



YUKON LAND USE PLANNING COUNCIL

General Terms of Reference for the Peel Watershed Planning Commission (PWPC)

Contents:

1. Introduction
2. Purpose of the General Terms of Reference
3. Mandate of the Commission
4. General Goals for the Regional Land Use Plan
5. Boundary of the Planning Area
6. Membership of the Planning Commission
7. Orientation, Training, and Start Up Period
8. Operating Principles for the Commission
9. Relationships Between the Agencies, the Commission and the Council
10. Application of the Regional Planning Process
11. Planning Process and Products
12. Consultation Principles
13. Data, Background and Research Information
14. Budget Considerations
15. Agency Decisions Regarding Plan Approval
16. Amending and Monitoring the GTOR

Appendices:

- A. Terms of Reference for Technical Working Group
- B. Terms of Reference for Senior Liaison Committee
- C. Protocols for Decision Making

Attachments:

- Peel Watershed Planning Region, Map 1
- First Nation Settlement Lands within the Peel Watershed Planning Region

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

General Statement

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 Yukon Northern Affairs Program Devolution Transfer Agreement *states:*

(a) 2.29 As of the Effective Date (April 2003), the responsibilities of Canada and the YTG under Settlement Agreements shall be shared as follows:

(b) YTG shall be responsible for NAP-related matters listed in Section B (Chapter 11 Land Use Planning) of Appendix D (Settlement Agreement Implementation);

Chapter 3 of the Yukon Transboundary Agreement (Appendix C, Section 3.5.1 and 7.1.3 Gwich'in Comprehensive Land Claim Agreement, Vol. 1) *states:*

3.5.1 Subject to the provisions of this appendix and legislation, the Tetlit Gwich'in shall manage and control the use of Tetlit Gwich'in Yukon land, including;

the development and administration of land management programs and policies; and

the charging of rents or other fees for the use and occupation of Tetlit Gwich'in Yukon land

7.1.1 If any land use planning body is established for an area including any part of the primary use area, it shall include at least one nominee of the Tetlit Gwich'in.

7.1.2. Any nominee of the Tetlit Gwich'in shall be included within the entitlement of the First Nation of Nacho Nyak Dun to nominate members to a land use planning body.

7.1.3 Any Regional Land Use Planning Commission or other planning agency described in 7.1.1 shall consult with the Gwich'in Land Use Planning Board in order to make use of land use planning that has been done with respect to the Peel River watershed by the Mackenzie Delta Beaufort Sea Land Use Planning Commission and to discuss ongoing co-operative land use planning activities

Chapter 11 of the Umbrella Final Agreement (11.3.3.3) *states:*

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

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

General Terms of Reference for the Peel Watershed Planning Commission (PWPC)

1. Introduction

These General Terms of Reference have been developed through a process of consultation and consensus by the Yukon Land Use Planning Council, Yukon Government, Vuntut Gwitchin First Nation, Tr'ondek Hwech'in Han Nation, the First Nation of Nacho Nyak Dun and the Gwich'in Tribal Council.

It is recognized that the Planning process can only succeed with the full participation of all the Agencies based upon a process involving consultation and consensus, and that there must be clear support for the plan by those involved in its development and affected by it.

The aforementioned First Nation and non-First Nation governments are herein after referred to as the "Agencies".

These General Terms Reference (GTOR) are intended to assist the Parties of the Land Claim Agreements and to give effect to provisions of the following Agreements:

1. Yukon First Nation Land Claim Agreements of the Vuntut Gwitchin First Nation, Tr'ondek Hwech'in Han Nation, First Nation of Nacho Nyak Dun (Chapter 11);
2. Gwich'in Comprehensive Land Claim Agreement (Yukon Transboundary Agreement, Chapter 3, Chapter 7);
3. Yukon Northern Affairs Program Devolution Transfer Agreement (Chapter 2, Chapter 7, Appendix D).

The Commission, throughout the planning process, will follow the provisions and requirements of the Final Agreements. In the event that any of the conditions contained within this GTOR conflict with the Gwich'in Comprehensive Land Claim Agreement, Vuntut Gwitchin, Nacho Nyak Dun and Tr'ondek Hwech'in Final Agreements, those Agreements will prevail. All terms and definitions have the same meaning, and are to be interpreted consistent with the aforementioned Agreements.

2. Purpose of the General Terms of Reference

The purpose of these General Terms of Reference is to provide direction to the Commission to prepare a regional land use plan for the specified area of the Peel Watershed in a manner consistent with Land Claim Agreements. The General Terms of Reference also outline the roles of the Agencies, the Council, and the nature of their relationship to the Commission.

The GTOR is without prejudice to the ongoing bi-lateral discussions between the Yukon Government and Gwich'in Tribal Council regarding the formal approval process for the land use plan or management rights.

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

3. Mandate of the Commission

The Commission will develop, and recommend a regional land use plan in a manner consistent with Settlement Agreements.

4. General Goals for the Regional Land Use Plan

The Commission will work towards the development of a plan for Settlement Land, Non-Settlement Land and Tetlit Gwich'in Yukon land that is consistent with, and achieves the objectives of Chapter 11 of Yukon First Nation Final Agreements, and:

- 4.1 Promotes the well being of the affected First Nations, 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);
- 4.2 Recommends measures to minimize actual or potential land use conflicts throughout the planning region (reference 11.4.5.4);
- 4.3 Recognizes and promotes the cultural values of the affected First Nations and other affected Yukon Indian People (reference 11.1.1.3);
- 4.4 Ensures that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in an integrated and co-ordinated manner so as to ensure sustainable development (reference 11.1.1.6);
- 4.5 Promotes sustainable development (reference 11.4.5.9);
- 4.6 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);
- 4.7 Recognize all economic potential of the planning region, including, but not limited to sub-surface resources;
- 4.8 Provides for enhanced opportunities to have ongoing cooperative land use planning activities between the Peel Watershed Planning Commission and the Gwich'in Land Use Planning Board. (7.1.3, GCLCA). Any Regional Land Use Planning Commission, or other planning agency described in (7.1.1, GCLCA), shall consult with the Gwich'in Land Use Planning Board in order to make use of planning that has been done with respect to the Peel River watershed by the Mackenzie Delta Beaufort Sea Land Use Planning Commission, and to discuss ongoing co-operative land use planning activities.

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

5. Boundary of the Planning Area

5.1 The boundary of the Peel Watershed Planning Region is shown on Map 1 (attached).

5.2 In general, the planning area includes all of the watershed of the Peel River and its tributaries, saving and excepting the Tombstone Territorial Park and VGFN R-08A Rural Block land selection. The northeastern planning boundary shall be the Yukon/NWT border.

5.3 First Nations Rural Blocks and Site Specifics parcels identified in the Peel River Watershed are to be included (attached).

6. Membership of the Planning Commission

6.1 The appointment of Commission members will occur through the process defined in

Chapter 2 & 11 of the Yukon First Nation Final Agreements and recognizing 7.1.1 of the Yukon Transboundary Agreement. The Commission will also adhere to the provisions of section 2.12.2 of the Yukon First Nation Final Agreements and will observe the arrangements relating to Regional Land Use Planning Commissions set out in Annex B of the Implementation Plans, as may be amended from time to time, for the First Nation of Nacho Nyak Dun, Vuntut Gwitchin and Tr'ondek Hwech'in Han Nation Final Agreements.

6.2 Based on 11.4.2 of the Yukon First Nation Final Agreements, the Commission will consist of six (6) members.

6.3 One (1) member nominated by the First Nation of Nacho Nyak Dun and, one (1) member nominated by the Gwich'in Tribal Council.

6.4 One (1) member jointly nominated by Yukon and Tr'ondek Hwech'in Han Nation, and one (1) member jointly nominated by Yukon and Vuntut Gwitchin First Nation.

6.5 Two (2) members nominated by Yukon.

6.6 The majority of nominees shall be Yukon residents with a long-term familiarity with the region.

7. Orientation, Training, and Start-Up Period

7.1 The Commission will undertake the following training within a year from date of appointment:

7.1.1 Training in Commission procedures and functions, such as team-building, decision-making, budgeting, confidentiality, conflict of interest,

General Terms of Reference for the Peel Watershed Planning Commission (PWPC)

negotiation skills, staff-board relationships, operating procedures, building consensus, conflict resolution, and chair and board responsibilities;

7.1.2 Training to improve Commission members' ability to fulfill the Commission's mandate and to carry out their responsibilities in the field of land use planning, such as an introduction to land use planning, information management, and consensus-building;

7.1.3 Familiarization with Settlement Agreements, and the people within the planning region;

7.1.4 Cross-cultural orientation and education, including consideration of the government decision making processes (First Nation and non-first nation governments);

7.1.5 This training should be consistent with the training outlined in the First Nation Final Agreement Implementation Plan, Annex B, Part 2.

7.2 The Yukon Land Use Planning Council will assist the Commission in developing its training and orientation strategy. The Council will attend the initial meetings of the Commission, introduce consensus and other decision making methods, finance and budgeting procedures, and provide an introduction to land use planning, Chapter 11 of the Final Agreements, and Implementation Plan requirements.

8. Operating Principles for the Commission

8.1. The Commission will adopt bylaws or operating procedures for its internal management and may make rules governing its procedures consistent with the Land Claim Agreements and these General Terms of Reference (reference 2.12.2.10).

8.2. Amendments to the Commission's operating procedures and policies may be made by the Commission when a quorum of members are present and in a manner consistent with the Protocol For Decision Making, attached as Appendix C.

8.3. Commission meetings and business will be carried out in an open and accountable manner in recognition that it is an organization funded by the public treasury. In principle, the work of the Commission shall take place in the respective community.

8.4 Quorum for Commission meetings will be no less than four. Decisions of the Commission will be made by consensus, and at all times be guided by the "Protocols for Decision Making" attached as Appendix C.

8.5 In the event that a Commission Member resigns, or for some reason is unable to fulfill his or her term, the Commission will confirm the resignation with the Minister in writing and request that the Minister take the necessary steps with

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

the other Agencies to replace the Commission member at the earliest convenience.

- 8.6 In the event of a vacancy, the Commission may discharge its duties with such members as have been nominated and appointed (2.12.2.5).
- 8.7 If a Commission Member has been absent without reasonable cause for three (3) consecutive Commission meetings, this absence may be considered as grounds for requesting the resignation of the member.
- 8.8 Commission members will exhibit respect towards one another and towards their staff for the duration of their service to the Commission.

9. Relationships Between the Commission, the Council and the Agencies.

- 9.1 The Commission should convene its first meeting within the first 60 days of being established. The initial meeting of the Commission should be convened by the members with such organizational assistance from the Council and appointing Minister or Minister's representative as may be required to complete necessary arrangements.
- 9.2 The Council will provide for training, technical and administrative support, particularly in the initial planning stages before Commission staff are hired and any other period when the commission is operating without a full compliment of staff.
- 9.3 The Commission will make provision for the Council and the Agencies 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 Agencies choose to make.
- 9.4 The Council and the Agencies will be given an opportunity to review and comment on draft products produced by the Commission before the Commission finalizes them. This includes documents such as the Precise Terms of Reference, issues summary documents, the Communication & Consultation Strategy, plan options and scenarios, draft plan and other products of the Commissions. These reviews and comments are intended to assist the Commission in fulfilling its mandate, increase the probability that plans will be approved, and are to be completed in a timely manner so as to not delay the Commission's progress.
- 9.5 The Agencies will conduct internal and inter-departmental reviews of draft products as soon as practicable.

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

- 9.6 The Commission will keep the Agencies and the Council apprised of its activities and progress throughout the planning process. This is to be accomplished through the distribution of agendas for meetings, minutes of meetings, brief quarterly progress reports (for example one or two pages), annual reports and by any other means the Agencies and/or the Council may request.
- 9.7 The Commission, representatives of the Agencies and the Council will meet at least once a year to discuss major issues related to the planning process, Commission activities and progress towards the development of the Plan.

10. Application of the Regional Planning Process

10.1 The Regional Land Use Planning process will apply to:

10.1.1. Settlement Land, Non-Settlement Land and Tetlit Gwich'in Yukon lands;

10.1.2 Management plans for Territorial Parks shall be considered. Refer to Chapter 10, Section 13.2 of Schedule A, Tombstone Territorial Park of the THHN Final Agreement, which states:

“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.”

10.1.3 The process of establishing or extending National Parks and National Historic Parks and commemorating new National Historic Sites.

10.2 This regional land use planning process will not apply to:

10.2.1 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 and established Special Management Areas;

10.2.2 Subdivision planning or local area planning outside of a Community Boundary (11.2.2.3).

11. Planning Process and Products

In preparing the Plan, the Commission will follow the basic steps of the Common Land Use Planning Process as outlined below and in the following chart. The draft PTOR and final PTOR are to be consistent with the Final Agreements and these General Terms of Reference.

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

At minimum it is expected that the Commission will prepare the following products:

- 11.1. Precise Terms of Reference (PTOR) within six (6) months from the Commission’s initial meeting, which contains the following:
 - 11.1.1 Goals and objectives for the planning area;
 - 11.1.2 Detailed three-year work plan and proposed planning budget. This three year work plan should approximate the timeline provided in the figure below;
 - 11.1.3 Proposed methods for identifying regional land use planning issues;
 - 11.1.4 Methods for conducting data collection and analysis;
 - 11.1.5 Strategy for ensuring linkages between planning processes;
 - 11.1.6 Communication and consultation strategy;
 - 11.1.7 Implementation and Review;
 - 11.1.8 Other matters, as the commission deems appropriate
 - 11.1.9. A strategy, in consultation with the Gwich’in Land Use Planning Board, for ongoing cooperative land use planning activities with the Board. While the Peel Watershed Planning Commission is the primary planning agency for the Peel River watershed, this strategy would outline a co-operative process for addressing transboundary issues with the Gwich’in Land Use Planning Board.

| Example Regional Land Use Planning Timeline | | | | | | | | | | | | |
|--|--------|----|----|----|--------|----|----|----|--------|----|----|----|
| | Year 1 | | | | Year 2 | | | | Year 3 | | | |
| | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| STARTUP COMMISSION | | | | | | | | | | | | |
| Participate in training | | | | | | | | | | | | |
| Hire staff | | | | | | | | | | | | |
| Establish office | | | | | | | | | | | | |
| Write Draft PTOR / Collect Issues | | | | | | | | | | | | |
| Write Final PTOR | | | | | | | | | | | | |
| PREPARE PLAN | | | | | | | | | | | | |
| Conduct issues and interests gathering | | | | | | | | | | | | |
| Write issues and interests summary | | | | | | | | | | | | |
| Conduct information gathering | | | | | | | | | | | | |
| Write resource report | | | | | | | | | | | | |
| Develop issues options and scenarios | | | | | | | | | | | | |
| Review options and direction w. stakeholders | | | | | | | | | | | | |
| Develop draft plan | | | | | | | | | | | | |
| Conduct public review | | | | | | | | | | | | |
| APPROVAL AND IMPLEMENTATION | | | | | | | | | | | | |
| Revise draft plan | | | | | | | | | | | | |
| Submit draft plan to Agencies | | | | | | | | | | | ☆ | |
| Revise draft plan into final draft plan | | | | | | | | | | | | |
| Submit final draft plan for approval | | | | | | | | | | | | ☆ |
| Consider Implementation and Review | | | | | | | | | | | | |

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

- 11.2 Revise PTOR, within the first year of operation that contains the following:
 - 11.2.1. General issues to be addressed by the planning process;
 - 11.2.2 Modified three year work plan;
 - 11.2.3 Modified budget and timeline;
- 11.3 An issues and interests summary. This document will summarize the issues affecting the planning area based on public input and information provided by the Agencies. 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, recreation, heritage and culturally significant sites. (Prepare content of information/meta data).
- 11.4 A strategy, in consultation with the Gwich'in Land Use Planning Board, for using work done by the Mackenzie Delta/Beaufort Sea land Use Planning Commission and the Peel River Watershed Advisory Committee.
- 11.5 A report summarizing the oil & gas exploration, development opportunities and their socio-economic benefits. The report will also identify social, environmental, ecological or economic risks associated with development of that industry in the region. The report will include recommendations regarding measures to be taken that may mitigate or eliminate those risks and or potential land use conflicts
- 11.6 Plan options and scenarios.
- 11.7 A draft plan. This document is the first draft plan that will be submitted to Government and First Nations for review under clauses 11.6.1 and 11.6.2. and in accordance with the Gwich'in Comprehensive Land Claim Agreement, Appendix C, Section 7.1.3. (consultation)
- 11.8 A final draft plan for recommendation to the Agencies. This document is the plan that has undergone consultation under 11.6.2. and 11.6.3, and that will undergo further review according to 11.6.3, 11.6.4, and 11.6.5 and in accordance with the Gwich'in Comprehensive Land Claim Agreement, Appendix C, Section 3.5.1.

General Terms of Reference for the Peel Watershed Planning Commission (PWPC)

11.9 The final draft plan:

- will include recommendations regarding plan implementation, monitoring and compliance with the approved Plan;
- will provide for existing non-conforming uses in accordance with the applicable Settlement Agreement;
- will provide for procedures to make amendments to the Plan;
- may provide for recommendations for identification of priority areas for Sub-Regional and District Land Use Plans;
- will include recommendations regarding Plan review and a process for this review.

11.10 The Commission may be required to produce other documents and perform other work in support of the Land Use Plan.

12. Consultation Principles

Throughout the planning process the Commission will:

- 12.1 ensure adequate opportunity for public, industry and stakeholder participation including a forum for Yukon-wide planning issues relevant to the Peel Watershed planning region;
- 12.2 consult with adjacent jurisdictions where trans-boundary issues and/or resources are identified;
- 12.3 give full and fair consideration to the oral forms of communication, traditional experience, traditional knowledge and traditional land management practices of the First Nations;
- 12.4 utilize the knowledge and experience of residents of the planning region;
- 12.5 develop working relationships with land and resource management agencies that are active in the planning region and in adjacent areas that affect the planning region;
- 12.6 Recognize that land and resource use decisions will be made concurrent with the preparation of the plan;
- 12.7 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;
- 12.8 ensure that issues that are important to the agencies are addressed in the plan. Each of the agencies 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;

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

12.9 Make decisions by consensus consistent with Protocols For Decision Making (Appendix C).

13. Data, Background and Research Information

13.1 All of the Agencies will 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.

14. Budget Considerations

14.1 Preparation of Budget

14.1.1 The Commission, after consultation with the affected Yukon First Nations, will prepare a budget each fiscal year for the preparation of the Plan and for carrying out its functions under Chapter 11 and will submit that budget to the Council (11.9.1).

14.1.2 This budget will be submitted to the Council by December 15th of each year and will address funding and activities for the following fiscal year. The budget will be consistent with the Precise Terms of Reference, this General Terms of Reference, and the First Nations Final Agreement.

14.1.3 Before submitting that budget to the Council, the Commission will consult with the affected First Nation on the budget. The affected First Nation will provide written acknowledgement to the Council before December 15th that consultation on the budget has taken place.

14.2 Administration of Budget

14.2.1 The Council, after consultation with the Commission on that budget submission, will submit to Yukon a budget that it recommends for Ministerial approval. Upon Ministerial approval of the budget, Yukon will provide funds to the Council for disbursement to the Commission.

14.2.2 The Commission and the Council will sign a financial agreement. The financial agreement may specify conditions by which funding will be provided to the Commission, such as financial reporting requirements, accounting requirements, and proof of sound decision-making on financial matters. The Council will monitor compliance with the financial agreement.

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

14.2.3 Within its approved budget, the Commission 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.

14.2.4 The Commission will develop financial and administrative policies.

14.3 Remuneration

14.3.1 The Commission Chair will receive \$300.00 (three hundred) per day and other Commission members will receive \$200.00 per day (two hundred). These rates may only be changed by the Yukon Minister of Energy, Mines & Resources.

14.3.2 The Commission will develop remuneration rates for food, accommodations and other costs associated with travel and meetings. These rates may be adjusted, based on the costs of goods and services in the region, but in any case may not exceed the rates for such costs used by the Yukon government in respect of its employees, as may be amended from time to time.

15. Agency Decisions Regarding Plan Approval

The process for approving land use plans is provided for in Settlement Agreements.

16. Amending and Monitoring the GTOR

16.1 This GTOR may be amended, through a process of consultation and consensus by the Yukon Land Use Planning Council, Yukon Government, Vuntut Gwitchin First Nation, Tr'ondek Hwech'in Han Nation, First Nation of Nacho Nyak Dun and the Gwich'in Tribal Council in consultation with the Commission.

16.2 All of the Agencies described above, as well as the Commission and the Council, will monitor compliance with the General Terms of Reference.

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

Appendix A
Terms of Reference
Technical Working Group

Mandate:

The mandate of the Technical Working Group (TWG) is to provide coordinated technical information and support to the Peel Watershed 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 plan.

The TWG's role may be of an advisory or task orientated nature, depending upon the direction provided by the Commission.

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 Umbrella Final Agreement or affected First Nation Final Agreements.

Composition:

At minimum, TWG will be comprised of one representative from the Commission, Council and each of the Agencies. The TWG will be chaired by the Commission representative/planner.

Canada may participate at the request of the Commission Chair. 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 Commission may consider assisting TWG members with extraordinary expenses.

The TWG will remain in effect until the final approval of the Regional Land Use Plan for the Peel Watershed Planning Region. At that time the mandate and Terms of Reference of the TWG will be reviewed.

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

Appendix B
Terms of Reference
Senior Liaison Committee

Mandate:

The mandate of the Senior Liaison Committee (SLC) is to provide co-ordinated, senior level, intergovernmental (territorial, First Nation) input, advice and support to Peel Watershed Planning Commission (the Commission) on issues regarding 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 plan.
- Responding to any questions the Commission may have on policy matters.

The intent of the SLC is to provide input and 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 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 affected First Nation Final Agreement and the Peel Watershed Planning Region -General Terms of Reference.

Composition:

SLC will be comprised of one senior representative from the Yukon, Vuntut Gwitchin First Nation, Tr'ondek Hwech'in Han Nation, First Nation of Nacho Nayak Dun and Gwich'in Tribal Council. Federal agencies with interest and mandates in the planning region will be invited to participate by SLC as deemed appropriate. Appointments to SLC will be made by the respective Minister, Chief or Director General, as appropriate. The Committee will select its own chair.

Operating Procedures:

SLC will call a meeting with the Commission at least twice per year to gain work plan updates and provide input and guidance during key phases of the planning process, including but not limited to: 1) development of the Precise Terms of Reference (Commission work plan and proposed planning budget), 2) Planning Region Issues and Opportunities, 3) Resource Assessments and Reports, 4) Plan Options and Scenarios and 5) Production of the Draft Plan. Each member organization will be responsible for covering its own costs for participating on the SLC.

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 affected First Nations, the Council, the Commission and the Technical Working Group (TWG) may be invited by SLC to participate in and /or attend SLC meetings as appropriate.

**General Terms of Reference
for the Peel Watershed Planning Commission (PWPC)**

Appendix C
Protocols for Decision Making

1. The Commission, to the extent practicable, will make decisions by consensus. Consensus-based decision-making is a process of arriving at a decision that reflects and relies upon satisfying the interests, values and concerns of the whole group responsible for making the decision.
2. Within a consensus-based decision-making environment, Commission members have the responsibility to:
 - Be committed to relying upon the agreed upon consensus process to construct the decision.
 - Ensure that all decision-makers are adequately informed and knowledgeable of the issues surrounding the decision.
 - Ensure all decision-makers interests, values and concerns are openly articulated and understood.
 - Ensure all decision-makers interests, values and concerns are addressed and reflected in the decision.
3. In order to create and maintain a consensus-based decision-making environment, the following techniques should be used:
 - All decision-makers need to invite, welcome and respect the interests, values and concerns of each Commission member.
 - All decision-makers must understand that decisions reached will rely upon, and be constructed from, understanding and satisfying the interests, values and concerns of each Commission member.
 - All decision-makers must take responsibility for satisfying the interests, values and concerns expressed by others.
 - The Commission must ensure, through flexible arrangements and other measures that all decision-makers participate in all phases of constructing the decision.
4. Examples of consensus-based techniques include:
 - Exploring many options and solutions
 - Determining the underlying issues and interests
 - Providing new or additional information to illuminate interests, values or concerns
 - Separating personal conflict from decision-making
 - Assessing level of agreement among members
 - Avoiding taking hard and fast positions
 - Deciding when to postpone a decision for future discussion
 - Defer construction of a decision until interests, values and concerns are addressed
 - Re-configuring the issue or question

General Terms of Reference for the Peel Watershed Planning Commission (PWPC)

- Seeking alternative solutions to a problem
 - Making incremental decisions rather than addressing large questions all at once
 - Invite and encourage independent advisors, mediators and experts to facilitate understanding, or to assist in the construction of a decision
5. For clarity, the following should be noted:
- Decisions made when all members are not informed and educated on a matter is not consensus.
 - Decisions made by individuals or by less than quorum is not consensus.
 - A decision made by a simple vote without seeking and exhausting more acceptable alternatives is not consensus.
 - Voting is a fundamentally different decision-making process than making decisions by consensus. Voting should be recognized as the failure of a consensus-based decision making process and environment.
6. When internal efforts have not provided for a decision to be made by consensus, a Commission should invite, and welcome, other resources to enable a consensus to be reached. These other resources may include:
- Employing a facilitator from outside the Commission
 - Seeking guidance about an issue through public consultation
 - Seeking guidance from the Agencies, Council or a knowledgeable Elder
7. Decisions and resolutions must be recorded in the minutes with a clear indication that consensus has been reached. In the event that other decision-making measures are used, such as majority voting, minutes should indicate that consensus was attempted, failed and that a vote occurred. Minutes should also record where conditions or limitations have been placed on an action or decision.