



Dawson Regional Land Use Plan

Preliminary Report on Issues and Interests

Tr'ondëk Hwëch'in

The following submission is a combined effort of various departments within the Tr'ondëk Hwëch'in Government that have responsibility for land use and management on Tr'ondëk Hwëch'in (TH) Settlement Lands and within the TH Traditional Territory. It represents an initial process of identifying some of the issues and interests of importance to the Tr'ondëk Hwëch'in. It must be noted that this does not represent an exhaustive list on the issues and interests of importance for the TH in this planning region. Further feedback on the identification of interests and issues will occur over the coming months as TH initiates (and the Commission will also be conducting) planning sessions with TH Citizens and Elders. Further TH Government involvement will also occur through its Technical Working Group representatives and by individual TH Departments that will be involved in the Land Use Planning process.

Interests and Issues

Since time immemorial, The Han people of Tr'ondëk Hwëch'in have practiced a culture that has been passed down through one generation after another through oral history. Through this custom, they have been passing along their "interests" in the area for generations. While it can be said that the TH people and their government have diverse interests in the planning region, for the sake of the organization of this submission to the Planning Commission, these interests will be grouped in the following broad categories:

- Heritage Resources and Cultural Protection
- Fish and Wildlife Harvesting and Habitat
- Sustainable Development

Many of the interests within these categories are explicitly concerned with the land base itself, while others are concerned with the people's connection to the land and the desire to maintain a relationship with the land.

It must be noted that the TH Final Agreement contains many of the principles and goals associated with TH's interests in the region. This submission will not reiterate all of the numerous principles, goals, management responsibilities, and rights of TH citizens in the region, but a few examples will be noted along the way.

Heritage Resources and Cultural Protection

Interests:

- For thousands of years, the Dawson Land Use Planning area has been utilized by First Nation people. The Tr'ondëk Hwëch'in have traditionally occupied, traveled, or harvested in virtually every corner of the planning region. The Tr'ondëk Hwëch'in have traditionally lived off the land, practiced their own traditional laws, developed economic links with newcomers, and nurtured enriching family lives. Today this presence is reflected in many physical and non-physical indicators such as trails, name places and archeological sites. Traditional use of medicinal plants, edible plants, fish, furbearers, and big game continue to have strong cultural importance and help to maintain a strong connection between TH people and the land.
- For the Tr'ondëk Hwëch'in, heritage is rooted in the landscape. Taking care of the land is critical as all the land's resources are a valuable part of this heritage. Tr'ondëk Hwëch'in heritage is kept alive and protected when TH people hunt, fish, and harvest. This stewardship protects the land and its resources. The Tr'ondëk Hwëch'in have a broad definition and perception of what heritage is and what it includes. Heritage is not something from the past, but a way of life reflected in the beliefs, values, knowledge, and practices passed from generation to generation. Heritage permeates all aspects of First Nation lives, communities, and governance. It includes much more than the material remains that are left behind; these heritage resources are understood as physical reminders of what is truly important.
- Protecting TH Culture and Heritage means:
 - Recognizing, conserving, and promoting TH heritage and cultural resources and values, including traditional land use practices associated with fish and wildlife and other traditional harvesting;
 - Ensuring Tr'ondëk Hwëch'in citizens connection to land is protected;
 - Ensuring the continuation of First Nation culture and traditional economy; and,
 - Maintaining the integrity of, and access to, important community use areas.
- Current community use areas include important locations for current subsistence harvest activities, cultural pursuits, and travel purposes. Current community use areas support such activities as hunting, fishing, trapping, wood cutting, berry picking, and general travel. First Nations and other residents of the region spend a considerable amount of time on the land participating in these various seasonal activities.

Heritage Resources can include, but are not limited to;

- Harvestable Resources (e.g., wildlife, fish, and plants, and their habitats)
- Migration routes, waterways, salt licks, calving areas, and trap lines
- Medicines
- Raw materials (e.g., bark, wood, stone, bone, fibers, and dyes)
- Place names
- Camps, trails, and caches
- Burial sites
- Sacred sites
- Traditional knowledge and recorded oral histories
- Archaeological and historic sites
- Archives
- Artifacts
- Songs

Again, TH believes it is very important for the DRPC to recognize, conserve, and promote heritage and cultural resources and values, including traditional land use practices.

Issues:

The following is a list of identified issues associated with Heritage Resources which TH considers of critical importance in moving forward with a Dawson Regional Land Use Plan (DRLUP):

Recognizing the Tr'ondëk Hwëch'in Perspective

- Ensuring oral history and traditional knowledge are acceptable and valid means of identifying and protecting heritage, cultural, and community use areas;
- Ensuring management principles and recommendations consider the complications of ownership and management issues related to heritage resources due to the differing definitions used between governments;
- Advancing the TH definition of heritage resource management, such as citizen stewardship and usage of culturally important places and heritage resources
- Ensuring both Tr'ondëk Hwëch'in as well as Yukon Government definitions surrounding heritage are represented;
- Ensuring values inherent in cultural landscapes are adequately considered in land use decisions- for example large natural features, rivers, name places and other areas which are an integral part of First Nations heritage and culture;

Implementing Adequate Heritage Management Procedures

- Standards of pre-ground impact assessment work need to be considered for heritage, cultural, and community use areas for all types of development activity which may impact these.

- Determining thresholds of development in areas of cultural or heritage importance;
- Determining adequate buffer zones around community use and culturally important areas;
- Avoiding land use impacts in the vicinity of identified heritage and historic resources through identified buffers zones;
- Some areas which contain high concentrations of identified heritage and historic resources, or highly important or special resources, may require special protection measures.
- Determining a quantifiable way of assessing cumulative effects of mining activities (both placer and hard rock) on significant cultural, heritage, and current community use areas;

Avoiding Potential Conflicts/Issues

- Reducing other activities in significant heritage and current community use areas during important seasonal use periods
- While many heritage resources have been identified and their locations are known, new resources and sites are discovered regularly;
- Many heritage resources are difficult to recognize, and are easily disturbed.
- The location and level of use of all community use areas are not well documented.
- Use areas may change over time, given availability of resources and travel conditions.
- Conflicts between heritage, subsistence harvesting and industrial land uses are likely to occur wherever they overlap.

Fish and Wildlife Harvesting and Habitat

Interests:

The Dawson Land Use Planning region is rich with fish, wildlife, birds and plants. Some of these species are managed through local efforts while others have had their management expanded to involve international management groups, for example with Yukon River salmon and the Porcupine Caribou. Critical to management efforts are the protection of habitat and maintenance of water quality within the ecosystems in which fish and wildlife thrive.

Fish and Wildlife Harvesting

- The fish, wildlife, birds and plants which can be found within Tr'ondëk Hwëch'in Traditional Territory are an integral component of whom the Han people are, people that are better known today as the Tr'ondëk Hwëch'in . The Tr'ondëk Hwëch'in continue to harvest heavily from the land, and TH Citizens can be seen wondering about on the land throughout all seasons of the year, as each season produces a distinctive harvest period. Harvesting and preserving fish, wildlife and plants is a tradition which has never been lost throughout the hundred or so years of integration

and alienation within the TH Traditional Territory. Harvesting fish, wildlife, birds and plants is not only for the food value – for First Nations individuals and communities, it extends deeper than that as harvesting times are considerably holistic. Harvesting is also a time for re-connecting with the land and its environment, bonding with family, and teaching through oral knowledge and history.

- Again, it must be noted that the honour of the YFN Final Agreements cannot be ignored by the DRPC, as the principles contained within will continue to serve as a guide for planning in the region. For example, Chapter 16 of the TH Final Agreement outlines the TH people’s inherent right to continue the tradition of harvesting and conservation management. Section 16.1.1.9 of the Agreement outlines the objective of “*honoring the harvesting and Fish and Wildlife management customs of Yukon Indian People and to provide for the Yukon Indian People’s ongoing needs for Fish and Wildlife*”. The TH people have no plans to discontinue these traditional pursuits on Settlement land or within THTT anytime in the near or distant future. The DRPC needs to take this into account. Rapid or poorly planned development in the region can cause cumulative adverse effects that will reduce fish, wildlife, birds and plant habitat which will in turn limit harvest, and the resulting loss of culture would not only be unacceptable but would require compensation (to assist with cultural enhancement through alternative avenues). Such a consequence needs to be avoided.

Fish and Wildlife Habitat

- **Moose** migrate throughout most of the DLUP region; moose can be observed in common places year after year. Furthermore, through traditional knowledge, many moose-licks can be identified as an area critical for habitat. Regular moose families can be located in the same areas through out the year, mainly around wooded areas, wetlands, river valleys and lakes.
- For many generations, moose could be seen in herds of up to thirty in a group. In the 70’s, the Tr’ondëk Hwëch’in Elders brought forward a resolution to the Chief and Council to protect the cow moose, as the elders were concerned about the decline of moose populations in Southern Yukon. Furthermore, fragmentation and alienation of wildlife habitat has significantly affected wildlife populations in Southern Yukon. Today, the Tr’ondëk Hwëch’in manage moose populations with reference to traditional customs and laws.
- **Caribou** are just as important as moose, although considered to be much more sensitive due to the animal’s food resources. The caribou is a large part of the food chain, not only for humans, but for wildlife carnivores as well. For many generations, caribou were seen in very high numbers, unlike today where many caribou populations are declining throughout the North and in particular, within the THTT.

Four Caribou groups migrate in different areas within the DLUP region, the Clear Creek, Hart River, Forty Mile and the Porcupine Caribou (PC):

- 1) The Clear Creek Caribou generally migrate in the Clear Creek area, migrating North up-ward to the North Klondike areas and again, South into the Indian River areas.
 - 2) The Hart River ranges in the Hart River Mountain areas, from Klondike River area on up the Dempster mountain ranges and river valleys towards the Blackstone River area.
 - 3) The Forty Mile Boundary has been developed by the Forty Mile Caribou Habitat Working Group, the most important area for migration ranges from the Yukon River to the Sixty Mile River and in-land towards Tombstone Park.
 - 4) The Porcupine Caribou migrate during the winter throughout the mountain ranges into the Tombstone Valley, for most winter seasons, generally wintering as far down as Wolf Creek.
- Today, the Tr'ondëk Hwëch'in continue to implement conservation management through traditional laws and customs. For many years, TH has significantly reduced harvesting of Forty Mile Caribou due to declining populations. Furthermore, TH Citizens had reduced harvesting of Porcupine Caribou throughout a period when it was thought that the PC had been experiencing a decline. TH has an interest in protecting caribou habitat throughout harvest use areas. Additionally, three of the herds are known as mountain caribou, which are listed as a Species of Concern under the Species At Risk Act (SARA). Moreover, the re-growth of caribou food has been estimated to return within a forty year period, therefore; land development is a great concern in terms of protecting caribou food resources.
 - Through traditional knowledge, there are three known **Sheep** habitat areas:
 - 1) One in the Angel Comb/Sheep Mountain area up the Dempster;
 - 2) another in the Shell Creek area in the lower Yukon River section; and,
 - 3) One in the Southern Yukon River, specifically around the White River area.
 - **Sheep** are not as accessible as moose and caribou; these relatively inaccessible species were known to TH people as delicacies and only a few people were honored with feasting on delicacies, such as elders and some adults. Today, for many elders this is still the case. As for accessibility, it is much easier to harvest sheep than in the past and the animals are just as important as moose and caribou as a traditional food. Since sheep habitat in a very small migration area where they can feel safe from people and predation, it is important to ensure that sheep habitat is protected not only from land development but also from repeated air travel.
 - **Salmon**, specifically Chinook and Chum, are an integral part of TH People's traditional food. Through traditional knowledge, it is known that the annual Chinook and Chum salmon harvest was so plentiful that there was never a food shortage

during the summer season. Today, the only stories that we can pass on about the Chinook and Chum run are about how so many cumulative influences have contributed to the decline of this great fish and that TH can no longer harvest as much as our families need, and are instead limited to just an individual's need. Every year for the past seventeen years, Yukon First Nations have observed the effects of human development and climate change on the salmon. TH is interested in reducing the human effects of industrial and other development activities on the natal, rearing, and smolts feeding routes of these fish, so that they may have a chance of returning to large populations. Further, the Chinook Salmon are listed in SARA as a Species of Concern.

- TH People have always depended on Chinook and Chum salmon. Today, more and more TH Citizens have expressed a growing interest in fishing for Chinook, and although not an easy task, it is well worth it to experience the holistic nature of a harvest tradition that was almost lost. The Elders get very excited and wait in anticipation and appreciation for fresh salmon; this same traditional gesture has been passed down through traditional teachings for many generations. As Chinook salmon is very important to our people, TH has been teaching the Youth about salmon for seventeen years so that they learn to have respect for this great fish. Since the Chinook is listed as a species of concern, the DRLUP will need to ensure that Chinook and Chum salmon habitat and migration routes are protected.
- There are, of course, other species of importance within the planning area. The overall food chain is significantly important to monitor throughout the coming years, as with Climate Change there is a potential for significant adverse effects on traditional foods including fresh water fish and salmon. Again, human activities considered during the construction of the DRLUP should be viewed in a long term context of fifty years or more.
- The **Yukon River** represents a key corridor for the salmon, and for the TH people this is a special corridor. Transportation along the river has been a part of the Han life since time immemorial, and fish, wildlife, and plants that thrive in this corridor must be maintained and enhanced. The Yukon River is well used by a variety of people and industries, and management decisions must consider the cumulative effects of human activity along this special corridor.

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In summary, harvesting is important to the TH People, and accordingly it is important to ensure that there is significant habitat so that moose, caribou, fish, birds and plants (including berries) and other species can thrive and have adequate protection from significant human activity and its effects.

Issues:

Compatible Land Use

TH citizens have historically used, and presently use, many areas within what is known as TH Traditional Territory. TH Settlement Lands are situated in all directions within the DLUP area, extending out to the boundaries of the traditional territory. The majority of these lands were specifically selected for the purpose of practicing traditional pursuits including trapping, hunting, and fishing, while allowing for other purposes such as agriculture, commercial, mineral and forest resource harvesting as appropriate for Sustainable Development. While TH is amenable to certain areas having differing thresholds for renewable and non-renewable resource development activity, other areas are of great interest to TH for harvesting and will likely require a higher level of habitat protection.

Harvesting Areas

It must be stressed that the entire TH TT is considered a harvest area and is used as a harvest area.

However, the following areas require extra consideration as they tend to be utilized more often than other areas:

- Dempster Highway Corner to the North Ogilvie River extending outwards to the West and East side of the highway and river routes including the Ogilvie, Hart, North Fork, McQuesten, outwards to Hungry Lake
- Klondike Highway, South of Henderson Corner to Gravel Lake, extending outwards on either side of the Border to the Stewart River and Klondike River
- Top of the World Highway, North of the West Dawson/Sunnydale area to the Canadian/US Border, extending down many areas, including the Sixty Mile, Forty Mile, California Creek and Bruin Creek.
- The Yukon River Valley corridor

Trapping Areas

Just as important in the past, several Citizens continue to trap today as a means of tradition passed on to provide for food and clothing, as well as income. TH has a number of commercial trappers, for some, trapping activities have been exercised for three generations. Out of 43 trapping concessions within THTT, TH and TH Citizens are registered owners of approximately thirty-seven percent of traplines in THTT. Although, not all of the registered TH trapping concessions are active, it is anticipated through youth education trapping workshops commencing in the near future, will provide further initiative and gained improvements to trapping interest and activities.

- A large part of these trapping concessions are adjacent to or extend through the Klondike region, ranging near Dawson outward adjacent to the Klondike River on-wards past Gravel Lake.
- The majority of these trapping concessions range from Km 1 to Km 266 of the Dempster Highway.
- Furbearing wildlife trapped in these areas include: Link, wolf, wolverine, fox, beaver, otter, coyote, weasel, martin, mink and squirrel.

Many of the TH Traplines have existed for up to five decades, it is imperative trapping areas be respected and considered through the DRLUP development. Many of the traplines have proven suitable for the activities associated with their use and any potential relocation of traplines would involve a significant effort and financial investment.

Sustainable Development

Central to the TH Final Agreement and essential to TH for inclusion in a Land Use Plan for the Dawson area is the concept of Sustainable Development. Development in the region must be sustainable for the benefit of present and future generations. Sustainable development is often a misunderstood, misused or obscure term to some, but for the TH people and government the interest is very clear: the term means “*beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies depend.*” Sustainable development involves goals of equity and a long-term outlook, as both intra- and inter-generational goals are central to a deep understanding of the term’s meaning. TH is interested in Sustainable Development, and this interest is central to the planning process.

A goal of the LUP process is to strike an appropriate balance of sustainable economic development activities *so long as* there remains the ecological and social system from which our communities and our society can depend. Ecology and economics both contain the root word *eco*, from the Greek word “oikos”, which translates to “house” or “habitat”. “Economy” should be about how we manage our house, and “ecology” is how we know or understand our house. Ecology and economy should not be considered disciplines that can be traded off against each other; instead they are inextricably linked and critical to both human survival and prosperity.

Interests and Issues:

Some of the Interests and Issues associated with Sustainable Development for TH include:

Mineral Exploration and Mine Development

Interests:

- There is currently a very high level of mining exploration activity taking place in the Dawson region.
- Many TH citizens and companies are involved in the mining and mineral exploration field.
- TH supports a responsible and sustainable mining and mineral exploration industry. TH is supportive of both the placer and quartz mining industries and is interested in helping to facilitate new, responsible and productive quartz and placer mines.

Issues:

- The existence of mineral claims in an area does not presuppose that mining is the best and only land use for the particular area.
- Mineral claims continue to be staked in the DRLUP area despite a request to the Yukon Government to initiate a moratorium on quartz claim staking. Failure to initiate a staking moratorium from the present day to the completion of the planning process may seriously jeopardize the creation of a DRLUP. TH is concerned about the Yukon Government's commitment to the LUP process in the Dawson region if a staking moratorium is not instituted soon.
- There are certain general areas within the planning region where TH will likely support higher levels of mineral activity and other areas where less activity may be warranted. A threshold approach should be considered so as to best characterize levels of acceptable activity within certain zones.
- All Exploration activities are not considered by TH to be "low impact" and TH has requested from Yukon that there be new regulatory understandings implemented that accurately reflect the TH Final Agreement.
- Access Management is a critical issue. TH supports a comprehensive access management plan that will reduce habitat fragmentation and other negative cumulative effects.

Road access is rarely temporary. According to TH, sometimes new road or trail access is appropriate, and sometimes it is not (for example, if it leads to habitat fragmentation or if it expands access to sensitive heritage areas or to harvest areas which cannot sustain an elevated harvest.

It must again be noted that the Land Use Plan needs to be a long-term plan. Access methods for development are expected to continue to change in the coming decades – fuel costs will be higher and new technologies, such as the helium dirigible, are expected to mature and be available to development proponents. The DRPC should provide for a comprehensive access management plan that is adaptive to new and changing realities.

- TH agrees with the threshold approach for certain activities – multiple quartz mines, for example, may need to be phased in – some projects may need to wait according to access management thresholds and/or other considerations, including social considerations – this will also allow future generations to reap the benefits.
- Complimentary land uses have the potential to reduce conflict and maximize benefit through the orderly phasing in of certain activities. For example, forestry, mining, and agriculture could occur in succession in certain areas.

Climate Change

Interests:

- TH is interested in mitigating and adapting to the reality of the planet's changing climate. Decisions about land use planning must consider climate change both in an adaptation context as well as from the perspective of mitigation.
- Residents in Canada's North for obvious reasons such as temperature and travel distances are high per-capita emitters of climate-changing gases. Many developments also contribute to climate change through their activities, including the use of heavy equipment that consume large quantities of petroleum hydrocarbon, or from the stripping of the vegetative layer and its release of methane gas, a powerful greenhouse gas.
- It is at the landscape planning context of Land Use Planning that decisions can be made relating to how the Dawson Region will respond to climate change, by virtue of adapting but also in terms of better planning and managing the Dawson region's activities that contribute to climate change.

Issues:

- A carbon model estimate or detailed inventory is required to assess the region's carbon contribution/sequestration.
- Proper forest planning will allow continued sustainable harvest while preserving an adequate level of sequestering ability from the forest. The Canadian Boreal Initiative endorsed by many companies and scientists has called for the protection of 50% of the boreal forest in Canada and TH is interested in adopting this level of forest protection. (Please note that boreal forest protection does not necessarily mean protection of any particular area from development activities, but instead considers the entirety of the region when making adaptive planning decisions)

Forestry

- A draft Forest Resource Management Plan is close to adoption for the Dawson region.
- Timber harvest is a desired and sustainable industry for the region as long as it is done at a sustainable level that neither depletes the viability of the resource nor impacts other non-timber forest resources and the simultaneous harvest of flora and fauna.

Agriculture

- TH supports the expansion of agriculture in the Dawson for employment and self-sufficiency in appropriately zoned sub-regions.
- Organic agriculture methods that reduce dependency on imported chemical fertilizers should be encouraged in the Dawson region.
- The Dawson region has the best growing conditions in the Yukon. Agriculture should be considered not only for the local market but for the larger Yukon and Alaska markets as well.

Cumulative Effects and Project-Specific Assessment under YESAA

- With the increasing development in the planning area, the potential for cumulative effects on the land and its resources, wildlife and fish escalate. To date, there are efforts to collect baseline information in the White Gold area but little is being done elsewhere in the planning region.
- TH is committed to the YESAA process but it is limited in its ability to properly deal with cumulative effects. It is a project-centric assessment regime, and trying to deal with cumulative effects is not only challenging, but also places a large burden on project proponents to understand and characterize cumulative effects from other similar projects. Land Use Planning is well-known to be a complementary land management tool that is better suited to understand and manage cumulative effects.
- Provisions under Sections 102-109 of YESAA for the strategic assessment of Plans have not been used to date and may wish to be considered for the DRLUP.

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For additional information on this submission please contact Bill Kendrick, TH Land and Resources Manager, at (867) 993-7105 or bill.kendrick@gov.trondek.com