

## **Memo re. Interests and Issues Report**

**From:** Tr'ondëk Hwëch'in

**To:** Yukon Land Use Planning Council, Attn: Sam Skinner and Nicole Percival

**Date:** August 27, 2018

**Re:** Input and comments on 2011 TH Submission and DRLUPC "Interests and Issues" Report

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Input from Tr'ondëk Hwëch'in Government (TH) on the 2011 'Interests and Issues Report' continues to be, for the most part, valid. After recent review, TH notes that these comments should be incorporated into any updated work. Since that time however, new issues have arisen and/or become of increased importance, and there has also been new and improved (or more accurate) ways to describe the interests of TH in the planning region. In short, there has been new "focus" put on some of these interests and issues since 2011 and the work of the previous Dawson Regional Land Use Planning Commission (DRLUPC). The memo below speaks to these interests and issues.

To summarize the Tr'ondëk Hwëch'in "interest themes" in the 2011 submission, three broad categories characterized and emphasized the importance of:

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

One concept that was described after the 2011 submission and after the document was produced by the DRLUPC, was that of "traditional economy". Tr'ondëk Hwëch'in provided details about the traditional economy in its various submissions since that time, including in its submission towards the previous Commission's Resource Assessment Report. This concept of "traditional economy" or the "new traditional economy" touches on, and is involved in, all of the "interest theme" bullets above.

In this current submission we revise the categories somewhat and characterize these three broad "interest themes" as follows:

- Culture and Heritage
- Fish and Wildlife Harvesting, Habitat and Ecological Integrity
- Sustainable Development and Economy

### **Culture and Heritage**

#### ***Interests:***

Maintaining and enhancing Tr'ondëk Hwëch'in culture is a key interest in the Dawson Planning Region. TH heritage is a way of life in which knowledge and understanding of history, culture, and survival is passed on from generation to generation by parents and elders to the younger generation spending time out on the land. The land is essential to the culture, heritage, and identity of TH. For the Tr'ondëk Hwëch'in all parts of the land are interdependent: culture, or 'way of life', includes relationships with people, other animals, plants, the spirit world, and the land – rivers, creeks, mountains, forest, wetlands, etc. This culture also includes the tradition of resource harvesting and participating in traditional economic activities such as hunting and trapping; of which the rights to continue these cultural practices are protected under the Tr'ondëk Hwëch'in Final Agreement and Constitution of Canada.

***Issues:***

1. Please see 2011 TH Submission for information on issues of continued relevance.
2. One correction to the 2011 submission is that the Tr'ondëk Hwëch'in people are descendants of Hän, Northern Tutchone, Gwich'in and other indigenous peoples, as opposed to simply Hän ancestry.
3. Our 2011 submission focused in large part on "heritage resources". It is important to maintain such resources but it is also important to stress that culture and heritage for TH is tied to the land and the landscape. "Heritage resources" should never be limited solely to tangible artifacts, and should include the health of the land and our ability to maintain connectivity within the broader landscape.
4. TH now has a "Heritage Act". We ask that the new planning commission ensure that the principles in the Tr'ondëk Hwëch'in Heritage Act are fully recognized and considered, and guide its interpretation and understanding of Yukon First Nations' heritage. One issue is that Tr'ondëk Hwëch'in Heritage Resources (as defined by the act) need to be managed in the planning region in a manner that is consistent with Yukon First Nations values and the Tr'ondëk Hwëch'in Final Agreement.
5. There are potential for land use conflicts to occur wherever land and its resources are impacted. Developments like mining can impact the exercise of culture and adversely affect heritage resources.
6. As per the rights guaranteed in the TH Final Agreement, TH people will continue to exercise their culture through the traditional economic activity of resource harvesting on TH Settlement Land and throughout TH Traditional Territory. This harvesting is not just about obtaining food so it does not simply have an economic component in the form of a subsistence harvest. Harvesting is also a time for re-connecting with the land and its environment, bonding with family, and sharing teachings through oral knowledge and history. Various activities on the land are about the perseverance of culture and heritage, and an integral part of understanding traditional economy and traditional land use management practices.
7. There is an issue about the use of Tr'ondëk Hwëch'in place names in the planning region. It is recommended that the Planning Commission work with TH to use traditional place names on mapping products of the Planning Commission where appropriate.

**Fish and Wildlife Harvesting, Habitat and Ecological Integrity**

***Interests:***

Tr'ondëk Hwëch'in has an interest in healthy and sustainable fish and wildlife populations, which require healthy diverse habitats to help sustain them, including clean uncontaminated water, air and vegetation. In the Dawson Planning region, this means having intact boreal forest and wetlands, as well as large tracts of undisturbed and connected lands that will allow for the movement of species including important umbrella species such as bear, wolverine, caribou and moose.

***Issues:***

1. Please see 2011 TH Submission for information on issues of continued relevance.

2. Wetlands – Since 2011, TH has become increasingly aware of wetlands within our Traditional Territory, and how development, particularly placer mining, is affecting the intrinsic ecosystem values of these areas. Wetlands provide habitat for wildlife, such as moose and waterfowl, and also offer services to the surrounding environment, such as water filtration, flood abatement, water containment and carbon sequestration. These services benefit wildlife, hydrological and terrestrial systems, and the people living nearby using these systems.

TH is particularly concerned about the effects of placer mining on wetlands in the Indian River valley. Wetlands in this area formed one of the largest and most accessible complexes in our Traditional Territory and had considerable traditional use. Peat wetlands found in this area (such as fens and bogs) are particularly challenging to reclaim as it takes thousands of years for peat to reform and restoring the hydro-geomorphological conditions needed for this process is a very uncertain undertaking.

Adding to the uncertainty is the lack of available baseline data indicating where wetlands are located, and the frequency or amount of wetland types. In 2016-17 YG EMR and Environment undertook a wetland mapping and classification project in the Indian River Valley. Information from this study should assist in informing the DRLUP of wetland conditions specific to the Indian River valley.

Since 2013, TH has been raising concerns about mining impacts to, and the importance of, wetlands with YESAB during individual project assessments. This is because we are concerned that soon there will be almost no undisturbed wetlands left in the Indian River valley. We have also worked with YG and others to find ways to address both the data gaps and these impacts. We will provide additional information about this in contribution to the revised Resource Assessment Report.

Though the Indian River wetlands of been subject to the most focus, Tr'ondëk Hwëch'in is concerned for the protection and management of all undisturbed wetlands within its Traditional Territory. These areas include, but are not limited to Clear Creek and Scottie Creek area, feeding into the White River watershed.

3. Climate Change – this issue has wide-ranging effects and potential future effects for the Dawson Planning Region. TH submitted information to the previous Interests and Issues Report, and suggested that a carbon budget be developed for the region and used to assist planning efforts. Adapting to the realities of climate change is of critical importance. For example, there are serious and ongoing impacts to the Dempster and other highways due to permafrost thaw, and as such, planning for future infrastructure needs should fully incorporate climate change considerations and predictive modelling. Mitigation needs to also be taken seriously in the region, as individuals and industries in the Dawson area are known to be carbon intensive and the planning process could guide future decisions.
4. Boreal Forest Cover and Protection – this issue has been raised before by TH, with little uptake from the previous Planning Commission. The boreal forest provides essential habitat for many of the region's flora and fauna, including moose and caribou. It also helps mitigate climate change as the boreal forest processes and stores carbon. A commitment on the part of governments to maintain large intact areas of forest at a mix of seral stages will not only preserve an adequate level of sequestering ability, but will also preserve habitat for the region's wildlife. Such 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 as well as committing to protection of a variety of seral stages.

5. Habitat Fragmentation – the protection of habitat and maintaining uninhibited migration routes and healthy wildlife corridors for connectivity is essential for maintaining TH interests in the region.

In recent decades, the TH TT has been witness to a steady increase of newly created roads and trails. Not only do these linear disturbances contribute to the damage and loss of critical habitat found on this landscape, but the access provided by these routes directly impacts the health of moose and caribou populations. This fragmentation, for example, has the potential to deter caribou migration along with the beneficial genetic exchange between different herds. The increased access is also directly related to wildlife mortality due to road collisions and hunting pressures. Increased access to wilderness areas results in undue pressures on local wildlife populations, and provides more and more hunters with increasing opportunity to harvest wildlife and reduce populations to unsustainably low numbers.

Using thresholds to identify levels of acceptable disturbance could help to protect the natural features on the landscape that fish and wildlife rely on. Thorough data and research should be collected for critical caribou habitat. Once understood and mapped, rigid disturbance thresholds should be identified to allow only sustainable development within the TH TT. Caribou are known to be a sensitive species due to their need for specific food sources, seasonal variation in their needs along with un-impacted migratory corridors that allow them travel between seasonal habitats. While the previous Commission did not necessarily embrace the “threshold” approach, TH feels it needs to be seriously considered and incorporated into the values that direct future land use planning by the new Commission.

## **Sustainable Development and Economy**

### ***Interests:***

Tr’ondëk Hwëch’in continues to believe that there must be sustainable development in the region, and these thoughts were also shared with the Commission in 2011 when contributing to the original Interests and Issues Report. This means development that is of benefit to both present and future generations. While the term is misused and misunderstood by many, it is defined in the TH Final Agreement: “beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies depend”. Sustainable development requires a long-term outlook, and for TH and many others, development must not undermine the ecological system and the natural resource abundance that this system helps maintain. Central to TH culture and heritage – and the social system for TH people – is the ability to hunt, harvest, and share and teach these traditional practices in TH Traditional Territory.

As per Section 11.4.5 of the TH Final Agreement, the Planning Commission “shall promote Sustainable Development” (11.4.5.9) and it shall also take into account “traditional land management practices of Yukon Indian People”. The traditional economy of the region involved many interdependent aspects, including, for example, cyclical harvesting patterns to promote natural resource abundance, trail and river transportation networks, and ongoing stewardship and teaching activities.

A regional land use plan is a plan with a long-term vision for how to use and manage the land. While TH people are part of the global economy, a successful land use plan should protect and enhance the region for continued natural resource abundance, through stewardship and access management planning. In this way the “new” traditional economy can remain and thrive alongside the more “modern” economic activities that are now a part of this region.

**Issues:**

1. Please see 2011 TH Submission for information on issues of continued relevance.
2. Maintaining the conditions for, and enhancing, the traditional economy, should be a goal of a regional land use plan in the Dawson region to ensure Sustainable Development and meet the goals of the TH Final Agreement.
3. Access management is a key issue. While new access may be needed in areas, comprehensive access management planning that considers wildlife populations, habitat connectivity and the traditional economy, should be undertaken in the Dawson region to reduce negative cumulative effects such as habitat fragmentation and loss of culture. Modelling that incorporates identified thresholds is a recommendation that TH would strongly advise to have included in the DRLUP.

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The Dawson Regional Planning Commission’s Interests and Issues document (2011) summarized the region’s “interests” as:

- Cultural
- Ecological
- Economic

From these and various other submissions, the previous commission characterized four main themes out of the various interests and issues in the region:

1. Mineral Exploration and Mining
2. Conservation of Fish and Wildlife Habitat
3. Defining a “Workable Balance”
4. Yukon River Corridor

TH does not believe that “Mineral Exploration and Mining” should be a stand-alone “interest theme” in the region, but instead that the economic aspect of this be considered under a “Sustainable Development/”Workable Balance”/New Traditional Economy” or similar heading as an economic-themed consideration. The shortlisted themes above also do not highlight the culture and heritage of the Tr’ondëk Hwëch’in, and believe that this was a big oversight with the previous Commission’s work. TH suggests that a key theme from the Commission be one of “Culture and Heritage” as it is integral to an understanding of TH relationships with the land. Under that theme not only could TH’s cultural and heritage interests could be captured, but other cultural interests could also be considered, most notably the mining and exploration “culture” of the more recent past.

Further to this addition, TH believes that another key theme that should be included is the need to identify acceptable thresholds for sustainable development. The concept of defining thresholds is

pivotal in the direction we head for land use planning and outlining our path to creating an economically viable (traditional and modern day economy) and ecologically intact plan for future generations.

“Fish and Wildlife Habitat” should continue to be a key theme for the region, but we suggest the term be broadened to capture some of the other values of this by including the term “habitat”; ecological integrity (and diversity) are given importance through the broadening of this term. Stewardship should also be a key interest for people of the region, in order to show the importance of stewardship activities in helping to preserve and enhance our regions’ rich habitat.

In regards to the “Yukon River Corridor”: This river corridor is an important interest to TH. All rivers and all land in the traditional territory are of upmost importance to TH. Many of the issues associated with this river corridor and broader watershed, however, can be placed under the interest headings of the ecological/cultural/ and economic themes, so we leave it to the Commission to determine whether the corridor requires a separate theme.

Therefore, leaving aside Theme #4 for the moment, we suggest the following main themes for our region would be an improvement over the themes developed by the previous Commission in 2011:

- Sustainable Development/Economy
- Defining landscape thresholds
- Culture and Heritage
- Ecological Integrity and Stewardship of Fish and Wildlife and Their Habitat