

RECOMMENDATION

Regarding a General Terms of Reference for the Dawson Regional Planning Commission: Transitional Commission

RECOMMENDATION #2026-001

Clause Reference:

11.3.3.3 of the Umbrella Final Agreement and Tr'ondëk Hwëch'in First Nation Final Agreement

To:

Tr'ondëk Hwëch'in First Nation; and
Government of Yukon

Motion Passed:

YLUPC Meeting, January 30, 2026

Recommendation:

The Yukon Land Use Planning Council recommends the attached Dawson Regional Planning Commission General Terms of Reference (GTOR) for a Transitional Commission. The GTOR would be effective for period between submission of a Final Recommended Plan (anticipated for April 1, 2026) and subsequent approval, modification, or rejection of the plan by the Parties.

Endorsement by Yukon Land Use Planning Council:

Al Foster
Al Foster, Chair, YLUPC

January 30, 2026
Date

Carl Sidney
Carl Sidney, Member, YLUPC

January 30, 2026
Date

N. Salvin
Neil Salvin, Member, YLUPC

January 30, 2026
Date

**Dawson Regional Planning
Commission:
Transitional Commission
(Recommended) General Terms of Reference**

Effective April 1, 2026

Once signed, this General Terms of Reference Replaces the Dawson Regional Planning Commission General Terms of Reference signed by the Parties in June & July of 2019.

Contents

1. Definitions	3
2. Introduction and Background	4
3. Purpose of the Terms of Reference	4
4. Mandate of the Commission	5
5. Delegation of Authority for the Commission's Secretariat	5
6. Membership.....	6
7. Procedures.....	6
8. Administration of Commission Budget & Workplan	7
9. Relationships between the Commission, the Council and the Parties.	8
10. Participation and Engagement.....	9
11. Data, Background, and Research Information.....	9
12. Amending and Monitoring the GTOR	9
Appendix A: Mandate of Yukon Land Use Planning Council.....	11
Appendix B: Terms of Reference, Technical Working Group	12
Appendix C: Terms of Reference, Senior Liaison Committee	13
Appendix D: Protocols for Decision Making	15

1. Definitions

Beyond this document, these definitions are to be used by the Dawson Regional Planning Commission (Commission), and in all the Commission's publications.

Affected First Nation: A Yukon First Nation whose traditional territory is included within a Yukon land use planning region. The Affected First Nations of the Dawson Regional Planning process are: Tr'ondëk Hwëch'in, Vuntut Gwitchin First Nation, and the First Nation of Na-Cho Nyäk Dun.

Approval Parties ("the Parties"): The Government of Yukon (YG) and the Tr'ondëk Hwëch'in (TH) who own and administer land within the Dawson planning region.

Final Recommended Plan: The plan created after the Commission considers modifications proposed to the Recommended Plan by the Parties (sections 11.6.3.1 & 11.6.5.1 THFA). The Parties are responsible for Consulting on this version (sections 11.6.3.2 & 11.6.5.2 THFA). **Recommended Plan:** The plan created by the Commission and delivered to Parties in June 2022 (section 11.6.1 THFA).

Senior Liaison Committee (SLC): The primary means of communication for overarching policy advice from the Parties and liaising with the Commission. The Terms of Reference for the SLC are outlined in Appendix C.

Technical Working Group (TWG): The primary means of facilitating communications regarding technical and existing policy matters among the Commission, the Council, and the Parties. TWG members will also facilitate the provision of information from their respective governments to the Commission. The Terms of Reference for the TWG are outlined in Appendix B.

Transfer Payment Agreement: A funding agreement made between the Commission, the Yukon Land Use Planning Council (or "the Council"), and the Yukon Government. Funding agreements enable the Commission financially in accordance with an approved budget and workplan.

Yukon Land Use Planning Council: The Yukon Land Use Planning Council was established pursuant to the Umbrella Final Agreement and First Nation Final Agreements (s. 11.3.2). The Council is responsible for making recommendations to Government and each affected Yukon First Nation on land use planning matters, including recommendations for General Terms of Reference (S. 11.3.3.3)

2. Introduction and Background

The Tr'ondëk Hwëch'in signed its Final Agreements with the Government of Canada and the Government of Yukon in 1998. In 2006, the Tr'ondëk Hwëch'in requested the establishment of a regional land use planning commission based on Chapter 11 of the THFA:

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 Dawson Regional Planning Commission was first established in 2011; in 2014 the Commission went into abeyance until the legal proceedings around the Peel Watershed planning process were resolved (First Nation of Nacho Nyak Fun v. Yukon, 2017). At the time of abeyance, the Commission had completed an Issues and Interests report (2011), a Resource Assessment Report (2013), and Plan Alternatives (2014); they had also started a draft land use plan and a cumulative effects report.

The Commission resumed in 2018. They published an Issues and Interests Report (2020), a Resource Assessment Report (2020), a Draft Plan (2021), a Recommended Plan (2022), and a Final Recommended Plan (2026).

These General Terms of Reference replace the Dawson Regional Planning Commission General Terms of Reference signed by the Parties in June & July of 2019.

Under the THFA (s. 12.17) and YESAA (s. 44), the Dawson Regional Planning Commission is assumed to be in place beyond the completion and submission of the Final Recommended Plan.

The Commission is mandated and legislated to operate beyond the submission of the Final Recommended Plan under the THFA (s. 11.4.5.10) and YESAA (s. 44-1). The transitional Commission that exists between the submission of the Final Recommended Plan and subsequent to plan approval is not intended to be a new Commission, rather a continuation of the Commission that has guided the creation of this Plan. If new Commission members are required to fill vacancies, the nomination process will follow the THFA (s. 11.4.2.1).

3. Purpose of the Terms of Reference

The General Terms of Reference (GTOR) provides direction for the role of the Commission after a Final Recommended Plan for the Dawson Region has been submitted. These GTOR do not encompass responsibilities subsequent to approval of the Dawson Regional Land Use Plan. The GTOR describes the roles of the Commission, Parties, and Council, and

outlines the products, timelines, and processes expected. Other agreements may further define the budget, roles, responsibilities, and inter-relationships among the Parties and/or Council. Therefore, GTOR for an interim period only.

In the event of any inconsistency between the GTOR and the Final Agreements of the Affected First Nations, those Agreements will prevail. If the Commission has questions about interpretations of the Final Agreements, it will direct those questions to the Senior Liaison Committee for resolution on behalf of the Parties to the Agreement (THFA Chapters 11 & 12). This correspondence will be copied to the Council.

4. Mandate of the Commission

The Commission will be responsible for the following activities:

During Plan Approval Process:

- Support the plan approval process, at the invitation of the Parties;
- Provide information to the public and plan partners about the Final Recommended Plan;
- Review and revise documentation of methods; (for discussion)
- Make representations to YESAB regarding proposed projects in the region (YESAA 45(2));
- Develop Draft Standard Terms and Conditions for the region, if required;
- Prepare for plan implementation;
- Develop GTOR that sets out the Commission's post in implementing an approved plan.

5. Delegation of Authority for the Commission's Secretariat

Once signed by the Commission, these General Terms of Reference form the delegation of authority under which the Commission's secretariat may undertake work and make decisions on behalf of the Commission.

On behalf of the Commission, the Secretariat is responsible for making representations related to proposed projects that are proceeding through YESAB Designated Office assessments.

Projects that receive an executive committee or panel screening through YESAB will be reviewed by the full Commission.

6. Membership

- 6.1 Subject to 6.2-6.4, the Commission will consist of the six members at the time of publication of the Final Recommended Plan, if they are willing and able. Vacancies are to be filled according to 6.2-6.4.
- 6.2 The Commission will consist of six (6) members:
- a) Three members nominated by the Tr'ondëk Hwëch'in;
 - b) Three members nominated by the Government of Yukon.
- 6.3 The majority of nominees shall be Yukon residents with a long-term familiarity with the region and shall be appointed by the responsible Minister.
- 6.4 Appointment of the Commission members will occur as defined in Chapters 2 & 11 of the Tr'ondëk Hwëch'in Final Agreement.

7. Procedures

- 7.1 The Commission will adhere to the provisions of section 2.12.2 of the Tr'ondëk Hwëch'in Final Agreement.
- 7.2 Commission meetings and business will be carried out in an open and accountable manner.
- 7.3 Notwithstanding the above, the Commission may close a meeting to the public during a discussion on a matter that relates to the following:
- a) commercial information which, if disclosed, would likely be prejudicial to the parties involved;
 - b) information received in confidence which, if disclosed, would likely be prejudicial to the parties involved;
 - c) personal information, including personnel information;
 - d) the salary and benefits and any performance appraisal of an employee;
 - e) a matter still under consideration and on which the commission has not yet publicly announced a decision and about which discussion in public would likely prejudice the Commission's ability to carry out its activities or negotiations;
 - f) the conduct of existing or anticipated legal proceedings; and
 - g) the conduct of an investigation under, or enforcement of, an Act.
- 7.4 Commission meetings will occur seasonally. Additional meetings may be triggered by:
- a) Secretariat requiring input on a consistency check
 - b) YESAB requesting a representation as per THFA 12.17.3
 - c) Human Resource decisions
 - d) Party requests for clarification on the Plan or input on implementation
 - e) Time-sensitive plan amendments

f) Other time-sensitive decisions

- 7.5 Honoraria rates will be consistent with the rates identified for the Yukon Government boards and committees.
- 7.6 Remuneration rates for food, accommodations and other costs associated with travel and meetings may not exceed the rates for such costs used by the Yukon Government in respect of its employees and as may be amended from time to time.
- 7.7 Quorum for Commission meetings will be no less than four. Decisions of the Commission will be made by consensus whenever possible and be guided by the “Protocols for Decision Making” (Appendix D).
- 7.8 If a Commission member has been absent without reasonable cause for three (3) consecutive Commission meetings, this absence may be considered grounds for requesting the resignation of the member.
- 7.9 In the event that a Commission member resigns, the Commission Chair will confirm the resignation with the Minister in writing.
- 7.10 Commission members will exhibit respect towards one another and all involved people for the duration of their service to the Commission. The Commission may choose to develop a Code of Conduct.
- 7.11 Whenever possible, the work of the Commission will take place within the Dawson region.

8. Administration of Commission Budget & Workplan

- 8.1 The Commission allocation is \$275,000 for 2026-2027 and annually thereafter, indexed for inflation, until such time as the plan is approved and revised GTOR, workplan, and budget are put into effect.
- 8.2 The Commission, after consultation with the Parties, will prepare a workplan and budget each fiscal year for the implementation of the land use plan as per Chapters 11 and 12 of the THFA and Section 44 of YESAA, and will submit that to the Council for review. The Commission may request assistance from the Council in preparing the workplan and budget.
- 8.3 The proposed budget & workplan will be submitted to the Council by the dates identified in the funding agreements and will address funding and activities for the following fiscal year. The budget & workplan will be consistent with these GTOR and the THFA.
- 8.4 The Council, after consultation with the Commission, will recommend the budget & workplan to the Parties. On approval of the budget by Yukon Government and the workplan by the Parties, the budget and workplan will be attached to the funding

agreement and signed at the appropriate approval level. Joint meetings may be organized to streamline the workplan & budget production and approval process.

- 8.5 The Commission will make best efforts to adhere to the approved workplan, timelines, and budget. The Council and the Parties will take action to support the Commission's effort to adhere to the workplan and budget.

9. Relationships between the Commission, the Council and the Parties.

Council Support:

- The Commission will receive administrative, logistical, technical, and infrastructure support from the Council secretariat.
- Any recruitment process for Commission staff will be supported by the Council and should be consistent with the norms of a public recruitment process.
- The Commission, with the assistance of the Council, will produce and submit various administrative documents to the Parties, including workplans, budgets, and reports detailed in its funding agreement.
- The Council secretariat will facilitate the provision of human resources for the Commission based upon a Memorandum of Understanding (MOU) between the Commission and the Council. The MOU will define financial arrangements, roles, responsibilities and reporting relationships. The MOU will be shared with the Parties, and will not conflict with this Terms of Reference.

Party Support:

- 9.1 The Commission will use the Technical Working Group (TWG) as the primary means of exchanging information on technical matters. The Terms of Reference for the TWG are outlined in Appendix B.
- 9.2 The Senior Liaison Committee (SLC) is the primary means of discussing policy matters. The Terms of Reference for the SLC are outlined in Appendix C.
- 9.3 The Parties, via the SLC or TWG, will have opportunities to make presentations at Commission meetings, as needed.
- 9.4 Periodic reviews by the Commission of plan approval process materials are intended to assist the Parties in fulfilling their 11.6 mandate and are to be completed in a timely manner so as to not delay the plan approval progress.
- 9.5 The Commission will keep the Council and the Parties apprised of its activities. This will be accomplished by distribution of meeting agendas and meeting minutes, submission of annual reports, and by any other means the Parties and/or the Council may request.

- 9.6 In the event that disagreements arise between Commission members, or between the Commission, the Council and the Technical Working Group that cannot be resolved, the SLC will initiate a dispute resolution process.

10. Participation and Engagement

The Commission will:

- 10.1 Utilize the knowledge and traditional experience of Yukon Indian People, and the knowledge and experience of other residents of the planning region (11.4.5.5).
- 10.2 Make best efforts to participate in community Consultation, including events hosted by the Parties in Dawson City, Old Crow, Mayo, and Whitehorse.
- 10.3 Recognize its responsibility to participate in the YESAB assessment of proposed projects occurring in the planning region while land use planning is in progress (12.17.2).

11. Data, Background, and Research Information

The Commission will use the best available information when making representations to YESAB and undertaking plan amendments.

The Parties will provide relevant and available information and data to the Commission at the request of the Commission, except information considered confidential or compromising.

In accordance with annual work plans and budgets, the Commission may also undertake its own studies, data collection, and analysis where information gaps are identified.

Information requests from the Commission will be made through the Technical Working Group. Parties will make their best effort to provide information to the Commission in a timely manner. The Parties recognize that delays in providing information to the Commission will result in delays in the Commission's workplan. Data and other information will be housed by the Council to help ensure consistent information management.

12. Amending and Monitoring the GTOR

These GTOR may be amended by agreement in writing between the Government of Yukon and Tr'ondëk Hwëch'in. The Parties, as well as the Commission and the Council, will monitor compliance with the Terms of Reference.

13. Signature Pages

Appendix A: Mandate of Yukon Land Use Planning Council

Mandate

The mandate of the Yukon Land Use Planning Council is to make recommendations to Government and each affected Yukon First Nation regarding:

- Land use planning, including policies, goals and priorities;
- Identification of planning regions and priorities for regional land use plans;
- The general terms of reference for each Regional Land Use Planning Commission;
- The boundary of each planning region; and
- Such other matters as Government and the affected Yukon First Nation agree.

The Council reviews and recommends the workplan and budgets of regional planning commissions to Yukon.

Composition

The Yukon Land Use Planning Council is made up of three members, one nominated by CYFN, one nominated by Yukon, and one nominated by Canada.

Relationship to the Commission

The Council and Commission operate under a shared services Memorandum of Understanding through which the Council shares administrative, financial, technical, and other support and advice to the Commission.

Council Roles and Responsibilities

- Provide stable and consistent administrative, logistical, technical, and infrastructure support to allow the ongoing function of the Commission;
- Provide advice, review, make recommends regarding the annual workplan and budget for the Commission;
- As a member of the Technical Working Group (TWG), provide advice to the Commission and Parties on a variety of implementation matters; and
- Be available for to participate in Senior Liaison Committee when asked to do so.

Appendix B: Terms of Reference, Technical Working Group

Mandate

During the transition period covered by these GTOR, the mandate of the Technical Working Group (TWG) is to be a forum for discussions between the Dawson Regional Planning Commission (the Commission) and the Parties (TH and YG).

This includes:

- Acting as the primary point of contact between the Commission and governments on technical matters related to the review of the land use plan;
- Sharing relevant government issues, policies, programs and initiatives;
- General information sharing between the Commission and the Parties;
- Seeking direction from the SLC on key policy items.

In the event that anything in this Terms of Reference conflicts with the First Nation Final Agreements, those Agreements will prevail.

Composition

The TWG will be comprised of the Senior Planner for the Commission, one representative from the Yukon Land Use Planning Council, one representative from Yukon Energy, Mines and Resources, one representative from Yukon Environment, and up to two representatives from the Tr'ondëk Hwëch'in government. Other representatives from the Parties may participate as required. Federal representatives with interests and mandates in the Dawson region may also be invited to participate.

Operating Procedures:

- Meetings will occur at the request of the Parties or the Commission;
- TWG will be chaired by the Senior Planner for the Commission, or in the absence of the Senior Planner, one of the other participants;
- TWG will make the best efforts to operate on the basis of consensus;
- TWG may attend Commission meetings if requested by the Commission;
- The secretariat services for TWG will be the Senior Planner with support from the Council;
- Each organization will be responsible for covering its own costs for participating;
- TWG members will represent the technical & policy interests of their respective organizations;
- Members will keep their organizations informed of the key discussions of TWG;
- TWG will remain in effect until the Parties agree otherwise.

The Parties may amend Appendix B containing the TWG Terms of Reference by agreement in writing.

Appendix C: Terms of Reference, Senior Liaison Committee

Mandate

The mandate of the Senior Liaison Committee (SLC) is to provide coordinated, senior level, government input, advice and support to Dawson Regional Planning Commission. This includes:

- Acting as the primary conduit between the Commission and governments on political matters;
- Providing input and advice to the Commission regarding relevant government issues, policies, programs and initiatives;
- Responding to any questions the Commission may have on policy matters;
- Providing overarching policy advice;
- Assisting the Commission to meet its obligations under its GTOR and funding agreements.

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

In the event that anything in this TOR conflicts with the Final Agreements of the Affected First Nations, those Agreements will prevail.

Composition

The SLC will be comprised of one representative of Yukon Energy, Mines and Resources, one representative of Yukon Environment, one representative of the Tr'ondëk Hwëch'in government, and one representative of Na-Cho Nyäk Dun government.

SLC members will be formally designated by each Party.

The Chair and Senior Planner of the Dawson Regional Planning Commission will be invited to participate in SLC meetings.

Other representatives with interest and mandates in the Dawson region may also be invited to participate including: the Yukon Land Use Planning Council, Affected First Nations, the Commission, and Government of Canada. Technical Working Group members may also be invited to participate.

Scope

The SLC will meet as required, to receive updates on plan review, provide input and advice, and work towards consensus on issues, including but not limited to:

- Community Consultation of the Final Recommended Plan under UFA 11.6;

- Responses to the Final Recommended Plan, including approval, modifications, or rejection.

Operating Procedures

Each Party or invited participant will be responsible for covering its costs for participating on the SLC.

The Yukon government will provide secretariat services for the SLC.

Meetings will be chaired by each member on a rotating basis.

SLC members will represent the broad interests of their respective governments and will be responsible for keeping their governments informed of the key issues encountered during the approval process.

Amendment

The Parties may amend the SLC Terms of Reference by agreement in writing.

Appendix D: 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 members are adequately informed and knowledgeable of the issues surrounding the decision;
 - Ensure all members' interests, values and concerns are openly articulated and understood;
 - Ensure all members' 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 members need to invite, welcome and respect the interests, values and concerns of each Commission member;
 - 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;
 - 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; and
 - Voting is a fundamentally different decision-making process than making decisions by consensus. Voting is not consistent with a consensus-based decision-making process.
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; and
 - Seeking guidance from the Parties, Council or a knowledge holder(s).
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.