

Dawson Regional Planning Commission Decision Document

*Reasons for decisions made to reach the Final Recommended Plan
March 31, 2026*



Following the Commission's submission of the Recommended Plan to the Parties in 2022, the Parties proposed modifications. Under Sections 11.6.3.1 and 11.6.5.1 of the Tr'ondëk Hwëch'in Final Agreement, the Dawson Regional Planning Commission must reconsider the Recommended Plan in light of these proposed modifications and make a final recommendation for a regional land use plan, with written reasons. This document provides those written reasons and is provided to the Parties alongside the Final Recommended Plan.

Note to Readers: The decisions are presented in the order in which their topics of discussion appear in the Final Recommended Plan, with those that relate to the entire first. While decisions are discrete, they are necessarily interrelated. Where it may be of particular value, cross-references between decisions appear in the text. These decisions provide some context, but will be most useful when read in conjunction with the Final Recommended Plan.

Acronyms and shorthand

FRP = Final Recommended Plan

RP = Recommended Plan

AMP = Access Management Plan

CE = Cumulative Effects

IPCA = Indigenous Protected and Conserved Area

ISA = Integrated Stewardship Area

LFD = Linear Feature Density

LMU = Landscape Management Unit

SD = surface disturbance

SMA = Special Management Area

THFA = Tr'ondëk Hwëch'in Final Agreement

TOR = Terms of Reference

YESAB = Yukon Environmental and Socio-economic Assessment Board

Parties = Tr'ondëk Hwëch'in Government and the Government of Yukon

Region = Dawson planning region

LMU 1	Tthetäwndëk (Tatonduk)
LMU 2	The Horseshoe
LMU 3	Chu Kon Dëk (Yukon River Corridor)
LMU 4	Tsey Dëk (Fifteenmile)
LMU 5	Ddhäl Ch'ël Settlement Land (Tombstone)
LMU 6	Tr'ondëk (Klondike)
LMU 7	Wehtr'e (Antimony)
LMU 8	Brewery Creek
LMU 9	Clear Creek
LMU 10	Tintina Trench
LMU 11	Goldfields
LMU 12	Tr'ondëk Täk'it (Klondike Valley)
LMU 13	Dempster Highway
LMU 14	Taj Dëkdhät (Top of the World)
LMU 15	Khel Dëk (Sixty Mile)
LMU 16	Wëdzey Nähuzhi (Matson Uplands)
LMU 17	Nän Dhòhdäl (Upper Indian River Wetlands)
LMU 18	Ttthetryän Dëk (Coffee Creek)
LMU 19	Tädzan Dëk (White River)
LMU 20	Łuk Tthe K'ät (Scottie - Ladue Wetlands)
LMU 21	Wëdzey Taj (Fortymile Caribou Corridor)
LMU 22	Ch'ènyàng - Ddhäl Ch'ël Cha Nän (City of Dawson - Tombstone Territorial Park)

Decisions 1 to 10 apply to the entire Plan

1. The Commission had to decide how the FRP can best support the Parties in sharing responsibility in the spirit and intent of the THFA. The THFA was created in the spirit of learning to live together and care for the land together. As the land use planning process is grounded in the THFA, the Commission have a responsibility to ensure this message is central to the FRP.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Clarify that Tr'ondëk Hwëch'in must be meaningfully included in decision-making throughout the Region, and that both Parties must jointly implement the FRP.
- Use one defined term for shared management.
- Clarify throughout the FRP that co-management does not apply to Tr'ondëk Hwëch'in Settlement Land, where Tr'ondëk Hwëch'in retains sole jurisdiction.
- Clarify that Settlement Land within an SMA is excluded from the SMA designation, with accompanying direction that it is managed with the same intent.
- Incorporate a co-governance approach to climate change (vs co-management).
- Reserve a part of the allowed development footprint in a given LMU (as indicated by thresholds) for Settlement Land within that LMU. The amount reserved should be proportional to how much of the LMU is Settlement Land (for example, if 20% of the LMU is Settlement Land, 20% of the allowed development footprint should be reserved for Tr'ondëk Hwëch'in's use within the Settlement Land).
- Include a 200 m buffer around Settlement Land outside of SMAs, where no industrial activity should occur.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Define terms and use them consistently throughout the FRP.
- Use 'joint management' instead of 'co-management'.

Co-management

The Commission find merit with the intent of Tr'ondëk Hwëch'in's modifications to be clearer that the Parties should work together and make joint decisions across the Region during implementation. The Commission also find merit with the proposal to clarify that this sharing of responsibility does not extend to Settlement Land, where Tr'ondëk Hwëch'in retains sole jurisdiction as per the THFA, including with respect to FRP implementation. The Commission find merit in both Parties' proposals to select one term for this

collaborative approach, to define it, and to be consistent and intentional in its use throughout the FRP.

The term 'co-management' aligns with the spirit and intent of the THFA and is achievable under current governance regimes. 'Co-governance', as proposed by Tr'ondëk Hwëch'in with respect to climate change response, remains a future step for the Parties to consider. Therefore, the FRP defines 'co-management' and requires it whenever the Parties are making or working towards a decision across the Region. Where collaboration is required in a non-decision-making context (for example, monitoring or research activities), the FRP calls on the Parties to work together.

The Commission take THFA requirements and intent very seriously, including provisions related to Settlement Land. The FRP is clear that Tr'ondëk Hwëch'in Settlement Land, while subject to FRP directions and management intents, is excluded from co-management requirements. This is true for both broad requirements across the Region and for specific requirements, such as those arising from SMA management plans. The FRP thus upholds Tr'ondëk Hwëch'in's sole jurisdiction over Settlement Land, including with respect to FRP implementation. The FRP does not include this disclaimer in every instance where co-management is invoked.

Settlement Land and Development Footprint

It is important for the Commission that the FRP be implementable. Implementation will require administrative support from the Parties and the Commission, and the Commission have made decisions bearing in mind that this support will not be unlimited. The Commission reject Tr'ondëk Hwëch'in's proposal that the FRP retain a portion of the development footprint per LMU for Settlement Land as this would place an unreasonable and likely unachievable burden on implementation. The FRP includes other provisions that support Tr'ondëk Hwëch'in's autonomy on Settlement Land, as laid out elsewhere in this Decision.

Buffers around Settlement Land

The Commission understand and finds merit in the intent of Tr'ondëk Hwëch'in's proposal to add a buffer to Settlement Land to ensure adjacent activities don't negatively impact the use and enjoyment of these areas. The Commission reject the proposed mechanism, however, as it would displace many current activities, including on existing dispositions. In response to Tr'ondëk Hwëch'in's concerns, the FRP does include Stewardship Directions requiring higher degrees of accountability, scrutiny, and Tr'ondëk Hwëch'in consultation for projects proposed and occurring within 200m of Settlement Land.

In summary, the FRP supports the Parties in expressing the spirit and intent of the THFA by defining co-management, requiring co-management and collaboration outside of Tr'ondëk Hwëch'in Settlement Land, and requiring high standards of care and accountability in proximity to Tr'ondëk Hwëch'in Settlement Land.

2. The Commission had to decide if, how, and where to protect FRP values while Implementation Actions that require time are being developed (for example, sub-regional or access management plans). The RP required interim withdrawals from mineral staking and/or land disposition for some LMUs, subject to the completion of different processes.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Remove all interim withdrawals, so that none are present in the FRP.
- Wherever possible, remove the requirement for finer-scale plans that are the basis for interim withdrawals.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Retain the RP's interim withdrawals.
- Add other interim measures like moratoria on industrial activities in SMAs and interim restrictions on activities in existing dispositions in some areas.
- Clarify that the removal of withdrawals requires joint approval by both Parties.
- Add a process for implementing future withdrawals.

The Commission find merit in Tr'ondëk Hwëch'in's proposal to use interim measures as a tool in the FRP and does not find merit in the Government of Yukon's proposal to remove all interim withdrawals. The Commission does find merit in the intent of the Government of Yukon's proposal to limit time-intensive elements of implementation and agree that the FRP should only make use of these sorts of tools where absolutely necessary. The Commission disagree with the Government of Yukon on where this necessity exists. The Commission find merit in Tr'ondëk Hwëch'in's proposal to be clear that joint decision making is required to lift withdrawals (see also Decision 1). However, the Commission does not find it necessary at this time to lay out a process for implementing future withdrawals, as this option remains open to the Parties without such details.

The FRP has goals for protecting values and is guided by the precautionary principle. Implementation Actions are steps towards these goals, and the Commission acknowledge that some will take time, especially those that require a further, finer-scale planning process. The finer-scale tools required by the FRP are intended to protect values whose needs are not adequately met by existing tools. Interim measures protect values while these processes are being carried out, supporting long-term achievement of FRP goals and abiding by the precautionary principle. The cost of unintended consequences of not having these measures in place is too high not to use them. Interim measures make sense where

there is an identified route to protecting a value at risk, as they incentivize completion of Implementation Actions.

As a specific type of interim measure, interim withdrawals from mineral staking are a simple, clear tool to reduce pressure on values. As such, the FRP requires interim staking withdrawals as part of the interim measures for:

- LMU 17, subject to completion of an Upper Indian River Stewardship Plan or the Parties' agreement (see also Decision 26).
- LMU 21, subject to the Parties' agreement that lifting the withdrawal will not threaten the Fortymile caribou herd (see also Decision 24).
- Two of the sub-regional planning areas (LMUs 3 and 13). Further, all sub-regional planning area LMU directions are interim measures that remain in effect until superseded by a sub-regional plan (see also Decision 28).

The FRP is clear that the decision to lift a withdrawal must be made jointly by the Parties. The Plan does not provide a mechanism for implementing new withdrawals, though this remains a tool available to the Parties.

In sum, the FRP employs interim measures to protect values in LMUs 3, 12, 13, 17, and 21, while relevant required Implementation Actions are completed. Interim withdrawal of mineral staking applies to LMUs 3, 13, 17, and 21.

3. The FRP is a technical document for the Parties as well as a guide to being in good relation with the land for a wide variety of people who live, work, play, and visit the Region. The Commission had to decide how to make the Plan readable for this wide audience.

Tr'ondëk Hwëch'in proposed no modifications related to this topic.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Improve document design and readability, including language choice and broad structural changes.
- Improve spelling, grammar, language, and clarity.

The Commission find merit in the intention of the Government of Yukon's proposals to produce an FRP that is clear, precise, and readable. The Commission also find merit in the scope and content of many of the proposed changes. These changes are not spoken to individually due to quantity, but the impact of these changes on the FRP are addressed below.

The FRP has a broad audience and needs to be accessible to all people who interact with the land in the Region, while being specific enough to guide the Parties in implementation. To this end, the FRP:

- Follows a logical sequence with clear visual cues like colour, and clear, accurate headings.
- Is consistent within and across sections.
- Is written in plain language where possible, with necessary technical language and FRP-specific terms defined.
- Minimizes repetition.
- Retains LMU numbers from the RP, as these have been used by YESAB and the public since 2022.
- Retains the land designation colour scheme from the RP as it aligns generally with those of completed regional land use plans.
- Includes revised maps that prioritize ease of reading to visually communicate information.

In sum, the FRP balances readability with technical precision.

4. The Commission had to decide what legislative and policy tools the Parties should use to implement the FRP.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Align the FRP more closely with existing legislation and policy.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Encourage the Parties to use all existing policy and legislative tools during implementation.
- Encourage the Parties to develop new tools as needed to implement the Plan.

The Commission find merit in all of the Parties' proposals. Aligning the FRP more closely with existing policy and legislation will facilitate implementation. Encouraging the use of all existing tools is efficient and encouraging innovation where adequate tools do not exist supports the Parties in improving implementation over time.

The FRP exists in a dynamic legislative context and has relationships with many pieces of legislation (both existing and future) enacted by multiple governments. While it is not possible to list every piece of legislation that may interact with the FRP as it is implemented over time, the FRP is written to align as closely as possible with existing policy and legislation. The FRP is clear about what prevails should a conflict arise between existing policy or legislation and the FRP.

The THFA, the FRP's enabling legislation, is clear that the FRP cannot require the Parties to develop new legislation. However, it is reasonable to expect both Parties to develop new legislative tools over time. Given the importance of the FRP to the Parties, their ongoing relationship under the THFA, and the FRP's requirement for adaptive implementation, it is also reasonable to expect that the development of new tools will take into account the Approved Plan's implementation needs. Therefore, the FRP encourages the Parties to develop new tools to meet implementation needs as they arise.

In conclusion, the FRP broadly aligns with existing legislation and policy while supporting improvements over time. The FRP encourages the Parties to make the best use of existing tools and legislation, and to develop new tools and legislation where these would help fulfil the FRP's/Approved Plan's goals.

5. The Commission had to decide what matters the FRP should and should not speak to.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Address management of activities within the City of Dawson, including:
 - Restricting mining.
 - Establishing standards for environmental and cultural protection at least as stringent as those outside municipal boundaries.
 - Determining an optimal population size for the municipality.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Remove recommendations that are outside of the scope of the Plan as laid out in Chapter 11 of the THFA and the Commission's TOR, including directions aimed at bodies other than the Parties and Commission.

The Commission find merit in the Government of Yukon's proposal because the Commission are bound by both the THFA and their TOR. As such, the Commission disagree with Tr'ondëk Hwëch'in's proposals to add any management direction related to the City of Dawson, as it is one of the areas excluded from planning as per the TOR. Good planning practice guides the avoidance of large divergence in planning intent or direction in adjacent areas. However, it is beyond the Commission's jurisdiction to direct anything outside the FRP's boundaries.

The FRP is a treaty obligation between the Parties, with the Commission holding a central role. The FRP does not have the authority to direct any other body. There are, however, many other bodies with legal and practical linkages to the FRP. The FRP names these bodies and provides recommendations on how they might support successful implementation and integration with other processes. The FRP does not direct any of these other bodies.

In sum, the FRP does not include direction outside of its scope as per a broad reading of the THFA and the Commission's TOR. The FRP comments on matters outside this scope to support effective implementation, but only in an advisory capacity.

6. The Commission had to decide how and where to include its own voice and intent in the FRP.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Restrict the Commission's voice to the 'message from the Commission'
- Remove some instances of the Commission's rationale, including rationale for designation in the LMU sections.
- Add the Commission's rationale in some cases, including where AMPs are required.
- Use consistent tone and voice throughout the FRP.

Tr'ondëk Hwëch'in did not propose any modifications related to this topic. In subsequent communications, both Parties indicated that it was very important for the Commission's intent to be clear in the FRP. There were many examples in the Parties' proposed modifications that made it clear that the Commission's intent was not adequately communicated in all instances in the RP.

The Commission find merit in the Government of Yukon's proposal to restrict the Commission's voice to the 'message from the Commission' but makes a distinction between this direct voice and the explanation of rationale. The Commission agree with both Parties that clearly communicating intent is important, for three main reasons:

1. Plan users are more likely to be invested in following Plan directions if they understand why they are there. Including intent supports stewardship.
2. Available tools change over time. Including intent supports the Parties in fulfilling the Plan's vision if a recommended tool or mechanism is no longer the most appropriate. This is an application of the principle of adaptive implementation.
3. In some cases, it is clear to the Commission that divergent modifications from the Parties were based on different interpretations of the Commission's intent. Articulating rationale within the FRP is a way to prevent this sort of confusion. In some cases, the Parties do hold opposing positions. Including an explicit rationale is a way to support the Parties in coming together on a given issue.

Therefore, the Commission speak directly to readers in the 'message from the Commission' and provide clear rationale where appropriate. The Commission's intent is also apparent in more subtle ways, for example, in the order of Section 1. The FRP begins with the THFA to emphasize its foundational importance to the planning and co-management process.

In sum, the ‘message from the Commission’ that opens the FRP is the only place where the Commission speak directly to readers. The Commission’s intent is communicated throughout the FRP to support stewardship, adaptive implementation, and alignment between the Parties.

7. The Commission had to decide how much and what background information to provide within the Plan.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Expand information on specific topics, including the ecological impacts of climate change.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Remove background information from much of the FRP for the sake of brevity.
- Add background information in some areas, including climate change, species distributions, and the legal context of the FRP.
- Increase the accuracy of the text and update data and references to the most recently available (examples provided).

The Commission find merit in all the Parties' proposals. Having adequate and accurate background information allows FRP users to understand the context and rationale and follow directions. Too much background dilutes the FRP's message, making it overwhelming and inaccessible.

To this end:

- The FRP includes background information based on the best available information at the time of writing.
- Within sections, the amount of background information varies based on how important the background information is to understanding directions and their intent, and how readily available information is elsewhere.
- For topics where resources are not readily accessible, the FRP directs readers to outside resources.
- The FRP uses appendices where extra information is helpful but not required.
- The FRP includes comprehensive references with primary sources.

In sum, the FRP includes sufficient background information to enable Plan users to understand the Plan's context, directions, and intent, without overwhelming readers with excess information.

8. The Commission had to decide what information the FRP should require as part of project permitting and assessments.

The Government of Yukon did not propose any modifications related to this topic.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Define 'adequate baseline data' required before any development.
- Include detailed ecological, climate change-related, and socio-cultural criteria that data should meet to be considered "adequate" (examples provided).

The Commission does not find merit in Tr'ondëk Hwëch'in's proposal to create a definition for 'adequate baseline data' that would apply in all circumstances, because what is adequate will vary according to both the location (for example, values present and their condition) and the project (for example, scale and activities). A broad definition risks disproportionately increasing burdens on small proponents without a justifiable benefit.

The Commission does find merit in the underlying intention to ensure that values are protected through the project assessment process. To this end, the FRP includes Stewardship Directions related to project proposal requirements for many values. The FRP also includes explicit requirements for sharing data during the project assessment process, where value health is of particular concern (for example, caribou overlays). The FRP's conformity determination process allows the Commission to assess on a project-by-project basis whether information provided by proponents is adequate to conform with FRP requirements.

In summary, the FRP provides guidance on required information for project assessment through value-specific Stewardship Directions and does not include a broad definition for 'adequate baseline data'.

9. The Commission had to decide how to refer to First Nations and governments and their staff. The RP referenced specific staff positions within Party governments and named specific First Nations in different areas of the Plan.

Tr'ondëk Hwëch'in did not propose any modifications related to this topic.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Replace references to specific staff positions within a government with references to departments.
- Add further explanation on White River First Nation's asserted territory within the planning Region.

The Commission find merit in both of the Government of Yukon's proposals, for the following respective reasons: staff positions are likely to change at a much higher frequency than departments, and it is important to provide clear information on the geographic scope of the FRP and overlapping interests. Further, consistency improves readability and helps avoid subjectivity or the perception thereof (see also Decision 3).

The Approved Plan is intended to remain in place for the foreseeable future, and staff positions within governments may change more frequently than Plan Reviews occur. It is useful for the FRP to identify sources of expertise to support implementation. To provide this direction while remaining relevant over time, the FRP refers to 'the most appropriate and qualified staff' within a specific department rather than individual staff positions. The FRP also employs generic terms such as 'inspector' to refer to a variety of appropriate staff within each Party who may, in this example, monitor and ensure compliance with respect to reclamation activities.

With respect to the naming of First Nations other than Tr'ondëk Hwëch'in, the Commission recognize the need to balance providing adequate information with avoiding the appearance of preferential consideration, as could be interpreted by inconsistent identification of First Nations across the plan. The Commission's TOR identify Tr'ondëk Hwëch'in as Party to the Plan and Vuntut Gwitchin First Nation and the First Nation of Na-Cho Nyäk Dun as Affected First Nations. The FRP is judicious about using the names of specific First Nations other than Tr'ondëk Hwëch'in. It only uses them for technical precision, including:

- In the geography scope subsection, naming all First Nations with Traditional Territories (under First Nation Final Agreements) that overlap with FRP boundaries, or who have asserted rights within FRP boundaries.

- In directions that require collaboration with a particular First Nation, such as those related to sub-regional planning across planning regions, naming the specific First Nation(s).

In sum, the FRP guides plan users to relevant government departments and the most relevant staff within them where required. The FRP identifies by name all First Nations whose Traditional Territories overlap with the Region or who have asserted interests in the Region. Outside of this, it does not specify individual First Nations other than Tr'ondëk Hwëch'in unless required for technical precision.

10. The Commission had to decide how to protect water in the FRP. The RP included directions related to water under a wide variety of topics but had no section specific to water.

The Government of Yukon did not propose any modifications specifically on this topic. They did, however, propose general modifications to provide more coherent structure.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Encourage more research on hydrological cycles, particularly with respect to their interface with climate change and with human use.
- Acknowledge and respond to the impacts of climate change on waterways and recognize Tr'ondëk Hwëch'in's rights in relation to water.
- Expand recommendations to develop capacity amongst the Parties for modelling, monitoring, and guardianship of rivers and water.
- Add management directions to ensure the ecological, economic, and cultural integrity of rivers remains intact.
- Create a new LMU for the Stewart River.
- Establish a 200 m buffer on rivers outside of SMAs and sub-regional planning areas.

The Commission find merit in the intention underlying all Tr'ondëk Hwëch'in's proposed modifications: that of enhancing protections for water in a variety of scales and contexts. The Commission also find merit in the Government of Yukon's general modifications to increase structural consistency in the FRP. The Commission evaluated these proposals together and developed a series of modifications to address water and its stewardship across the FRP, laid out in more detail below. The majority of Tr'ondëk Hwëch'in's specific proposals are aligned with this approach and are therefore incorporated into it. The exceptions are the creation of a new LMU for the Stewart River and the establishment of a 200 m buffer on rivers outside of SMAs and sub-regional planning areas.

The Commission find merit in the specific concerns behind the proposal for a new LMU for the Stewart River. These include the high cultural, ecological, and economic importance of the Stewart River and its proximity to LMU 11, which, as an ISA 4, has the highest development threshold footprints in the Region. The Commission find the creation of a new LMU an unnecessary administrative burden and present an alternative solution to meet the same need in the FRP. Within the Region, the lower portion of the Stewart River is bound on either side by the Region (LMU 11), while the upper portion is bound to the west by the Planning Region (LMU 11) and to the east by a future Planning Region. Therefore, only half the width of the upper portion is subject to the FRP.

The FRP includes the lower portion of the Stewart River in LMU 3, making it subject to the sub-regional plan. While the Stewart River is continuous along its entire length, requiring the sub-regional planning process in the upper portion, where only half of the river is subject to the resulting plan, would set the process up for challenges. For ease of implementation and to leave more options for future alignment between adjacent planning regions, the upper portion of the Stewart River is not merged with LMU 3. It remains part of LMU 11 but receives greater protection than in the RP through directions included in LMU 11.

With respect to the proposed buffer, the Commission again find merit in the intent (to protect rivers lacking the protection offered by designations) but find this mechanism to be resource-intensive in implementation and excessive in width.

How the FRP protects water across the Region

The FRP names *Water* as a value, protecting water at a high level and providing associated Stewardship Directions that everyone across the Region must follow. These directions protect water by anticipating both direct impacts (for example, from activities on or next to water) and indirect impacts (for example, from activities that cause or may cause contaminated runoff). The *Water* section acknowledges the fundamental importance of water, the risks it faces from human activities, and the inadequacies of current management in protecting it. Additionally, Access Management directions address specific concerns related to road use, planning, construction, and maintenance, with particular attention to water crossings and the use of water as access.

How the FRP protects water at the scale of LMUs

- LMU designations (especially SMAs and sub-regional planning areas) protect water through their associated withdrawals from staking (permanent or interim) and development footprint thresholds.
- LMUs 8, 9, 11, 12, 14, 15, 19, and 21 all include a suite of directions to protect water, aimed at the Klondike, Indian, Stewart, Forty Mile, Sixty Mile, and White Rivers where they flow through LMUs that are not designated SMAs. This suite of directions includes no ground disturbance or storage of contaminants (including fuel storage, outhouses, waste materials, and tailings ponds) within 30 m of the high-water mark.

Taken together, this combination of directions at varying scales and levels of stringency provides comprehensive protection for water and waterways in the Region, complementing those provided through existing permitting and regulatory processes.

To conclude, the FRP provides comprehensive protection for water across the Region by including Water as a value, strong Stewardship Directions that apply to water throughout the Region, and LMU directions that protect specific rivers.

Decisions 11 and 12 apply to Section 1 (Nän kāk ndä tr'ädäl - On the land we walk together)

11. The Region's community and governance structures are a direct result of the interaction between the Tr'ondëk Hwëch'in worldview and the Western worldview. The Tr'ondëk Hwëch'in worldview has existed in this place since time immemorial. The Western worldview initially arrived with settler colonization and continues to influence all people in the Region today. The Commission had to decide how to recognize and represent the different worldviews present in the Region in the FRP.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Incorporate the Tr'ondëk Hwëch'in cultural pillars of reciprocity, respect, and humility into the principle of sustainable development.
- Support future IPCAs in LMUs 1, 3, 5, and 10.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Clarify that heritage resources may be protected by maintaining the health of contextual landscapes, but that landscapes themselves are not heritage resources.
- Remove mitigation requirements where heritage resources are 'not formally identified'.
- Strengthen the 'truth' component of the truth and reconciliation section to acknowledge how colonial processes have ignored and disrespected Indigenous laws.

The Commission find merit in Tr'ondëk Hwëch'in's proposal to incorporate these cultural pillars into the principle of sustainable development and further finds them valuable in informing how the Tr'ondëk Hwëch'in worldview is represented throughout the FRP. The Commission also find merit in the proposal to support future IPCAs, as these are mechanisms for ensuring increased expression of Tr'ondëk Hwëch'in's priorities and ways of managing land in these areas. As such, it promotes the IPCA tool in one additional LMU beyond those proposed (LMU 6), where Tr'ondëk Hwëch'in has a particularly strong connection to the land. The Commission add the caveat that support for an IPCA in LMU 3 is conditional on a compatible outcome of the sub-regional planning process.

The Commission find merit in the Government of Yukon's proposal to strengthen the 'truth' component of the truth and reconciliation section, as this truth-telling is part of our collective responsibility for reconciliation. The Commission disagree with the Government

of Yukon's proposals related to heritage resources. The Commission uphold Tr'ondëk Hwëch'in's right to self-determine heritage and Tr'ondëk Hwëch'in holds the position that landscapes themselves are a part of their heritage. Limiting mitigations only to mapped instances of identified 'heritage' creates a false sense of certainty for proponents while failing to protect the heritage of all Yukoners.

In response to the Parties' proposals, the FRP explicitly addresses truth and reconciliation and both worldviews through dedicated sections and encourages respect for all worldviews within Stewardship Directions. To fully reflect the equal partnership of the Parties, the FRP should equally express each Parties' worldview. It is difficult, if not impossible, however, to fully integrate the Tr'ondëk Hwëch'in worldview into a written document that is inherently Western in structure and purpose. The FRP both acknowledges its own limitations and lays the groundwork for improvement.

Specifically, the Tr'ondëk Hwëch'in worldview and the cultural pillars informed:

- The principle of sustainable development.
- The use of Hän language.
- Management directions oriented around values.
- Explicit support for Tr'ondëk Hwëch'in's right to self-determine heritage.
- Support for IPCAs in LMUs 1, 4, 5, 6, 10, and conditionally in LMU 3.
- The inclusion of *Community Culture* and *Tr'ondëk Hwëch'in Culture, Heritage, and Language* as overlapping but distinct values.

In summary, the FRP acknowledges the Tr'ondëk Hwëch'in and Western worldviews that meet in the Plan, speaks honestly to truth and reconciliation, and integrates the Tr'ondëk Hwëch'in worldview, including the cultural pillars of respect, humility, and reciprocity, alongside the Western worldview.

12. The Commission had to decide how the Plan should speak to climate change. The RP included a broad-ranging section on climate change with objectives sourced from the Government of Yukon's climate change policy. It also included a subsection specific to wetlands and climate change.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Update existing climate change data to provide greater context and background. Include more recent and detailed information.
- Remove the category of LMU directions that are intended to consider climate impacts and risks to proposed activities, as this was not done in the RP.
- Add provisions for recovery from extreme events related to climate change that would allow temporary adjustment of activities.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Foreground climate change and speak to it throughout the Plan through strong, comprehensive provisions that address and recognize the urgency required by climate change.
- Acknowledge actual and potential impacts of climate change on ecological and socio-economic systems, the potential for compounding effects to arise from interactions among these impacts in our specific context, the relationship between climate change and Indigenous rights, and the contributions of human activities in the Region to climate change.
- Increase consideration of climate change, including by incorporating acknowledgement of and response to climate change at a high level in the vision, guiding principles, and values.
- Add climate change considerations and responses throughout management directions and within directions on cumulative effects assessment.
- Protect more of the Region.
- Moderate the pace and intensity of development to limit contributions to and allow time for adaptation to climate change.
- Add specific climate change-related objectives.

The Commission find merit in the Government of Yukon's proposals to update and expand background information on climate change, as this will provide important context to readers. They also find merit in the proposal to remove the LMU directions category related to climate change, as this was not done in the RP.

The Commission find merit in the intention behind the Government of Yukon's proposal to allow for adjustments to activities in response to extreme events, as this aligns with the FRP's general focus on protecting values through adaptive implementation. However, the Commission disagree with this specific provision, as the FRP's CE framework meets this need more broadly. Value-based indicator levels and value health relative to value goals should provide the Parties with sufficient grounds to restrict activities to protect values in all cases, including climate change-related extreme events.

Tr'ondëk Hwëch'in proposed numerous modifications on this topic. Broadly speaking, the Commission find merit in the proposal to foreground climate change as it is an important part of our current context. The Commission support the intention of many of the proposed changes to increase the consideration of climate change throughout the FRP and are also conscious of the value of speaking to common issues at a high level to avoid unnecessary repetition. Therefore, the Commission adopted a combined approach in the FRP, with a high-level acknowledgement of climate change and its impacts, and value-specific directions related to climate change; most values also include a climate change-related goal. The FRP acknowledges the existing and potential impacts of climate change in the Region, in particular the disproportionate scale of these impacts relative to the Region's contributions to the global issue. The FRP also acknowledges and considers the relationship between climate change and Indigenous rights.

The FRP is adaptable in response to climate change and related emergencies or extreme events. The Parties can jointly agree to a Plan Review at any time, and the FRP specifically says that this can be of 'specific LMUs where there has been a change in land use or a significant natural event has occurred (for example, if a large wildfire burns an entire LMU).' Further, the Plan promotes climate resilience through value-based management directions, adaptive implementation, the encouragement of stewardship by all land users, and the protection of landscape integrity.

In sum, the FRP recognizes the importance of climate change by speaking directly to it as part of the plan context and by including climate change-related directions across all values.

Decisions 13 to 16 apply to Section 2 (Goals, Guiding Principles, and Tools)

13. The Commission had to decide on the wording of the goals of the FRP. The RP included ecological, socio-cultural, and socio-economic plan goals.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Increase coherence between goal statements and the rest of the plan (specific changes provided).
- Ensure goals are clear and specific enough to allow future success to be measured (specific changes provided).
- Add a goal of upholding First Nation rights.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Incorporate climate change considerations into many goals across all three groupings (specific changes provided).

The Commission find merit in the intent of the Government of Yukon's proposed modifications relating to coherence, clarity, and specificity, because all of these factors support successful implementation. To increase plan coherence with respect to goals, the FRP includes additional Community, Culture, and Heritage goals that reflect the diversity of the Region's residents, consistent groupings for goals and values (Environment; Community, Culture, and Heritage; Sustainable Economy), and goals that speak to the interconnections between groupings. In addition, the goals have been revised to increase clarity and specificity, enabling better measures of future success.

The Commission agree that upholding First Nation rights are important. However, they believe that upholding First Nation rights should be inherent to the implementation of the FRP, rather than the focus of a specific goal. The FRP begins with a focus on the THFA and details the relationships between land use planning, reconciliation, and First Nation rights. This is intended to underscore the foundational importance of the THFA and these relationships to the FRP. There is no goal in the FRP that specifically upholds First Nation rights, though multiple goals address the desired future state of Tr'ondëk Hwëch'in culture, language, heritage, and traditional economy.

The Commission agree with the intent of Tr'ondëk Hwëch'in's proposals to integrate climate considerations into plan goals; however, not to the extent proposed. The FRP includes climate change considerations in some plan goals and uses multiple

mechanisms to ensure that climate change is addressed thoroughly throughout the FRP (see also Decision 12).

To conclude, the FRP includes revised and strengthened goals that provide measurable targets against which future success can be measured.

14. The Commission had to decide how to articulate the Plan's guiding principles. The RP included three guiding principles: sustainable development, stewardship, and the precautionary principle.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Include social values as criteria for sustainable development.
- Define the precautionary principle using the definition in the 1992 Rio Declaration.
- Remove the Stewardship Trust.
- With regards to adaptive management, either remove this as a plan tool or ensure the FRP follows that framework.
- Clarify the audience of the guiding principles.
- Include mechanisms to ensure that governance recommendations relating to biodiversity monitoring and research can continually inform decisions.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Redefine sustainable development so that sustainable activities cannot contribute to climate change.
- Incorporate the Tr'ondëk Hwëch'in cultural pillars of reciprocity, respect, and humility into the principle of sustainable development.
- Expand the precautionary principle section to include factors that contribute to climate change (for example, emissions) or exacerbate climate change-related harm (for example, activities that lead to habitat fragmentation) (specific examples provided).
- Tr'ondëk Hwëch'in provided no modifications related to the principle of stewardship.

Sustainable Development

The Commission do not find merit in either Parties' proposal to change the definition of 'sustainable development', as this definition is from the THFA. The Commission do find merit in considering that definition from a wide perspective that incorporates social values as well as the Tr'ondëk Hwëch'in cultural pillars of reciprocity, respect, and humility.

The FRP therefore retains the THFA's definition of 'sustainable development', and the explanatory text has been revised for clarity and to reflect linkages between environmental, socio-cultural, and socio-economic health. The section includes increased reference to the FRP's cumulative effects and reclamation frameworks.

Stewardship

The Commission concur with the Government of Yukon's proposed removal of the Stewardship Trust, though not for all of the same reasons. The Government of Yukon took the position that establishing a trust would require legislative change, which a land use plan cannot require, under the THFA. The Commission find that establishment could occur without new legislation, and that funding for land stewardship should be provided directly by the Parties as part of their implementation obligations. As such, establishing an independent trust is an unnecessary administrative burden and not required by the FRP.

Precautionary Principle

The Commission do not find merit in adding specific climate change-related considerations to this section as proposed by Tr'ondëk Hwëch'in, because the plan principles are intentionally high-level and do not address specific values, threats or activities. The Commission agree with the Government of Yukon's proposal to amend the definition of the precautionary principle on the basis that an easily understood definition that is grounded in common usage is best. The Commission find, however, that the suggestion provided by the Government of Yukon is out of date and not written in plain language.

In response, the FRP defines the precautionary principle as 'when human or environmental health is at risk, proactive steps must be taken to prevent harm, even in the absence of full scientific certainty'. This definition has been crafted to be clear and positive. It is based on a literature review of definitions of the precautionary principle over the last few decades.

Adaptive Implementation

The Commission find merit in the Government of Yukon's proposal to remove adaptive management as a plan tool, as this is a specific framework that the FRP does not follow. The Commission also find merit in the Government of Yukon's proposal to include mechanisms to incorporate new information, as adaptability is necessary for successful implementation. Therefore, while adaptive management as a tool has been removed, the FRP includes a new guiding principle: adaptive implementation.

In sum, the FRP includes revised principles of Sustainable Development, Stewardship, the Precautionary Principle, and Adaptive Implementation. The FRP clarifies that these principles both guided Plan development and are intended to guide Plan implementation. It retains the THFA's definition of sustainable development and updates the definition of the precautionary principle.

15. The Commission had to decide how to orient and organize the Plan's management directions. The RP arranged management directions around values and activities at varying scales and for different audiences.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Integrate the Tr'ondëk Hwëch'in cultural pillars of respect, humility, and reciprocity into the FRP.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Remove sections that speak to topics that are not 'a recognized plan value or resource' (such as *Hän language* and *Resource Development and Impacts to MMIWG2S+*).
- Remove sections that speak to topics that do not follow structural conventions (such as *Sheep*).
- Link plan terms logically and hierarchically.
- Ensure internal coherence.
- Remove management directions from introductory sections.
- Ensure management directions are written to be applicable to proponents and are legally, technically, financially, and administratively sound.

The Commission find merit in Tr'ondëk Hwëch'in's proposal to integrate their cultural pillars across the FRP. The Commission agree in principle with the Government of Yukon's intent to increase the clarity, coherence, and structural integrity of the FRP. To this end, the Commission find merit in the proposals to remove management directions from the introductory sections. They do not, however, agree with all the proposed topic removals, finding these proposals evidence of confusion about plan values and their role.

Management directions can be organized in many ways. The RP arranged them around values and activities at varying scales. This required a certain amount of repetition because many activities are subject to similar directions aimed at protecting a given value. It also meant that a wide array of values and activities of varying importance were treated at the same level of hierarchy (for example, caribou and aggregate extraction).

To increase the clarity, coherence, and structural integrity of the FRP, and express Tr'ondëk Hwëch'in's cultural pillar of respect, the Commission reviewed material from throughout the planning process, such as previous feedback and the *Issues and Interests* and *Resources Assessment Reports*, and identified twelve land-based values around which the

FRP's management directions revolve. Focusing on values also helps set the Parties up for successful implementation of the value-based cumulative effects and reclamation frameworks. These frameworks are centered on protecting or reclaiming towards a specific value.

To further enhance usability and clarity, the FRP's management directions are organized by scale and audience. With respect to scale, directions are grouped hierarchically by geographic scale, beginning with directions that apply across the Region (access directions in Section 4 and value-oriented directions in Section 5), directions restricted to the areas related to the value they protect (overlays in Section 5), and finally, directions at the LMU-scale (LMU directions in Section 6).

With respect to audience, the FRP includes four types of management directions (re-named and defined since the RP):

- Stewardship Directions that apply to everyone on the land.
- Implementation Actions that apply to the Parties and/or the Implementation Committee.
- Governance Recommendations that apply to the Parties.
- Knowledge Gaps that are directed at the Parties, independent researchers, or other agencies to guide future research.

In summary, the FRP's management directions are oriented around 12 land-based values important to the people of the Region. They are organized coherently and hierarchically by defined audiences and scale to provide clear guidance to all groups of land users.

16. The Commission had to decide what designations the Plan should use and how they should be defined.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Add 'Wetlands of Special Importance' as a designation.
- Remove Corridors from designations.
- With respect to ISAs:
 - Change surface disturbance critical thresholds for ISA 3 and 4 back to draft levels (2% to 2.5% and 4% to 5%, respectively).
 - Clarify that all activities contribute to the development footprint.
 - Clarify how ecological and other values were weighed in defining thresholds.
- With respect to SMAs:
 - Show numerical threshold values, not in reference to ISA thresholds.
 - Redefine SMAs to clarify that a THFA Chapter 10 process is not required.
 - Be clear about land uses not/allowed in SMAs.
- Rename and redefine sub-regional planning areas to remove the requirement for THFA Chapter 11 process.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- With respect to ISAs: differentiate sub-designations 1-4 by what activities may be allowed.
- With respect to SMAs: include specific reference to the THFA to make it clear that SMAs are intended to be co-managed through co-developed and co-approved SMA management plans under Chapter 10 of the THFA.
- With respect to sub-regional planning areas:
 - Provide clear process directions with timeline, funding, and deliverables.
 - Clarify that these areas require planning jointly by the Parties with Commission participation, as invited by the Parties.

General

The Commission find merit in the Government of Yukon's proposal to remove the Corridors designation, as it is an unnecessary layer and its intentions are being met by other FRP tools. The Commission disagree with the proposal to add a Wetlands of Special Importance designation, as it is not an FRP designation but rather a tool resulting from a Government of Yukon policy. The Commission does not find merit in the proposals to differentiate designations (or sub-designations) based on which activities are allowed or

not, because this nuance is better addressed in LMU directions, as LMUs may have the same designation for different reasons (that is, to protect different values).

In line with the general intent to simplify structure and improve coherence, these findings have led the Commission to simplify the designation structure in the FRP in the following ways:

- Overlays are revised to be a general tool that can be applied to any value.
- Community Area has been changed to Excluded Area to more broadly encompass all those areas within the Region to which the FRP does not apply.

ISAs

The Commission does not find merit in the Government of Yukon's proposal to increase the critical surface disturbance thresholds for ISAs 3 and 4, because the current thresholds were selected to allow development to continue while protecting values. The Commission does find merit in the Government of Yukon's proposal to include more details on this process. Therefore, the FRP clearly describes how the Commission decided on thresholds for development footprint indicators. Further, the FRP encourages progressive reclamation to allow activity to continue while thresholds are respected, and the Parties retain the ability to change thresholds during Plan Review if conditions warrant.

*SMA*s

The Commission intend SMA's to be subject to a THFA Chapter 10 process. The Commission therefore find merit in Tr'ondëk Hwëch'in's proposal to clarify this intent and disagree with the Government of Yukon's proposal to remove this requirement. Consequently, the FRP clearly defines SMA's as being subject to a subsequent Chapter 10 process under the THFA. Additionally, the FRP includes provisions that the Commission should participate in SMA management plan development, given their deep knowledge of the Region and the values within each SMA. This provides the additional benefit of the Commission being able to interpret any management intent that, despite best efforts, remains unclear.

With respect to the communication of thresholds, the Commission does not find that the Government of Yukon's proposal to write each SMA development footprint threshold numerically aligns with the Commission's goal of accessibility. To ensure clarity, the thresholds are written out in full at the beginning of Section 6 (Land Management Units) and elsewhere, a shorthand (as per ISA 1) is still used, as this is more accessible to Plan readers.

Sub-regional planning areas

The Commission's intention is for sub-regional planning areas to undergo a THFA Chapter 11 planning process. The Commission therefore find merit in Tr'ondëk Hwëch'in's proposals to increase direction and clarity for sub-regional planning and disagrees with the Government of Yukon's proposed modification to remove the requirement of a Chapter 11 process. The FRP includes a detailed section on sub-regional planning, with process directions and timelines for each sub-regional plan required by the FRP.

In sum, the FRP uses a simple, clear set of designations to communicate major differences in planning intent and tolerance for development footprint across the Region. Both SMAs and sub-regional planning areas require subsequent THFA processes. Development footprint thresholds by designation remain the same as in the RP.

Decisions 17 to 19 apply to Section 3 (Cumulative Effects Management)

17. The Commission had to decide how the Plan will support the Parties in managing CE (cumulative effects), now and in the future. The RP included two CE sections that outlined CE concepts and included two indicators of development footprint with thresholds by LMU.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Include direction for the Parties to commit to a workplan and timeline for continuing to develop the CE framework.
- Require indicator development for a suite of ecological and cultural values.
- Be clear about the limitations of the development footprint indicators with respect to climate change.
- Include indicators other than the development footprint indicators.
- Integrate climate change considerations and responses into CE management, including by adding climate change as an indicator with thresholds for climate change effects.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Revise the structure and language of the CE sections to improve clarity (many specific suggestions provided).

Both Parties have supported the ongoing collaborative development of the CE framework. The Commission find merit in this proposal because, while some elements of CE management are ready to be employed immediately, others will require much work. CE management interacts with many processes, so a collaborative approach is ideal. The Commission further find merit in Tr'ondëk Hwëch'in's proposal to include direction related to a workplan and timeline for this work, and in the Government of Yukon's proposal to revise the structure and language of the CE sections for clarity. Both of these proposed modifications support effective implementation.

With respect to indicators, the Commission find merit in Tr'ondëk Hwëch'in's proposals to require the development of a range of indicators, to clarify the limitations of development footprint indicators, and to expand the indicators included in the FRP. The development footprint indicators, while useful, are limited. Therefore, more and varied indicators will support better future management. The Commission considered the possibility of including more indicators in the FRP. However, given limited resources and a desire to do only what can be done well, the FRP includes only one indicator beyond what is included in

the RP (lichen cover for caribou overlays), along with directions and timelines for developing others.

The Commission does not find merit in Tr'ondëk Hwëch'in's proposal to add climate change as an indicator, as it does not meet the criteria for effect indicators in the FRP. The Commission does find merit in climate change informing the development of the cumulative effects framework, and the FRP includes language to that effect.

In response to the Parties' proposed modifications, the FRP's CE content has been significantly revised and expanded. The FRP:

- Presents all CE information in one cohesive section and uses an appendix for information not critical to understanding its application.
- Defines and clearly lays out the relationships between CE components and processes.
- For each component or process of the CE framework, details what is currently in place and what should be achieved soon.
- Lays out the required processes for developing indicators, including timelines for each value.
- Details processes required to amend, add, and remove CE framework components.
- Clearly states that CE framework development and implementation require co-management.
- Clearly defines the responsibilities of the Parties and other actors regarding development footprint indicator monitoring and assessment.
- Describes in detail the relationship between CE assessments and the Commission's conformity determinations (as required by YESAA and the THFA).
- Includes two development footprint indicators with tiered thresholds at the LMU scale.
- Includes a new, relevant, value-based indicator for caribou overlays.

In sum, the FRP provides a detailed CE framework to guide CE management in the Region. The framework includes tools for immediate application as well as a roadmap for developing the tools needed to ensure effective, values-based CE management in the future.

18. The Commission had to decide how the development footprint indicators, surface disturbance (SD) and linear feature density (LFD), are to be used in the Plan.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- **Definitions:** Clarify when disturbances are counted, the exclusion of highway corridors from SD calculations, and that development footprint indicators include all human-caused disturbances.
- **Threshold structure:** Remove the precautionary threshold from the threshold structure.
- **Frequency of updates:** Direct that indicators are updated every 5 years, with a focus on areas with greater intensity of development
- **Other:** Indicate that linear features and surface disturbance from 2019-2020 will serve as a baseline for the purposes of the Plan.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- **Definitions:** Improve the specificity of development footprint indicators by differentiating them based on types of impacts.
- **Threshold structure:** Add a mechanism to pause activities prior to the development footprint reaching a critical threshold.
- **Other:** Clarify that improvements to indicators over time be incorporated into assessments and require periodic joint reviews of indicator thresholds by the Parties to account for climate change.

Definitions

The Commission find merit in the Government of Yukon's proposals to add clarity to the definitions of development footprint indicators, including how and when they are measured and where they apply. Clarity of direction supports effective implementation and supports buy-in from plan users.

The Commission find merit in the intent of Tr'ondëk Hwëch'in's proposal to increase the specificity of the development indicators, that is, to allow for more nuance in evaluating cumulative effects. The Commission does not, however, have the resources to accomplish this task and finds that the existing definitions are a robust beginning.

In response to the modifications proposed by the Parties, the FRP clearly and accurately defines both indicators of development footprint to reflect the technical processes that generate them. The FRP also explains this process in brief. The FRP is clear that these

indicators include disturbance from all forms of human activity, within the limits of available technology (visible from space and identifiable by technicians). The FRP is clear that they are calculated at the LMU scale and exclude the area within 30 m of the centre line of highways (Top of the World, North Klondike, and Dempster). The FRP acknowledges the limitations of these indicators and provides recommendations for their improvement, as well as direction for the development of additional indicators.

Threshold structure

The Commission disagree with the Government of Yukon's proposal to remove the precautionary level from the tiered threshold structure. The RP included three levels (precautionary, cautionary, and critical) for each development footprint indicator to guide management actions. Each level serves a purpose, with the precautionary level serving as an early warning signal to promote proactive management. This approach aligns with the precautionary principle and the cultural pillar of respect that guides the FRP. The Commission also disagree with Tr'ondëk Hwëch'in's proposal to add a specific mechanism to pause activities before the critical threshold is reached. The Commission find merit in the underlying intention of being proactive and preventing the critical threshold from being reached but find this proposal too specific for the wide variety of contexts and values to which the CE framework applies.

In response to the modifications proposed by the Parties, the FRP is clearer. The indicator threshold structure in the FRP retains all three levels from the RP. What was previously the 'precautionary' threshold is now the 'advisory' threshold to avoid confusion with the cautionary threshold. The FRP clearly defines the purposes of each threshold, along with clear goals and recommended responses to be carried out at different indicator levels. This threshold structure is applied independently to both the development footprint indicators and to future value-based indicators. The entire system of thresholds is a mechanism to promote proactive responses to maintain indicator levels below critical thresholds, and, ideally, below cautionary thresholds. This is clearly communicated through the definition of the 'target' range for indicators being below the cautionary threshold.

Frequency of updates

The Commission find merit in part of the Government of Yukon's proposal to update development footprint indicators, which describes basing update frequency on development intensity. However, the Commission find that 5-year intervals are too long for the areas with the highest levels of activity or concern. The process of acquiring imagery, analyzing it, and publishing results can take years, meaning a 5-year interval could be even longer. This period can easily allow development to expand beyond thresholds and prevent

the thresholds' purpose, to direct proactive management that protects values, from being carried out.

The Commission understand there are not unlimited resources available for implementation. Therefore, in response to this modification, the FRP provides a point system to determine the required update frequency for the development footprint indicators by LMU. This tool focuses on LMUs where change is occurring or is likely to occur quickly and includes several criteria to assess where updates are most needed, such as indicators approaching thresholds and the designation and presence of overlays or sub-regional plans that indicate a higher degree of oversight is required.

Other

The Commission find merit in Tr'ondëk Hwëch'in's proposal to clarify implementation processes for incorporating improvements to indicators into assessments. The Commission support the general intention of periodic review of thresholds, but disagree with Tr'ondëk Hwëch'in's proposal to require joint reviews of thresholds specifically based on climate change, as this is unnecessary precision. Therefore, the FRP provides clear processes for amending and adding components of the CE framework, and direction that elements of the CE framework are to be incorporated into assessment as soon as they are available. The FRP includes reviewing threshold levels in Plan Review.

The Commission find merit in the Government of Yukon's proposal to speak to the 2020 development footprint data that informed the development of the FRP. The numbers themselves provide valuable context, especially given the length of time that has already elapsed since these levels were measured (six years from data collection to FRP completion). The FRP describes how these data informed the threshold levels in the Plan and includes the data themselves for the reader's reference. The FRP also includes a visual example of linear feature density values and a list of resources related to cumulative effects to further support readers' understanding. All of this additional information is located in the FRP's appendices.

In sum, the FRP clearly defines two development footprint indicators, surface disturbance and linear feature density, and details their application. The FRP applies a three-tiered threshold structure to these indicators and provides a points-based system for determining the required frequency of updates of these indicators.

19. The Commission had to decide how to define and direct reclamation. The RP directed the Parties to define reclamation and restoration in relation to the CE framework, emphasizing that restoration should be values-based and aim to return disturbed areas as close as possible to their original ecological function. The RP stated that once an area is reclaimed, the disturbance calculation can be amended so as to remove the disturbance from the quantum.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Include full reclamation concept with agreed-upon (by the Parties) reclamation standards and CE thresholds specific to the Region's ecology (based on the structure of reclamation in the Peel Land Use Plan); these standards should be the basis for land being returned to the 'quantum' available for development.
- If standards are incomplete, provide interim measurable minimum standards for reclamation and direct continued co-development by the Parties to define robust, specific, measurable, and culturally appropriate reclamation standards.
- Incorporate two-eyed seeing and be inclusive of TH's definitions.
- Identify legacy sites and direct the Parties to ensure reclamation happens as soon as possible.
- Direct the Parties to ensure appropriate reclamation bonding for projects in the Region that includes closure plans and accountability.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Include agreed-upon (by the Parties) definitions for reclamation and restoration.
- Use language carefully:
 - Add 'recovered': the stage at which disturbed land can be returned to the 'quantum' but may not be fully 'restored'.
 - Differentiate 'decommissioning' of access from reclamation, restoration, and recovery.
- Include a management direction to reclaim all disturbances, not just specific to access.

Reclamation Definitions and Standards

The Commission find the intent of the Parties' proposed modifications for clearly defined terms to align with their vision for the FRP, as clear definitions support effective implementation. The Commission find merit with both Parties' contributions of specifics regarding reclamation definitions and standards. However, both Parties proposal for

'agreed-upon' definitions posed a challenge to the Commission. In the absence of the opportunity to collaborate with the Parties, the Commission has developed a reclamation framework that comprehensively responds to both Parties' proposed modifications.

The FRP includes a reclamation framework specifically created for the Dawson Region, based on an internationally recognized framework. This five-step reclamation framework clearly defines the terms reclaimed, recovered, and restored, and acknowledges that all processes are directed transformation, not reversals of time or a return to a previous state. The goal(s) for reclamation in a given area are defined by the priority values in each LMU, removing ambiguity about why reclamation must happen. The framework describes what happens at each 'step' of progress (including who assesses it and how much 'credit' is received for reaching that step) and provides examples of what each step may look like for each value. The framework lays out how reclamation efforts can reduce the calculated development footprint.

The FRP's reclamation framework is a significant advance on reclamation frameworks throughout the Yukon but also has room for improvement. The FRP acknowledges these limitations and provides a detailed implementation guide to help the Parties, proponents, and regulators effectively and efficiently follow the framework and improve it over time.

Legacy Sites

The Commission agree with the intent of Tr'ondëk Hwëch'in's proposal regarding legacy sites, as part of their position that reclamation is a necessary part of development activities. However, the FRP is a high-level document and as such, it is not appropriate to name individual sites. Further, legacy sites within the Region are under a variety of jurisdictions, some extending beyond the Parties (for example, Canada). The FRP can only direct the Parties' actions. Therefore, the FRP does not speak specifically to legacy site reclamation. However, the reclamation framework applies equally to new disturbances and to legacy sites (the same standards and goals apply to new disturbances and legacy sites).

Bonding

The Commission agree with the intent of Tr'ondëk Hwëch'in's proposals regarding bonding for development projects, as accountability is important for responsible development. However, this matter is outside the scope of the FRP or the Commission's TOR. Therefore, the FRP includes language that supports the concept of accountability for development projects and includes explicit support for the enforcement of existing regulations.

In sum, the FRP includes a reclamation framework that applies to all disturbances in the Region, including legacy sites or abandoned mines. It is based in the Plan's values and encourages progressive reclamation.

Decisions 20 and 21 apply to Section 4 (Access Management)

20. The Commission had to decide how to address access management. The RP included access-related directions under a variety of topics, including transportation, highways, highway corridors, and access management plans.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Include an access management chapter that encompasses all access considerations, the impact of access on other Plan values, which LMUs require AMPs (with rationale), and information on resource roads.
- For LMU 1, include a provision that, in the absence of an AMP, access will be dealt with at the project level following existing processes.
- Numerous changes for clarity and brevity.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Make access a key plan concept (at the same level as CE).
- Expand the access management section to provide high-level guidance and principles of access. This should include the requirement that all aspects of access (outside of Settlement Land) be jointly planned and approved by the Parties.
- Include specific access directions about how access should be considered and managed with respect to: exploration and mining activities, access near or in water, subsistence harvest areas, reclamation of access, and climate change.

The Commission find merit in both Parties' proposals to increase the prominence of Access Management in the FRP and to bring the directions together into a cohesive section, as this will improve clarity for plan users. Access is one of the highest-impact factors in land use planning, affecting both how people can relate positively to the land and how their activities may negatively affect values and other uses.

The Commission find merit in Tr'ondëk Hwëch'in's proposal to clarify that all aspects of access outside of Settlement Land are to be co-managed by the Parties, as this aligns with the grounding of the FRP in co-management. The Commission does not find merit in the Government of Yukon's proposal to include language that, in the absence of an AMP in LMU 1, access should be dealt with at the project level following existing processes. While existing regulations do apply, the FRP requires the Parties to move forward in their co-management relationship. The Commission find merit with the Government of Yukon's

proposed modifications with respect to brevity and clarity, as clarity supports successful implementation.

In response to the Parties' modifications, the FRP includes Access Management as a plan tool alongside Cumulative Effects and Management Directions and provides a comprehensive section on Access Management (Section 4). Access guidelines include that access decisions on Tr'ondëk Hwëch'in Settlement Land are made exclusively by Tr'ondëk Hwëch'in and access decisions on non-Settlement Land are co-managed by the Parties. Access decisions within SMAs should be co-managed by the Parties until an SMA management plan is approved by both Parties. AMPs and SMA management plans (which include provisions for access) are to be co-developed and co-approved.

The FRP organizes access directions into those for existing roads, new roads, ORVs, air access, and water access. It also includes a dedicated section on access management plans (see Decision 21). While no new off-road vehicle management areas are required by the FRP, the FRP acknowledges their potential future utility in LMUs directions where relevant. The section is logically laid out and follows structural conventions.

In summary, the FRP includes Access Management as a plan tool alongside Cumulative Effects Management and Management Directions. The FRP provides a comprehensive section on Access Management that includes all access-related directions in the FRP.

21. The Commission had to decide where the FRP requires Access Management Plans (AMPs), what AMPs include, and how AMPs relate to other tools. The RP required AMPs for LMUs 7, 9, 11, 15, and 18.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Expand the minimum requirements for AMPs.
- Clarify how AMPs interact with overlays, and where an AMP overlaps with an overlay, require higher standards for access planning and development to protect the overlay's value.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Only require AMPs for LMUs 1 and 7.
- Support each Party's 'right to develop and approve a[n access] plan for its area of jurisdiction' in the absence of, or in addition to, co-developed AMPs.
- Generally, limit requirements for future sub-plans in respect of the resource and time commitments they require.

The Commission does not find merit in the Government of Yukon's proposal for which LMUs require AMPs. The Government of Yukon takes the position that AMPs should only be required where minimal access exists. However, AMPs are most useful where access is most complex, including where much access already exists. AMPs are an effective means of guiding different user groups cohesively, preventing conflict and managing cumulative effects to values. The Commission disagrees with the Government of Yukon's proposal to explicitly support individual action on the part of each Party, because it is in opposition to the Commission's intent to consistently promote and encourage co-management by the Parties.

The Commission does find merit in the Government of Yukon's proposal to be cautious about the number of future planning products the Plan requires, as implementation resources are limited and need to be directed where they are most required. The Commission also find merit in Tr'ondëk Hwëch'in's proposal to add detail to the requirements of AMPs, and to clarify how AMPs interact with overlays, as this specificity and clarity will ensure a consistent understanding among the Parties. The Commission does not find merit in Tr'ondëk Hwëch'in's proposal to always require increased oversight of access for AMPs that overlap with overlays, as overlays are established to protect different values, and specific requirements will vary.

AMPs are tools that will require future resources and will be most effective in areas with high levels of access and a diversity of interests and uses. The FRP includes details on the requirements of AMPs and provides a clear description of where AMPs will provide benefit and why. The FRP includes guidance on how different scales of directions interact.

The Commission reviewed all LMUs to determine where the most complex access situations were and consider what other tools exist to manage access. In the FRP, three LMUs require an AMP, two of which required AMPs in the RP:

- LMU 11: The busiest LMU in the Region with high levels of existing access, many overlapping interests that both rely on and can be negatively affected by access, and the proposed Northern Access Route. An AMP is intended to reduce land use and land-user conflicts.
- LMU 15: Many overlapping interests that rely on and can be negatively affected by access, as well as a high level of existing access.
- LMU 6: Selected for an AMP because this is the most appropriate tool to manage the combination of values, threats, and access-related issues identified in Tr'ondëk Hwëch'in's proposal to change its designation (see also Decision 30). This LMU includes a variety of land uses, and there is a need to manage access to protect environmental, cultural, and economic (forestry) values.

The AMP requirement has been removed for LMUs 7, 9, and 18. The Commission determined that the values in these LMUs were better served by other Plan tools that meet their needs without placing as much implementation burden on the Parties. These tools include designation change, caribou overlays, and additional LMU directions.

As in the RP, LMU 1 does not require an AMP as no new access is envisioned for that LMU. If access is granted, LMU directions are clear and specific regarding how access is to be managed in this area.

To conclude, the FRP requires AMPs for LMUs 6, 11, and 15. The FRP includes detailed requirements for AMPs in general, as well as specific rationale for each AMP required at this time.

Decisions 22 to 27 apply to values in Section 5 (Management Directions)

22. The Commission had to decide how the FRP can support community resilience at a regional scale. The RP spoke to community resilience in a number of ways, including by including directions on topics such as community growth and community water, identifying the relationship between local agriculture and food security, and recognizing the importance of healthy landscapes to the Region's community.

The Government of Yukon did not propose any modifications related to this topic.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Broaden the consideration of regional self-sufficiency across different needs beyond food production, for example, energy security.
- Include climate change considerations in emergency response and health and emergency planning.
- Include climate change-related objectives in the access and transport sections.
- Add directions to complete and include a climate change assessment for potable water in the Region.

The Commission find merit in Tr'ondëk Hwëch'in's proposal to expand the consideration of regional self-sufficiency beyond food production, because the community relies on the land for many things. Articulating these dependencies provides clear grounds for actions that protect what the community relies on and values. The Commission does not find merit with the specific proposals to include climate change in emergency response, health, and planning, as emergency response is beyond the scope of this Plan. The Commission does find merit in speaking to climate change considerations with respect to access, as access infrastructure is vulnerable to climate change impacts, and access management is a large component of the FRP. The Commission does not find merit with the specific proposal to direct a climate change assessment of potable water, because this is too fine a level of detail for a regional land use plan.

Community resilience is highly dependent on the health of and access to land, and therefore decisions about land use can have strong implications for community resilience. In recognition of these interdependencies, and in response to the modifications proposed by Tr'ondëk Hwëch'in, the FRP includes *Community Resilience* as one of its 12 Plan values. This value encompasses directions from the RP that were included under topics such as community growth and community water, and extends to various types of regional security (for example, food, energy). These regional security considerations are also spoken to in relevant economic activity sections under the *Sustainable Local Economy* value, including

a new renewable energy section. Given the high existing and potential impacts of climate change on all types of land resilience, climate change considerations and related directions are included in management directions throughout the FRP (see also Decision 12). The connections between climate change impacts, access, and community are discussed in both Section 4 (Access Management) and under the value of *Community Resilience*.

In sum, the FRP includes Community Resilience as a Plan value, with associated goals and management directions that apply across user groups and governments.

23. The Commission had to decide how to promote stewardship of salmon and its habitat.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Address salmon more expansively in the FRP. Suggestions for doing this include:
 - Additional research recommendations to address impacts of climate change on salmon (and other fish, aquatic species, and habitats).
 - Directing more research and monitoring towards salmon and water issues.
 - Directing land users to avoid direct disturbance of all important salmon habitat.
 - Directing the Parties to collaborate with each other and Canada to clarify and codify salmon responsibilities.

The Government of Yukon did not propose modifications related to this topic.

The Commission find merit in Tr'ondëk Hwëch'in's proposal to address salmon more comprehensively because the Commission agree it has high ecological, socio-cultural, and economic value. This presents a unique challenge due to the Parties' differing perceptions of jurisdiction. The Government of Yukon takes the position that salmon habitat falls under its jurisdiction, but salmon themselves fall under the jurisdiction of Canada, specifically Fisheries and Oceans Canada. Tr'ondëk Hwëch'in consider themselves responsible to and for salmon and their habitat. Salmon, like any animal, rely on healthy habitat, and activities on the land and land-use decisions can have significant impacts on salmon habitat and the fish themselves. Therefore, the FRP must speak to salmon and salmon habitat, regardless of reservations over jurisdiction.

In response to Tr'ondëk Hwëch'in's proposal, the FRP includes *Salmon* as one of 12 values, highlighting its ecological and cultural significance and elevating its importance in planning decisions compared to the RP. The salmon value section provides background and context on salmon's significance, ecology, population status, and current and recent restoration and protection efforts, including moratoriums. The section provides comprehensive Stewardship Directions that apply across the Region, including avoidance of disturbance in spawning, rearing, and overwintering areas.

The FRP outlines which agencies (including the Governments of Yukon, Canada, and Tr'ondëk Hwëch'in) play which roles in salmon management and stewardship, and provides a framework for how the Parties can collaborate to support salmon stewardship throughout the Region, including: governance integration, stakeholder engagement, habitat protection, and cultural stewardship.

The FRP further protects salmon through:

- Clear goals, including ‘a sustainable salmon population that can support Indigenous and commercial fisheries’.
- Identifying Knowledge Gaps relating to salmon health, habitat impacts, climate pressures, land-use interactions, and restoration options.
- Direction to implement the recommendations from the reviews of the Fish Habitat Management System for Yukon Placer Mining.
- Recommending that the Parties and Canada collaborate to clarify and codify responsibility for salmon and salmon habitat in the Region so that sufficient numbers of Canadian-origin Yukon River Salmon return to Canada, meeting spawning escapement goals.

In sum, the FRP emphasizes the extreme cultural and ecological value of salmon by including it as one of the Plan's 12 values, with associated background, goals, and management directions. The FRP explains the jurisdictional complexity of salmon management and recommends ways forward.

24. The Commission had to decide how to protect caribou throughout the Region.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Change the designation of LMU 7 from ISA 1 to SMA, with corresponding boundary changes between LMUs 7 and 8.
- Include an additional management direction for LMU 15 to protect summer habitat and migration corridors for the Fortymile caribou herd.
- Expand and improve application of overlays to caribou.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Extend the boundaries of LMU 16 to increase protection for the Fortymile caribou herd.
- Increase the number of LMUs that are protected specifically for caribou and their habitat.
- Change the designation of LMU 7 from ISA 1 to SMA.
- Expand and improve application of overlays to caribou.

Caribou are an important value and are sensitive to disturbance. The Commission find merit in the Parties' common intent to improve protections for caribou across the Region, especially through the expansion and enhancement of overlays (see Decision 25 for details).

Caribou are one of the FRP's 12 values, and all caribou are subject to Region-wide Stewardship Directions. In recognition of distinct ecology and needs, the FRP includes a finer approach to caribou protection that is herd- or ecotype-specific. Different tools are used to protect each group based on their needs and movement patterns. This decision consequently speaks to each herd grouping.

Porcupine caribou herd

A majority of the herd's range within the Region is covered by an SMA (LMU 1), where limited human activity is allowed; therefore, the FRP includes no additional protections beyond those in the RP.

Fortymile and Nelchina caribou herds

In the RP, much of these herds' ranges, including critical summer habitat, overlapped ISAs and one SMA (LMU 16) that did not have development footprint thresholds. The Commission find merit in the proposal from Tr'ondëk Hwëch'in to increase the size of LMU

16 to increase protection for the Fortymile caribou herd. However, good planning practice avoids adjacent areas having significantly different management intents, and the full expansion would result in an SMA adjacent to an ISA 3. Therefore, in addition to a refined set of migratory caribou overlays (see Decision 25 for details), the FRP protects these herds through the following measures:

- A change of boundary between LMUs 16 and 21, slightly expanding LMU 16 (SMA), and reducing LMU 21 (ISA 2).
- Clear LMU directions for LMU 16 to indicate that no further disturbance is acceptable.
- Including development footprint thresholds equivalent to ISA 2 for LMU 16, that have the potential to be decreased to ISA 1 equivalent, subject to revision at the 10-year Plan Review.
- Additional LMU directions for LMU 21 to further protect herds from industrial disturbances.

Hart River, Clear Creek, and Klaza caribou herds

The Commission find merit with both Parties' proposals to change the designation of LMU 7 to an SMA to increase the protection afforded to the Hart River herd, but disagree with the Government of Yukon's proposal to amend the boundary between LMUs 7 and 8. These boundaries were intentionally selected to protect caribou and caribou habitat; to offer increased protection through an SMA designation would be negated by altering the boundaries. Therefore, the FRP designates LMU 7 as an SMA, LMU 8 as an ISA 3, and retains the boundary from the RP. The FRP includes a woodland herd overlay that covers the ranges of the Hart River, Clear Creek, and Klaza caribou herds (see Decision 25 for details). The FRP includes additional LMU directions in LMU 9 to further protect the Clear Creek herd from industrial disturbances.

In sum, the FRP protects caribou through its inclusion as a Plan value with associated Stewardship Directions, refinements to LMU boundaries, designation changes to SMAs, and the use of overlays to address the distinct needs of each herd.

25. The Commission had to decide how overlays can be designed to best protect caribou. The RP included caribou overlays whose boundaries aligned with LMU boundaries. Specific direction or restrictions related to these overlays were not included.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Link boundaries for caribou overlays to the biological realities of caribou, rather than LMU boundaries.
- Accompany overlays with mechanistic details, the responsibilities of each Party in implementing and managing overlays, and details about monitoring, access management, and the role of wildfires in caribou habitat.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Link boundaries for caribou overlays to the biological realities of caribou, rather than LMU boundaries.
- Include clear management directions and assessment and regulatory details for each overlay.
- Include CE indicators in caribou overlays for wildfire, lichen cover, and caribou demographic rates.

The Commission find merit in the proposals from both Parties that caribou overlays should reflect the biological realities of caribou herds. The purpose of an overlay is to protect a given value, so the ecological features of the value should set the geographical parameters. The Commission find merit in both Parties' proposals to increase the level of detail associated with caribou overlays, including management directions and implementation details, to support caribou stewardship. The Commission find merit in the Government of Yukon's proposal to add CE indicators for caribou but does not have the resources required to develop all of these at this time.

The FRP groups caribou by shared ecology and pressures and provides overlays to add protection for two of these groups: Migratory caribou (Fortymile and Nelchina caribou herds) and Woodland caribou (Hart River, Clear Creek, and Klaza caribou herds). The third group includes only the Porcupine herd and has no overlay (see Decision 24). In response to the Parties' proposals, each overlay has boundaries based on ecological characteristics of its respective herds and management directions that respond to those herds' needs. They are designed to maximize positive impacts on caribou while remaining simple for proponents. Migratory caribou have two overlays: one for summer habitat and one for winter habitat. Woodland caribou have one overlay that covers all three herds' ranges. All

overlays apply year-round, regardless of whether caribou are present. All overlays include direction to the Parties to implement a lichen cover CE indicator.

The FRP's caribou overlays are summarized as follows:

- Summer Habitat Overlay - Migratory Caribou: encompasses areas identified as critical for the Fortymile caribou herd's movement, summer foraging, and calf survival, and covers a large portion of the Nelchina herd's range in the Yukon. This overlay applies year-round, to protect summer habitat and migration routes even when caribou are not present. Stewardship Directions for this overlay include: no new quartz staking or exploration, no permanent infrastructure above 700 m, and no new access outside of existing tenure.
- Winter Habitat Overlay - Migratory Caribou: covers all mapped key winter habitat for the Fortymile caribou herd in the Region (excluding overlaps with other overlays). This overlay applies year-round to protect winter habitat even when caribou are not present. All development proposals within this overlay (except placer mining below 700 m) must respond directly to the mitigation hierarchy with a goal of no net loss of functional caribou habitat. This structured approach prioritizes ecological integrity and caribou habitat.
- Woodland Caribou Overlay: encompasses the ranges of the Clear Creek, Klaza, and Hart River herds. Stewardship Directions include no exploration in rutting areas in the fall, limited winter access, and no construction of loop roads.

In sum, the FRP includes three caribou overlays with boundaries based on the ecological needs of different herds, comprehensive directions to protect caribou, and a cumulative effects indicator.

26. The Commission had to decide which wetlands should be protected and how. The RP included a wetlands section that required applying the mitigation hierarchy and included objectives and directions to support those objectives.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- For wetlands identified as needing buffers in the RP, include stronger buffers using tiered buffers established in the Forestry Management Guidelines.
- Ensure proponents are not subject to unreasonable requirements during assessment and have enough information to follow stewardship practices.
- Add a section with more details about Wetlands of Special Importance (WSIs), including those nominated in the Plan.
- Nominate Ladue wetlands, Flat Creek, and Scottie Creek wetlands as WSIs and include the proposed boundaries for each WSI.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Protect all wetlands permanently and fully.
- Implement permanent withdrawals from mineral staking, and permit no further development in, or within 200 m of, wetlands.
- Direct additional mapping and research required to accomplish this.
- Designate the Ladue wetlands in LMU 19 as an SMA
- Expand consideration throughout the Plan of wetland cultural and ecological services, interactions between wetlands and climate change (including carbon storage and sequestration), raising awareness of wetlands and their importance, and including specific direction supporting capacity-building within Tr'ondëk Hwëch'in with respect to wetlands.

With respect to which wetlands to protect, the Commission find merit in the concept that all wetlands are important and deserve some level of consideration, but find that complete protection of wetlands to the extent requested by Tr'ondëk Hwëch'in does not align with the Commission's vision of sustainable development, which allows for some development to occur in some places, including that which negatively affects wetlands.

With respect to how to protect wetlands, the Commission find that the majority of the tools proposed by the Parties (as new or revised) are suitable for specific circumstances. It does not find merit in the idea that one tool or set of tools is appropriate for all wetlands in the Region, as the Region's LMUs encompass areas with distinct ecological, cultural, and socio-economic characteristics and priority values.

Wetlands of Special Importance

The RP recommended four wetlands for designation as WSI, subject to completion of the Government of Yukon's Policy for the Stewardship of Yukon's Wetlands: Scottie Creek, Flat Creek, Ladue and Upper Indian River wetlands. The completion of this policy has provided the Commission with new information that has informed the expansion and refinement of the wetlands section. The Commission find the Government of Yukon's modifications to encourage alignment between the FRP and this policy generally reasonable, retaining the caveat that the policy may only supersede the Plan where its protections are stronger.

Communications with the Parties showed confusion over the RP's recommendation that the Upper Indian River wetlands in LMU 17 be designated a WSI. The FRP therefore includes greater clarity. The Upper Indian River Wetlands should be designated as a WSI because they have significant cultural value to Tr'ondëk Hwëch'in and deserve protection on this basis, as well as for their ecological characteristics. The wetland stewardship overlay for LMU 17 was removed to avoid unnecessary complexity, instead relying on WSI nomination and LMU directions, with a strong focus on the Upper Indian River Stewardship Plan.

The FRP clearly nominates the same four wetlands for WSI status as the RP.

Buffers and protection

The FRP includes more detail on the mitigation hierarchy described in the RP. The RP's buffers for select wetlands have been increased in accordance with the Government of Yukon's suggestion (though tiers have been simplified for ease of use by proponents and regulators). The FRP provides clear direction about what is and what is not allowed within these buffers. To protect riparian zones, the FRP includes buffers along major rivers in LMU directions, encompassing areas that often contain wetlands, to ensure that all wetlands in the Region have some form of protection.

Boundaries and designations

Now that the WSI designation is fully described, the Commission find merit in Tr'ondëk Hwëch'in's proposal that the Ladue wetlands be designated an SMA with the corresponding protections that it brings, as the WSI designation does not appear sufficient to protect the values in this area. To accomplish this, the boundary between LMUs 19 and 20 has been modified to maintain alignment between LMU 19's intent and designation. In the FRP, the Ladue and Scottie Creek wetlands, which are both nominated as WSIs, form a single SMA (LMU 20), while LMU 19 remains an ISA 1. Within LMU 19, a specific LMU direction has been added to protect its wetlands from new access.

Supporting stewardship

The Commission find merit in Tr'ondëk Hwëch'in's proposal to increase directions relating to education about wetlands, because greater awareness and appreciation of wetlands is likely to lead to better stewardship. The Commission have therefore expanded on management directions that support education on wetlands and the benefits they provide and added Stewardship Directions applicable to all people on the land. The FRP also includes more information within the Plan itself on the subject of wetlands to inform Plan users. With respect to the requirements for proponents, the FRP describes how information is made available to proponents on a project-by-project basis to enable them to follow Plan directions.

In sum, the FRP includes a comprehensive wetlands section that acknowledges the ecological, socio-cultural, and economic importance of all wetlands, as well as their sensitivity and relationship to climate change. The primary tool that applies to all wetlands is the mitigation hierarchy, coupled with strong Stewardship Directions.

27. The Commission had to decide how to speak to and direct the management of mineral exploration and potential. The RP included a section within the management directions on mineral exploration, with associated objectives and directions.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Direct the separation of types of mining activity to prevent the overlap of placer and quartz mining within the same LMU.
- Include guiding principles for critical mineral mining in the Region that include prioritizing THFA rights over mineral rights and limiting mining intensity where cumulative effects are significant.
- Include requirements that must be met before critical mineral mining begins, including the finalization of new minerals legislation that meets the needs of Yukon First Nations.
- Include support for a Yukon critical mineral strategy grounded in reconciliation, UNDRIP, and the need to respond to climate change, and which addresses paced mineral development that does not adversely affect Tr'ondëk Hwëch'in rights and cultural and subsistence needs.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Emphasize that the Plan encourages mineral activity in some areas, provided it is done sustainably, and that the separation of conservation and development areas is not the only way to do this.
- Add a critical mineral section that includes: the value of critical minerals in contributing to clean technologies, a statement on global and federal support for securing critical mineral supply chains, access scenarios, and information on how specific minerals are used in clean energy technologies.

The Commission understand the Parties' proposals to differentiate mining direction by type and area as an effort to provide more nuanced guidance for mineral exploration and development. The Commission agree with this intention; different types and scales of mining affect the land in different ways and should be treated accordingly. The Commission does not find merit in either Party's proposal to distinguish between critical and non-critical mineral mining, as impacts on the land and other values relate to the technology used and the scale of activities, not the end product. The Commission also find merit in the intent behind Tr'ondëk Hwëch'in's proposal to update mining legislation; however, the FRP cannot require such an action.

Mineral exploration and development are the Region’s most prominent land-based industries, generating significant economic value but posing the greatest real and potential impacts on other Plan values. These activities often overlap with ecologically and culturally important areas. The FRP focuses on managing impacts to the land and other values from mining activities. Mineral exploration, quartz mining, and placer mining each have different levels of impact, influenced by technology, context, and scale. Therefore, the FRP addresses exploration, placer mining, and quartz mining independently as activities that can contribute to the Region’s sustainable local economy.

Subject to the FRP’s management directions and development footprint thresholds, the FRP supports economic activities that benefit multiple Plan values, are locally owned and operated, provide local economic benefits, and minimize environmental impacts. The FRP specifically supports placer mining that follows a high standard of progressive reclamation aligned with an LMU’s priority values. It also supports exploration that uses low-impact technologies and is respectful of wildlife. Quartz mining is not currently active in the Region but remains a potential future activity. The FRP supports quartz mining only where technologies have a proven northern track record (that is, not heap-leach) and where the regulatory regime is strengthened to ensure effective oversight and accountability.

With respect to critical minerals, the Commission recognize the relationship between mining and renewable energy technology. However, the FRP focuses on the impacts of activities on the land and values. Because minerals are not processed into end uses within the Region, their ultimate purpose is not a focus of the FRP. The Region’s communities rely on minerals used in clean-energy technologies as well as those required for basic infrastructure, vehicles, electronics, and other goods. All mineral exploration and development should therefore be subject to the same requirements—the impacts to the land are the same regardless of the target mineral. As such, the FRP sets value-oriented management directions that apply across all activities. Development-footprint thresholds do not differentiate among types of human disturbance, and the reclamation framework applies to all activities. For these reasons, the FRP does not specifically direct engagement in or support of a critical minerals strategy at any scale.

In sum, the FRP guides mineral development and exploration through the value-oriented management directions, development footprint thresholds, and a value-based reclamation framework that apply across all land uses. The FRP does not differentiate by target mineral (including ‘critical’ or not), but under the Sustainable Local Economy value, does provide specific guidance on placer mining and mineral exploration (current) and quartz mining (potential).

Decisions 28 to 33 apply to Section 6 (Landscape Management Units)

28. The Commission had to decide on boundaries and designations for each LMU.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Limit the use of subregional planning areas to avoid the need for interim measures and allow for quicker implementation.
- Change the following designations and boundaries:
 - LMU 3: split into two LMUs, designate the northern portion as an SMA and the southern portion as an ISA 1
 - LMU 5: clarify boundaries as to where the Plan applies
 - LMU 7 and 8: change the boundary between these, designate the new LMU 7 an SMA and the new LMU 8 an ISA 4
 - LMU 18: change to ISA 4
 - Add a new LMU for the Dempster Highway.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Amend the process for determining LMU boundaries so they do not reflect claims or industrial dispositions on the landscape.
- Change the following designations and boundaries:
 - LMU 3: Expand the width of the LMU and designate as SMA
 - LMUs 6, 7, and 17: change to SMAs
 - LMU 18: change to ISA 4
 - Add a new LMU for the Stewart River

With respect to processes, the Commission does not find merit in Tr'ondëk Hwëch'in's proposal to change the process for determining LMU boundaries. These continue to be based on consideration of existing dispositions, as well as natural features, in the interests of implementation practicality. The Commission agree with the Government of Yukon that the FRP should require sub-regional plans only where necessary, given the limited resources available for implementation.

With respect to LMU 5, the Commission find merit in the Government of Yukon's proposals to clarify the boundaries of the FRP's application. Therefore, the FRP is clear that LMU 5 includes only the Settlement Land within the boundary of Tombstone Territorial Park. It is designated an ISA 1, not an SMA, in respect of Tr'ondëk Hwëch'in's jurisdiction. The remainder of the Park is managed under the Tombstone Park Management Plan and is

included in LMU 22 (along with the City of Dawson), which is designated as an Excluded Area.

The following is a summary of other designation and boundary-related decisions that are spoken to in more detail elsewhere in this document:

- LMU 3 remains a sub-regional planning area. The LMU retains the same width as in the RP and now includes the lower portion of the Stewart River from the confluence with the Yukon River to the Region boundary (see Decisions 29 and 10).
- LMU 6 remains an ISA 2 with permanent withdrawal of placer and quartz staking and requires an Access Management Plan (see Decision 30).
- LMUs 7 and 8: The FRP designates LMU 7 as an SMA, and LMU 8 remains an ISA 3. The boundary between the two LMUs remains the same as in the RP. These decisions are made with respect to caribou and their habitat (see Decision 24).
- LMU 13 encompasses the Dempster Highway (within the boundaries of the Region). It is designated as a sub-regional planning area. The area that was LMU 13 in the RP (the City of Dawson) has been added to LMU 22, a new LMU for areas of the Region excluded from the FRP (see Decision 31).
- LMU 17 remains an ISA 2, with interim withdrawals from mineral staking until the completion of the Upper Indian River Stewardship Plan (see Decision 32).
- LMU 18 is designated as an ISA 4 (see Decision 33).
- LMU 20 has expanded boundaries that encompass the Ladue wetlands as well as the Scottie Creek Wetlands. LMU 20 remains an SMA (see Decision 26).
- LMU 22 is a new LMU in the FRP. It includes areas excluded from planning according to the Commission's TOR (City of Dawson and Tombstone Territorial Park non-Settlement Land) and is designated as Excluded Area.

In sum, the FRP provides clear boundaries and designations for 22 LMUs: 6 SMAs, 12 ISAs, 3 sub-regional planning areas, and 1 Excluded area.

29. The Commission had to decide how to protect values in LMU 3: Chu Kon Dëk (Yukon River Corridor). The RP designated LMU 3 as a sub-regional planning area and included strong interim measures. It included provisions for future Yukon-wide planning of the entire river and support for personhood.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Change to an SMA and expand the width.
- In the LMU directions, restrict activities on existing claims to hand-mining and acknowledge and consider climate change.
- Support an IPCA for this LMU.
- Add provisions for collective planning of the whole Yukon River corridor within the Yukon among affected First Nations and the Government of Yukon.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Split the LMU in two at Dawson City: designate the northern portion an SMA and the southern an ISA 1.
- Direct the Parties to pursue a Canadian Heritage Rivers designation for the Yukon River in the Region.

The Commission does not find merit in the proposal from the Government of Yukon to split the LMU into two portions, nor in Tr'ondëk Hwëch'in's proposal to designate the entire LMU an SMA. The river is a living entity, and there is no jurisdictional barrier to considering the river within the Region as a whole. Management of the river is complex, involving many overlapping uses and user groups, as articulated by the Government of Yukon. The most appropriate designation is a sub-regional planning area, with associated interim measures that both protect values and incentivize the completion of a sub-regional plan.

The Commission does not find merit in Tr'ondëk Hwëch'in's proposal to expand the width of the LMU. The width was chosen to encompass activities directly related to the river, thereby maintaining a consistent management intent throughout the LMU. The FRP will maintain the RP's width boundaries. The Commission considered Tr'ondëk Hwëch'in's proposal for an additional LMU for the Stewart River and found the reasoning overlapped strongly with the management intent for LMU 3. The boundaries of LMU 3 will be expanded to include the lower portion of the Stewart River (from the Region boundary to the confluence with the Yukon River; see Decision 10).

The Commission agree with the intentions of both Parties regarding other designations and processes to recognize and protect the value of the river, namely support for an IPCA and a Canadian Heritage Rivers designation. However, given the need to first complete a sub-regional plan and the uncertainty of what that plan will include, these are not directed at this time.

The complexity of this area and the overlapping uses and interests present within it require the fine-scale detail afforded by sub-regional planning. The FRP therefore designates LMU 3 as a sub-regional planning area, and includes the following requirements:

- Interim withdrawals for placer and quartz tenure disposition until completion of the sub-regional plan.
- No large-scale permanent infrastructure until completion of the sub-regional plan.
- A timeline of 2 years from plan signing to establishment of a sub-regional planning commission.
- Requirements for a sub-regional planning commission with representation from the regional planning commission.

The Plan encourages stewardship of the Yukon River through two processes beyond its jurisdiction: support for a comprehensive planning process for the Yukon River within the territory, with collaboration from the Government of Yukon and First Nations resident on the river and its tributaries, and support for Tr'ondëk Hwëch'in's pursuit of personhood for the Yukon River. The lack of inclusion of other potential designations and tools does not represent opposition; they may prove valuable tools in the future.

In sum, LMU 3 remains a sub-regional planning area in the FRP, with a number of interim measures in place to protect values until the sub-regional plan is complete. Its boundaries have been expanded to include the lower Stewart River, from the Region boundary to the confluence of the Stewart and Yukon rivers.

30. The Commission had to decide how to protect values in LMU 6: Tr'ondëk (Klondike). The RP designated LMU 6 as an ISA 2.

The Government of Yukon proposed no modifications related to this topic.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Designate as an SMA because this is an area of very high value to Tr'ondëk Hwëch'in and the environmental integrity of the entire traditional territory.

The Commission support the intent of Tr'ondëk Hwëch'in's proposal but find that a designation change is not the most appropriate mechanism.

The values identified by Tr'ondëk Hwëch'in include culture and heritage values, water, forestry, and trapping. The major threats to those values in this area come from access. An SMA management plan, required by an SMA, includes provisions for access but also requires significant resources to complete. An AMP requires fewer resources and time to complete, as it is not a formal THFA process. Therefore, the FRP retains the ISA 2 designation for this LMU and requires an AMP.

To ensure protection of these values and clearly communicate the intent of the designation to support forestry and trapping, the FRP requires permanent withdrawal from mineral staking for this LMU. It also prioritizes reclamation (especially of access) and provides a specific recommendation: if both development footprint indicators have decreased below critical ISA 1 thresholds by Plan Review, the designation should change to ISA 1. Finally, the FRP supports Tr'ondëk Hwëch'in in developing an IPCA in this area, given the high value to Tr'ondëk Hwëch'in and the high proportion of Settlement Land in this LMU.

To conclude, the FRP designates LMU 6 as an ISA 2 with specific directions to protect Tr'ondëk Hwëch'in cultural values, water, and the economic activities of forestry and trapping. It includes the requirement for an access management plan and withdrawals from mineral staking.

31. The Commission had to decide how to support coherent planning of the Dempster Highway across planning regions. The Dempster Highway traverses multiple planning regions, including the Dawson Region. In the RP, an overlay identified the Dempster Highway Corridor as an area for sub-regional planning in conjunction with the rest of the corridor outside the planning region (that is, North Yukon and Peel Watershed Regional Land Use Plans).

Tr'ondëk Hwëch'in proposed no modifications related to this topic.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Make the Dempster Highway Corridor a separate LMU, designated as a sub-regional planning area.

The Commission find merit in the Government of Yukon's proposal because adjacent regional plans include provisions for cross-jurisdictional planning. The FRP directs future planning of the entire corridor as a connected unit.

The Dempster Highway corridor requires future planning in collaboration with other regional plans. The most appropriate plan tool to accomplish this is an LMU, designated as a sub-regional planning area. In general, LMUs have been intentionally selected to separate areas that require distinct management approaches. All land designations, including sub-regional planning areas, are designed to apply at the scale of an LMU. It follows that all areas requiring sub-regional planning should be distinct LMUs.

Therefore, the FRP includes LMU 13: Dempster Highway, with a corresponding statement of intent, LMU directions, and priority values. The LMU is designated as a sub-regional planning area.

32. The Commission had to decide how to protect the values in LMU 17: Nän Dhòhdäl (Upper Indian River Wetlands). The RP designated LMU 17 as an ISA 2, with interim withdrawals from mineral staking subject to completion of an Upper Indian River Stewardship Plan. The entire LMU was covered by a wetland stewardship overlay and recommended for WSI designation subject to completion of the Government of Yukon's wetland policy.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Change the designation to SMA, in order to permanently withdraw it from mineral staking.
- Specify that no development is allowed in undisturbed bogs, marshes, and fens within existing tenure, with the exception of existing permits. For these existing permits, permanently protect 50% of undisturbed fens within the permitted area.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Decouple the Upper Indian River Stewardship Plan from interim withdrawals.
- Remove the wetland stewardship overlay designation because it only applies to this LMU.

The Commission does not find merit in Tr'ondëk Hwëch'in's proposal to change the designation to an SMA or include permanent withdrawals from mineral staking. There are existing mineral activity and potential in this area and an opportunity for industry and community to collaborate on stewardship. Nor do the Commission find merit in the Government of Yukon's proposal to decouple the Upper Indian River Stewardship Plan from interim withdrawals. The two are very intentionally linked, as the withdrawals protect values in the absence of the plan and incentivize its completion. The Commission find merit in Tr'ondëk Hwëch'in's proposal for limiting disturbance by wetland class because different classes have different needs and sensitivities. The Commission find merit in the Government of Yukon's proposal to remove the wetland stewardship overlay as they find the combination of WSI nomination, LMU directions and requirement for a stewardship plan sufficient to provide protection.

The priority values in LMU 17 are *Tr'ondëk Hwëch'in Culture, Heritage, and Hän Language, Water, Wetlands, and Sustainable Local Economy*. The Commission have identified this area as an opportunity for industry-community collaboration, with a focus on Tr'ondëk Hwëch'in citizens, many of whom have strong cultural and family ties to the area. An ISA 2 designation is more appropriate to the combination of values and activities in this LMU

than an SMA, especially with the requirement for an Upper Indian Stewardship Plan to be developed collaboratively with industry.

In recognition of the high value of wetlands in this area, the FRP includes specific LMU directions including interim withdrawals from mineral staking until the Stewardship Plan is complete, and directions for no disturbance in undisturbed marshes and bogs, and 50% of undisturbed fens by claim block or permitted area. Further, the entire LMU is nominated as a Wetland of Special Importance. When accepted, this status will require activities and development to comply with no net loss of wetland benefits. As with the rest of the Region, progressive reclamation is encouraged to help keep the development footprint within acceptable thresholds. Given all of these other measures, the FRP does not include a wetland overlay for this area (see also Decision 26).

In summary, the FRP protects values in LMU 17 through an ISA 2 designation, interim withdrawals from mineral staking subject to completion of a collaborative stewardship plan, and nomination as a Wetland of Special Importance.

33. The Commission had to decide how to protect the values in LMU 18: Ttthetryän Dëk (Coffee Creek).

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Change the designation of LMU 18 to ISA 4.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Change the designation of LMU 18 to ISA 4.
- Add management directions that placer mining should not occur until the Coffee Creek Quartz Heap Leach Mine has been reclaimed, and that 'carefully considered CE exceedances' are allowed for said mine.
- Add access considerations for the proposed Northern Access Route.

The Commission find merit in the proposal from both Parties to change the designation of LMU 18 from ISA 3 to ISA 4. The major distinction between ISA 3 and ISA 4 is the development footprint thresholds. The Commission assessed the current status and future development scenarios for this LMU and determined that the tolerance for development within the LMU is within the ISA 4 thresholds. Provided the protective mechanisms required by the FRP are also implemented, changing the designation will enable development that benefits the Region without significantly and negatively affecting other Plan values.

The Commission does not find merit in Tr'ondëk Hwëch'in's proposal that placer mining cannot occur until the quartz mine is reclaimed. Placer mining and other activities will continue to be allowed alongside quartz mining, with all activities equally subject to threshold-based responses as they all contribute to the development footprint. LMU directions throughout the FRP are clear about technologies that are not supported in the Region (such as heap leach mining). With regard to access, no AMP is required in this LMU at this time and the proposed Northern Access Route is addressed in Section 4, though it is not specifically accommodated.

In sum, the FRP designates LMU 18 as an ISA 4.

Decisions 34 and 35 apply to Section 7 (Implementation)

34. The Commission had to decide on the future role of the Commission during implementation.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Remove Commission responsibilities from implementation; this is outside of what the THFA and YESAA state as the role of a Commission in implementation.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Clarify that the Commission have a role in implementation that should be financially supported by the Governments of Canada and the Yukon.
- Include that the role of the Commission includes making conformity determinations as defined in the THFA, monitoring implementation and reporting on it, participating in sub-regional planning as invited by the Parties, participating in Plan Review, and implementing the Stewardship Trust.

The Commission find merit in Tr'ondëk Hwëch'in's proposals to clarify that the Commission have a role in implementation, how that should be financially supported, and what that role should be. The Commission does have a mandated role according to the THFA and YESAA and can provide additional benefits to implementation. The Commission therefore does not find merit in removing Commission responsibilities, as proposed by the Government of Yukon; however, it does see value in clarifying what these are.

The THFA mandates that the Commission participate in implementing an Approved Plan in two ways: by providing conformity determinations and by monitoring implementation. Given that a Commission must be staffed and active to accomplish these tasks, the FRP considers what else they might contribute. The Commission has a longstanding relationship with the planning process, the Region, and with planning partners. This makes them uniquely positioned to steward the Plan and support implementation beyond the two mandated roles in the THFA.

With respect to conformity determinations, the FRP outlines the roles of each the Commission, YESAB, and the proponent in the conformity determination process. To increase efficiency, the Commission will begin reviewing projects for conformity during the adequacy stage of YESAB's project assessment; this approach is intended to reduce the likelihood of delays to the YESAB process.

With respect to monitoring implementation, the FRP includes examples of what this monitoring could include.

With respect to additional benefits, the FRP describes the most important benefits the Commission could provide: interpreting the Plan and providing clarification; providing dedicated staff time and resources to implementation; public engagement; and leading subregional planning processes.

In sum, the FRP requires the Commission to have an active role in implementation, to perform its mandated tasks of conformity determinations to YESAB, and to monitor implementation. It also offers a variety of other benefits that an active Commission can provide.

35. The Commission had to decide how the Approved Plan should be implemented and how it could be changed over time.

The following is a summary of Tr'ondëk Hwëch'in's proposed modifications related to this topic:

- Include additional triggers for plan review and modifications as a result of extreme weather or geological events.

The following is a summary of the Government of Yukon's proposed modifications related to this topic:

- Include a phased implementation approach to ensure the FRP can be practically implemented.
- Include details about the ways in which the Plan can be modified (for example, administrative revision, amendment).

The Commission find merit in the Government of Yukon's proposal to include high-level processes for when and how the Approved Plan can be changed. Because the Approved Plan is intended to remain in place indefinitely, it must be able to evolve as conditions change. The Commission also sees value in phased implementation, as resources will not be unlimited. While operational details for phased implementation are more appropriate for the Parties' implementation planning, the FRP includes some broad direction for prioritizing next steps. The Commission further agrees with Tr'ondëk Hwëch'in that additional triggers for review or modification, such as major natural events, should be recognized.

In response, the FRP now outlines clear processes for modifying the Plan, including administrative changes, amendments, and full Plan Reviews. While reviews are required every 10 years, they may occur sooner if both Parties agree, or if significant changes in land use or natural events warrant reconsideration.

With respect to phased implementation, the FRP prioritizes all Implementation Actions and clarifies which apply immediately and which will apply once additional planning tools are developed. For example, until Access Management Plans are completed, all land users must follow the Access Management Guidelines contained in the FRP. Interim measures take effect immediately, with clear direction on when they will be lifted (see also Decision 2).

In summary, the FRP now includes clear processes for how the Plan can be changed over time and provides explicit guidance on which requirements apply immediately and which will be phased in as additional tools are developed.