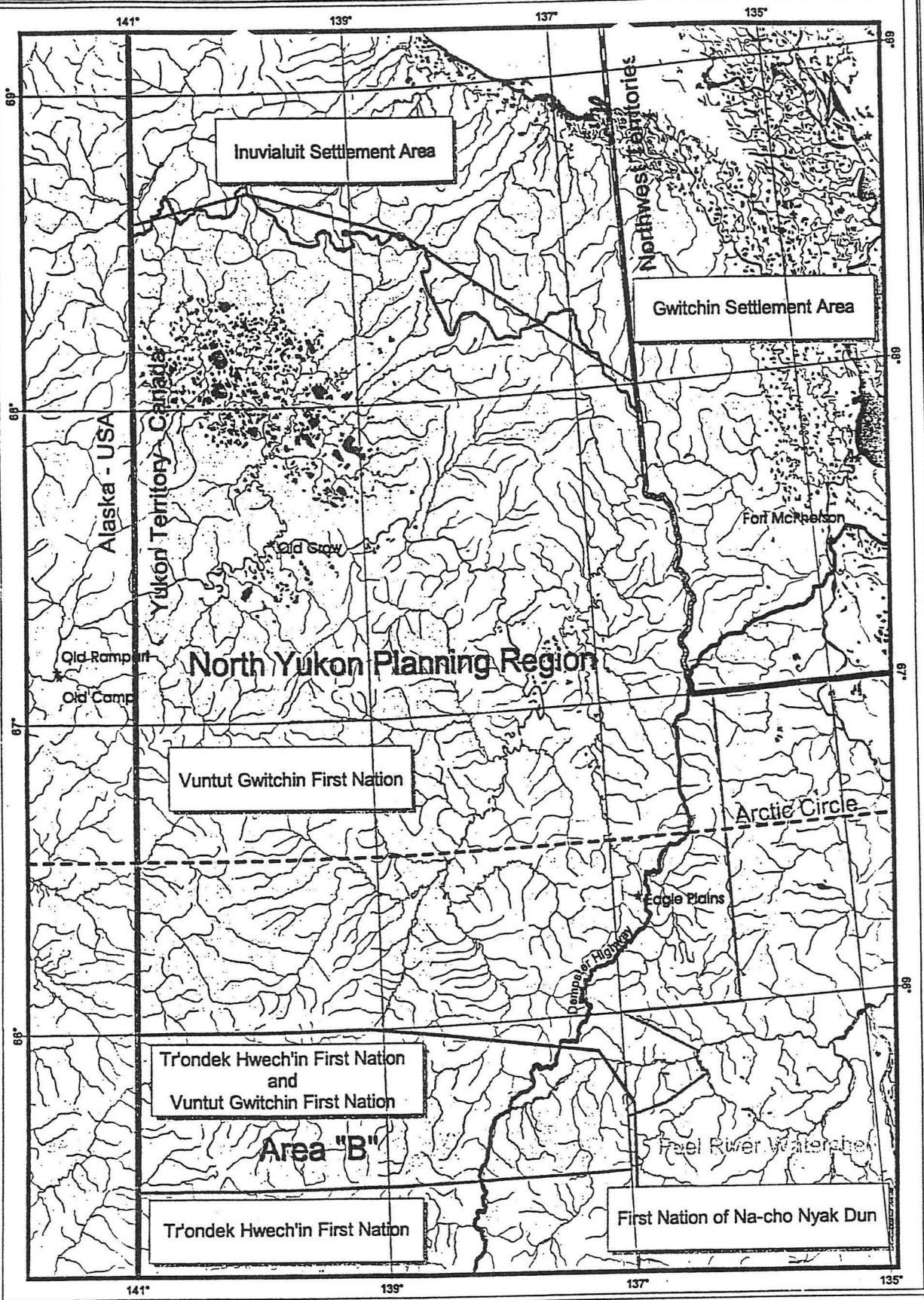
The Commission Chair shall receive \$300.00 (three hundred) per day and other Commission members shall receive \$200.00 per day (two hundred). The Commission shall develop remuneration rates for food, accommodations and other costs associated with travel and meetings, based on the Vuntut Gwitchin's Implementation Plan as a guideline. These rates may be adjusted, based on the costs of goods and services in the region.

## **11. Final Approval**

The approval process for the Recommended Plan shall be as described in Section 11.6.0 of the Final Agreements of affected Yukon First Nations.

## **12. Amendments**

This GTOR may be amended, in writing, by the consent of the Parties, following consultation with the Council and, if established, the Commission.



**Map 1: North Yukon Planning Region**

<b>Legend</b>		Scale 1:1,500,000 10 0 10 20 30 Kilometers UTM Projection, Zone 7	 Area Within Yukon Territory
<b>Planning Areas</b> North Yukon Regional Planning Area Area "B"	<b>First Nations Traditional Territories</b> First Nation of Na-cho Nyak Dun Inuvialuit Settlement Area Trondek Hwech'in First Nation Vuntut Gwitchin First Nation	<b>Digital Data Sources</b> Basemap: Derived from "Digital Chart of the World" data set (nominal scale 1:1,000,000) except Dempster Highway -NTS digital data (nominal scale 1:250,000) First Nation Traditional Territories: Yukon Territorial Government-Renewable Resources (nominal scale 1:250,000) Planning Regions: Developed by Yukon Land Use Planning Council	

**North Yukon (Vuntut) Regional Land Use Plan  
Senior Liaison Committee  
Terms of Reference**

**Mandate:**

The mandate of the Senior Liaison Committee (SLC) is to provide coordinated, senior level, intergovernmental (federal, territorial, First Nation) input, advice and support to the North Yukon Regional Land Use Planning Commission (the Commission) on issues arising in the preparation of the plan. This includes:

- Providing input and advice to the Commission regarding relevant government issues, policies, programs and initiatives for consideration in the preparation of the North Yukon plan.
- Responding to any questions the Commission may have on policy matters.

The intent of the SLC is to facilitate timely communication between governments and the Commission at key stages in the planning process as may be required to address planning issues in the preparation of the plan.

The SLC will make best efforts to operate on a consensus basis in regarding the advice it provides to the Commission.

Nothing in these Terms of Reference will limit the roles and responsibilities of the Yukon Land Use Planning Council (the Council) or the Commission to perform their functions as described in the Vuntut Gwichin First Nation Final Agreement and the North Yukon General Terms of Reference (NYGTOR).

**Composition:**

SLC will be comprised of three members; including one senior representative from each of the Government of Canada, the Yukon Government and the Vuntut Gwichin First Nation government. Appointments to the SLC will be made by the respective Director General, Minister, or Chief as appropriate. The Committee will select its own chair.

**Operating Procedures:**

SLC meetings will be at the call of the Chair. The SLC will be responsible for developing its own operating procedures. Member governments will be responsible for covering their own costs.

SLC members will be expected to represent the broad corporate interests of their respective governments. Members will also be expected to keep their respective governments adequately informed of the key issues and items discussed during SLC business.

To facilitate effective communications and informed discussion, representatives from the Inuvialuit affected Yukon First Nations, the Council, the Commission and the Technical Working Group (TWG) may be invited by the Chair to participate in and /or attend SLC meetings as appropriate.

**North Yukon (Vuntut) Regional Land Use Plan  
Technical Working Group  
Terms of Reference**

**Mandate:**

The mandate of the Technical Working Group (TWG) is to provide coordinated technical information and support to the North Yukon Regional Land Use Planning Commission (the Commission). This includes:

- Acting as the primary point of contact between the Commission and governments on technical matters related to the preparation of the land use plan.
- Providing technical input and advice to the Commission regarding relevant government issues, policies, programs and initiatives for consideration in the preparation of the North Yukon plan.

The TWG's role is of an advisory support nature only.

Nothing in these terms of reference limits the roles and responsibilities of the Yukon Land Use Planning Council (the Council) or the Commission to perform their functions as described in the Vuntut Gwichin Final Agreement, Vuntut Gwichin First Nation Final Agreement or the North Yukon General Terms of Reference (NYGTOR).

**Composition:**

At a minimum, TWG will be comprised of one representative from Commission, Council and each of the parties. The TWG will be chaired by the Commission representative/planner. Representatives from the Inuvialuit, affected Yukon First Nations and the Tetlit Gwichin may also participate as appropriate.

Other staff or consultants from each organization may participate as required to address the matters being dealt with.

**Operation Procedures:**

Meetings will be at the call of the chair. The TWG will develop its own operating procedures. The TWG will make the best efforts to operate on the basis of consensus.

Each member organization will be responsible for covering its own costs for participating on the TWG.

The TWG will remain in effect until the final approval of the North Yukon Regional Land Use Plan. At that time the mandate and Terms of Reference of the TWG will be reviewed.