

Tr'ondëk Hwëch'in Review of the Dawson Regional Draft Plan



November 1, 2021

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Introduction

Tr’ondëk Hwëch’in would like to thank the Dawson Regional Planning Commission (the Commission) for their hard work reaching this important milestone. We are encouraged by the efforts made by the Commission to strike a balance between competing and conflicting land uses and perspectives in this complex planning region. Additionally, we are happy to see many of the recommendations of the Draft Plan reflect a collective vision that is based on a sustainable approach to development within the Dawson planning region. The Draft Regional Plan (Draft Plan) is a good start towards meeting the objectives of Chapter 11 of the Tr’ondëk Hwëch’in Final Agreement (THFA or Final Agreement).

The Dawson planning region represents 75% of our Traditional Territory, a land that has sustained us since time immemorial. This land is our home, our heritage, and our responsibility. In addition to being an administrative party with decision-making authority to this process, we remain an integral part of this land and it is our law to take care of it as it takes care of us; the wellness of this land is intrinsically linked to the wellness of our people - today and into the future. To maintain our existence as a people on this land, our ancestors taught us to interact with all of creation “in a good way.” This simple but powerful tenant is central to our identity as a people. We want the Commission to understand that all of our recommendations in this submission reflect these truths. While it is our culture to seek balance and respect with others, our guiding principle is always to first serve and respect the land. From a healthy land, all else flows and only with a healthy land will our culture persist.

Cultural viability is one of the objectives of Chapter 11 in our Final Agreement. In the THFA, the Commission is directed to recognize and promote the cultural distinctiveness and integral values of Tr’ondëk Hwëch’in, as well as to utilize our collective knowledge and experience as Yukon First Nations living on this landscape in preparing a Recommended Plan. We believe that, in many ways, the Commission has succeeded in capturing the broad perspectives and interests of Tr’ondëk Hwëch’in and we are encouraged by the overall direction provided by the Draft Plan. However, we do not feel that our unique way of life, values, and traditional knowledge and experience are evident throughout the entire document. As a result, we believe the Draft Plan does not meet all of the objectives of Chapter 11. It is critical that our cultural distinction and connection to the land as a people is explicit: These are cornerstones of the THFA.

In this submission, we have identified six key themes that need further consideration as the Commission move forward with the Recommended Plan. Two of the themes are areas of high concern for us: alignment with the Final Agreement and protection for high conservation areas. The other four themes are matters we believe require work prior to completing the Recommended Plan: sustainable development, climate change, joint management and stewardship, and sub-regional planning.

We will be happy to help the Commission to address each of the themes outlined in this submission. Please do not hesitate to call upon our Senior Liaison Committee and the Technical Working Group representatives when you need guidance and support. We have confidence that the Commission will finalize a Recommended Plan that meets the objectives of Chapter 11.

Our Foundation

“Our land lives and breathes. It is alive with power. Our land is the earth, the water, the sky, the stars and the wind. It is the people and the animals, the fish and the plants. It is a life force. Our land shapes our world. Our beliefs, thoughts, and actions are responses to the land itself and in return the land provides for us. We work together to maintain this reciprocal relationship.

“It is our law to care for the land as it cares for us. We live in balance with its rhythms and respond to its demands. We make our decisions, from the smallest to the most complex, with the future health of the land and ourselves in mind. We know that the smallest action can cascade outward in time and space and will impact the integrity of the land as a whole. In turn our beliefs, thoughts and actions also cascade outward and impact our wellness as a community.

“It is the land who teaches us to always be aware of our impacts and to consider our role in sustaining our whole selves and our communities”. (Excerpt Dënezhu dät’inch’e, TH 2019)

As we move forward in this process, we ground ourselves in the voices of our Citizens and in foundational guiding documents. These documents include: Dënezhu dät’inch’e, the Tr’ondëk Hwëch’in Final Agreement, our draft Tr’ondëk Hwëch’in Land Vision, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Truth and Reconciliation Commission Reports.

Dënezhu dät’inch’e (The People of This Land)

In April of 2019 Tr’ondëk Hwëch’in submitted a document entitled “We are Dënezhu” as additional information to our Issues and Interests Report.

As is described in this foundational document, it is our law to care for the land as it cares for us. We live in balance with its rhythms and respond to its needs. We make our decisions, from the smallest to the most complex, with the future health of the land and our children in mind. The wellness of our land is intrinsically linked to the wellness of our future generations. Our Vision is to maintain our spiritual, social, and economic relationships with the land. Our ancestral stewardship responsibility is premised on a duty to interact with and use the land “in a good way”; this is central to our identity as a people. We have a deep spiritual connection to the land and water. It is our responsibility to protect our Traditional Territory as a whole, and the land, water, animals and plants that have supported our people for generations. Everything is connected.

The objectives of our Final Agreement recognize and protect our right to uphold our spiritual and physical relationship with the land: a relationship that is premised on caring for the land and allowing it to thrive in perpetuity.

Tr’ondëk Hwëch’in Final Agreement

The Umbrella Final Agreement and the subsequent THFA and Tr’ondëk Hwëch’in Self-Government Agreement represent a turning point for us as a people. These documents reflect our resiliency and our determination to re-establish ourselves as an independent people with the inherent right to manage our own affairs. We expect our Final Agreement to be respected and for the obligations of all parties to the THFA to be met.

The Commission was established under Chapter 11 of the THFA. The objectives of that chapter include to *“recognise and promote the cultural values of Yukon Indian People”* and to *“utilize the knowledge and experience of Yukon Indian People in order to achieve effective land use planning.”* The Dawson planning region overlaps with three First Nation’s Traditional Territories, and we encourage the Commission to follow these objectives and the spirit and intent of the Final Agreement in considering these objectives and overlapping Yukon First Nation cultural values. Upholding these objectives means developing a Recommended Plan that protects our rights, values, and interests in the context of present day and future needs, which are dependent upon a healthy and diverse landscape. In particular, land use planning must uphold our constitutionally protected rights to:

- Participate meaningfully in the management of land and resources (Chapter 11);
- Have water that is on or flowing through or adjacent to TH Settlement Land remain substantially unaltered as to quantity, quality, and rate of flow, including seasonal rate of flow (Chapter 14);
- Harvest for subsistence all species of Fish and Wildlife (Chapter 16);
- Use and enjoyment of Settlement Land (Chapter 5);
- Recognize and protect a way of life that is based on an economic and spiritual relationship between Tr’ondëk Huch’in and the land (Recital 3); and
- Encourage and protect the cultural distinctiveness and social well-being of Tr’ondëk Huch’in (Recital 4).

Draft Tr’ondëk Hwëch'in Land Vision

As part of the Tr’ondëk Hwëch'in Land Stewardship Framework Project, Tr’ondëk Hwëch'in is developing the Tr’ondëk Hwëch'in Land Vision. The Land Vision is a high-level values guidance document for our government, rooted in our traditional stories. Our traditional stories describe the laws and relationships that were set out by Tsà’ Wëzhè, the Traveller, our culture hero. Tsà’ Wëzhè travelled the Earth and made agreements with the land and with other beings, the plants and the animals. These agreements between our people and the land are rooted in the values of respect, integrity, balance, justice, and interconnection. Our people have survived on this land by interacting with it in a manner that upholds these values. For us, this is true sustainability: not economic development that sustains a society for several generations, but a deep and meaningful relationship with the Earth that sustains a people for all of time. This is the essence of our traditional stories and the essence of the Land Vision.

The Tr’ondëk Hwëch'in Land Vision will guide all levels of the Tr’ondëk Hwëch'in Government. The Land Vision will transform and inform our Government’s operations and its processes, including land use planning on both Settlement Lands and in the Dawson planning region. Applying the sustainable values outlined in the Land Vision to present-day land management approaches will ensure that the Tr’ondëk Hwëch'in Traditional Territory retains its integrity in the years to come.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

UNDRIP is a comprehensive international instrument that addresses both individual and collective rights of Indigenous peoples around the world. It offers guidance on cooperative relationships with Indigenous peoples based on the principles of equality, partnership, good faith, and mutual respect.

Directly referring to and incorporating UNDRIP principles into the Plan will also uphold Tr’ondëk Hwëch'in’s rights to:

- Maintain and strengthen TH Citizens' distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and other resources and to uphold their responsibilities to future generations in this regard (Article 25);
- The conservation and protection of the environment and the productive capacity of TH's lands or territories and resources (Article 29);
- Determine and develop priorities and strategies for the development or use of TH lands or territories and other resources (Article 32); and
- Have our Final Agreement honoured and respected by being recognized, observed and enforced (Article 37).

Reconciliation

All Yukon regional land use plans are rooted in the Final Agreements and should have the obligations set out in the Agreements at their core. Additionally, the current Plan is being developed in the context of the Truth and Reconciliation Commission and continued revelations about the extent of historical and ongoing harm wrought by Canadian residential schools.

Historically, land use planning was sometimes used by colonial administrators and successive Canadian governments as a tool to relocate Indigenous peoples or restrict their access to their lands in the name of "orderly development." Western ideas of land use and management were, and continue to be, imposed on Indigenous peoples in Canada with the outcome of adversely transforming the relationship and interaction between the land and land-based societies.

In the present day context of Chapter 11 of the THFA, we believe processes as set out under this Agreement, including regional land use plans, have a responsibility to speak to reconciliation and how it is reflected in the regional planning process. This responsibility can be met by clear statements that recognize Tr'ondëk Hwëch'in approaches to land management; approaches that lead to true sustainability. It is also important that it be acknowledged that Tr'ondëk Hwëch'in continue to embody our ancestral responsibilities to the land through ongoing Stewardship.

We encourage the Commission to take every opportunity to champion collaborative and co-management approaches in the name of Reconciliation so that the Recommended Plan strengthens relationships among and within the Dawson region. Reconciliation in this process is an opportunity for listening, learning, capacity-building, and forging a new way, together. The Commission has indicated that the Draft Plan is based on the principle of "On the Land We Walk Together" - Nän kāk ndä tr'ädäl. We believe this concept can continue to help guide the Commission in efforts to base the Recommended Plan on the responsibility for reconciliation, such that we all continue to live on and care for the land in a good way.

Our Process

The completion of this submission would not have been possible without the dedication and tremendous effort on behalf of Tr'ondëk Hwëch'in Council, Tr'ondëk Hwëch'in Government staff, and external experts.

Technical and Staff Input

Departments that contributed to this submission include Economic Development, Education, Implementation, Natural Resources, Heritage, and Wellness. Staff from these departments were invited to participate in the review of the Draft Plan for key sections and values depending on their subject

matter expertise and role within the organization. In addition to this internal staff input, external expertise was contracted in areas including the Draft Plan recommendations pertaining to wetlands and the inclusion of traditional knowledge.

Citizen Engagement

It is foundational to Tr'ondëk Hwëch'in Government that all operations, including responses to the Commission, be driven by concerns expressed by our Citizens, and that there remain an open line of communication throughout the process between Citizens and the staff when preparing submissions. This was accomplished through the hiring of a dedicated staff member to support the Commission in their engagement efforts, to discuss key aspects of the Draft Plan with our people, and to collect individual feedback as appropriate.

Once received, Tr'ondëk Hwëch'in staff and contractors organized and articulated all input into the six key themes described in our submission. The input provided to the Commission in this submission should be considered a collective review and compilation of many voices, all rooted in the values and principles of the Tr'ondëk Hwëch'in that seek to maintain the integrity of our culture and our land.

Tr'ondëk Hwëch'in Council

Tr'ondëk Hwëch'in Council participated in the review through updates from staff, providing feedback and direction, and ultimately approving the details of this submission.

Our Recommendations to the Commission

It is our sincere interest to support the Commission in its efforts to uphold the obligations of the THFA. It is clear to us from the Draft Plan that the Commission is committed to meeting its obligations and we are grateful for that. However, there are six aspects of the Draft Plan that can be improved in order to properly balance each of the objectives of Chapter 11. Two the following themes, aligning with the Final Agreement and protection of high conservation areas, are critical, where as the remaining four themes are areas of improvement. In all, we encourage the Commission to utilize the experience of our Senior Liaison Committee and Technical Working Group representatives as they work towards addressing the following recommendations.

1. Alignment with the Tr'ondëk Hwëch'in Final Agreement

It is not easy to bring our principles and values into a land use planning process that focuses on a profoundly different way of seeing the world – one that views the land as being in service to us rather than us being in service to the land. However, as per our Final Agreement, we enter into this process with faith that it is in the best interests of the land and the people to reconcile two different worldviews and find a balance that meets the objectives of Chapter 11.

Chapter 11 of the THFA sets out a regional planning process whereby Yukon First Nations way of life, values, and traditional knowledge and experience are to be incorporated into planning. In order to assist us in our review of how the Draft Plan met these objectives from Tr'ondëk Hwëch'in's perspective, we have worked with a third party contractor to better capture our overall concerns and recommendations. These are captured in detail in Appendix B. While we have summarized main points below, we encourage the Commission to conduct a full review and consideration of the entire report in Appendix B.

It is important to acknowledge that the Draft Plan does make efforts to introduce better approaches than previous Yukon Land Use Plans by including a detailed consideration of wetlands, introducing the concept of stewardship, and addressing missing and murdered Indigenous women and girls, for example, as these are all topics that are deeply important to Tr'ondëk Hwëch'in. Overall, however, we do not believe the Draft Plan articulates, in a clear and transparent manner, the way of life, values, and traditional knowledge and experiences of us, the Tr'ondëk Hwëch'in. Our hope is that our feedback and recommendations in this submission can help guide the Commission as they move forward towards a Recommended Plan that meets the objectives of Chapter 11.

It is also important to note that we understand that the process for establishing a Regional Planning Commission allows for the transfer of important knowledge, experience, and values from Commission members and the community to the planning process and resulting land use plan. Commission members have deep roots within the Dawson region and much lived experience on the landscape. Tr'ondëk Hwëch'in acknowledges and appreciates the contributions of Commission members and the community to this process.

Below we have summarized two sub-sections that provide an overview of the relevant objectives reviewed, where we have identified gaps, as well as how we see them being addressed as the Commission moves forward with a Recommended Plan.

Opening Recital to the THFA

The THFA clauses that precede the Tr'ondëk Hwëch'in, Government of Canada and the Government of Yukon approval signatures, state that:

“... the parties to this Agreement wish to recognize and protect a way of life that is based on economic and spiritual relationship between Tr'ondëk Huch'in and the land;

the parties to this Agreement wish to encourage and protect the cultural distinctiveness and social well-being of Tr'ondëk Huch'in”

It is clear that the Parties to the THFA wish to recognize and protect the Tr'ondëk Hwëch'in way of life, our spiritual relationship with the land, our cultural distinctiveness, and our social well-being as a people. The provisions of Chapter 11 reinforce this commitment.

Given this, it is important to note the language that is often used to describe us in the Draft Plan. Rather than acknowledging Tr'ondëk Hwëch'in specifically and our cultural distinctiveness, the Draft Plan often lumps our culture in with broader terms such as “First Nation,” “community,” or “socio-cultural” values. In several places where the Draft Plan does mention us as a people specifically, the Draft Plan compares and equates addressing our values with addressing everyone's in the region.

We are Dënezhu, the people of this Land. We are Tr'ondëk Hwëch'in, the people of the river. We have cultural distinction that should be made explicit within the Recommended Plan. As such, we encourage the Commission to use more specific language when referring to the Tr'ondëk Hwëch'in and our own interests and values.

Recommendations

- To recognize and promote the cultural distinctiveness of Tr'ondëk Hwëch'in and their identity as Dënezhu throughout the Recommended Plan. As recognized in the Draft Plan, this region is a

unique mix of people, history and values. However, the Recommended Plan should address how the distinct values of Tr'ondëk Hwëch'in are integrated in this land and how the Tr'ondëk Hwëch'in culture is reflected in the land.

Chapter 11 of the THFA

The following sections highlight specific objectives of Chapter 11 that have been reviewed for relevancy and application within the Draft Plan. To begin, it is important to note that, as is expressed in the Draft Plan, a key objective of Chapter 11 of the THFA is to ensure social, cultural, economic, and environmental policies are applied to the management, protection, and use of land, water, and resources in an integrated and coordinated manner so as to ensure Sustainable Development. However, it is not the only objective. We understand Sustainable Development as defined in the THFA has been used as a guiding principle to the Plan, however it is equally important to acknowledge explicitly all objectives of Chapter 11 for the regional land use planning process.

As such, we encourage the Commission to add clarity and explicit consideration of the other objectives of Chapter 11 that need to be reflected in the Plan (e.g., in Section 4, which identifies the plan's core principle as sustainable development, section 4.3 description of cultural values as key to Sustainable Development only).

Our Cultural Values

THFA Objective 11.1.1.3 is to: *Recognize and promote the cultural values of Yukon Indian People.*

Our values and our way of life are based on traditional knowledge and experiences. Our culture is deeply interconnected with the land and all that the land provides. We do not see ourselves as separate and above the land, we see ourselves in balance with the land and beholden to it. The Draft Plan, in contrast, takes a siloed approach to cultural values that separates us from the land. For example, water is included as an ecological resource but is not considered for the immense and deep cultural value it provides to us as a people. Similarly, the loss of ecological integrity is acknowledged but the associated loss of cultural integrity is not. Our way of life, values, knowledge, and experience are most frequently portrayed under "heritage and culture," with a focus on tangible items, like uses, resources and sites. While these are significant values, the more holistic intertwined Tr'ondëk Hwëch'in relationship with the land and its significance to us as a people could be better reflected in the Recommended Plan.

It is also worth noting that the Draft Plan does not acknowledge nor address the broader values of "cultural landscape" or "cultural continuity" that we identified in our past submissions to the Commission, including our April 2019 document entitled "*We Are Dënezhu. The people of this Land. We are Tr'ondëk Hwëch'in. The people of this river,*" as well as our conservation priority assessment submitted in December of 2020, entitled "*Ninänkäk hqzq wëk'àtr'ènhcha (We Take Good Care of Our Land).*" Within both of these documents we make best efforts to describe who Tr'ondëk Hwëch'in people are as Dënezhu and the Tr'ondëk Hwëch'in way of life, Tr'èhudè. We believe that these words and the meaning of these fundamental concepts should be included in the Recommended Plan.

Recommendations

- To review our previous submissions (April 2019, December 2020), and use the information therein to describe our values and our way of life;

- To recognize and promote Tr'ëhudè into the plan, and to describe and better integrate our relationship with the land that is fundamental to our identity, way of life, and all aspects of well-being;
- To consider our values more explicitly and holistically. For example, explicit consideration of our relationship with the land requires consideration of cultural values such as cultural landscape and continuity together with ecological values such as ecological integrity, along with measures to protect heritage uses, resources, and sites;
- To acknowledge the traditional economy and the importance of its economic contributions in all areas of the planning region, and to work with the Technical Working Group TH representatives to ensure all areas in which traditional use is a value is accurately included and described; and
- To ensure heritage resources accurately reflects what heritage means to Tr'ondëk Hwëch'in in the LMU table of values.

Our Knowledge and Experience

THFA Objective 11.1.1.4 is to: *Utilize the knowledge and experience of Yukon Indian People in order to achieve effective land use planning.*

There is a general lack of reference within the Draft Plan to Traditional Knowledge and traditional land management practices and how they were considered, both within the core components of the Draft Plan, such as the Plan Concepts, as well as the specific recommendations of the Draft Plan, such as in the General Management Directions and Special Management Directions. We encourage the Commission to add clarity and transparency to the Recommended Plan as to where and how Traditional Knowledge and traditional land management practises are being considered. Technical Working Group TH representatives will be happy to assist the Commission to address this important objective.

We are encouraged by the Commission's efforts to include Hän language within the title of the Draft Plan and in the names of the Landscape Management Units (LMUs). Including our language and our words is an important way to highlight our culture and our history and helps us to see ourselves within the Plan. However, we need to acknowledge that we are often limited in our ability to always provide this important input. Our capacity to provide Hän translations is directly tied to the people who continue to speak and learn the language. We encourage the Commission to go further in their efforts to use Hän language to describe the planning region, but to also recommend the Commission consider the development of financial supports for Tr'ondëk Hwëch'in in order to provide language services such as translation.

Recommendations

- To plan and host a Traditional Knowledge focused workshop in partnership with Tr'ondëk Hwëch'in in order to gain increased insight as to the Tr'ondëk Hwëch'in understanding of land management;
- To utilize the knowledge gained from the above workshop in an explicit and meaningful way; and
- To continue to emphasize the importance of, and include as appropriate, the Hän language, and to consider adding recommendations that offer funding supports to Tr'ondëk Hwëch'in in order to facilitate language translation services.

The Importance of Land and Education

It is important to note that Tr'ondëk Hwëch'in makes use of several sites and camps in the planning region for K-12 education programs, specifically at Chëdähdëk (Fortymile), Èdhàdàdhëchan kek'it (Moosehide), Nänkäk Chëolay (Land of Plenty), Chu kon dëk (the Yukon River Corridor) and the Dempster region. We note that the Draft Plan does not make reference to these sites as being important for educational purposes in an explicit way.

Our relationship with the land is central to how we describe and consider knowledge and education. This relationship is so intertwined that it is difficult to speak to them as stand-alone considerations in the broader practice of land stewardship. Everything is intertwined such that education, knowledge, land, and ultimately our culture, cannot be separated. Given this, we strongly encourage the Commission to emphasize the importance and interrelationship between cultural education and the land, and to consider added recommendations as appropriate to ensure important areas for educational pursuits on the land and cultural education are protected.

Recommendations

- To speak to the importance of land-based learning and cultural education to the Tr'ondëk Hwëch'in within the Dawson planning region;
- To consider making recommendations to support a greater understanding of Dënezhu ways and knowledge in programs that prepare people to enter land-based professions (e.g., conservation, biology, ecology, research, land use management, stewards, governance roles); and
- To work with the Technical Working Group TH representatives to identify areas within the Dawson planning region that are important sites for land-based learning and cultural education, and where necessary, add special management directions that protect the area for this value. At a minimum, this includes Chëdähdëk (Fortymile), Èdhàdàdhëchan kek'it (Moosehide), Nänkäk Chëolay (Land of Plenty), Chu kon dëk (the Yukon River Corridor) and the Dempster region.

Our Settlement Land

THFA Objectives 11.1.1.2 and 11.1.1.5 are to: *Recognize Yukon First Nations' responsibilities pursuant to Settlement Agreements for the use and management of Settlement Land, and to minimize actual or potential land use conflicts both within Settlement Land and Non-settlement Land and between Settlement Land and Non-Settlement Land.*

We believe that additional attention should be given to Settlement Land as a value within the Draft Plan. We also believe that the Commission should clarify how Settlement Land should be intended to be managed when a single parcel falls under multiple LMUs (i.e. TH SL R-79B and R-2A).

During treaty negotiations, Tr'ondëk Hwëch'in selected land parcels to provide for the present and future needs of our Citizens. Under our Final Agreement, we retained 2,600 km² out of a Traditional Territory of approximately 64,000 km² – about 4 percent. Many Settlement Land parcels were selected to provide a base for traditional activities in the surrounding area, and many of the priority conservation areas included in *Ninänkäk hqzq wëk'ät'èndhcha (We Take Good Care of Our Land)* were identified to include land around Settlement Land parcels. We identified this land as being priority conservation areas in order to protect our rights to peaceful enjoyment of that Settlement Land, and to protect the use of Settlement Land by our Citizens. A parcel of settlement land surrounded by industrial development is a

clear land-use conflict between Settlement Land and Non-Settlement Land, which we believe directly conflicts with THFA objectives.

It is also important for the Recommended Plan to reflect the various rights and obligations Tr'ondëk Hwëch'in has with respect to Settlement Lands, such as those related to water and access, for example. Generally speaking, the management directions in the Recommended Plan must consider and protect these specific rights and objectives.

Recommendations

- To include more focused consideration of Settlement Land within the planning region as a value, and clarify the recommended management directions that address the objectives above;
- To be clear that the recommendations put forward for Upper Klondike (LMU 10) and the recommended legal designation as a protected area will not impede Tr'ondëk Hwëch'in's ability to develop this important area for cultural use, as determined by us; and
- To protect the area surrounding the Forty Mile camp/Heritage (LMU 15) by establishing a no activity buffer such that Tr'ondëk Hwëch'in can maintain the cultural significance of this important area.

2. Protection of High Conservation Areas

The Draft Plan has made a significant effort to describe and identify areas of high conservation value within the Dawson region. We are pleased to see much overlap of the Special Management Areas (SMAs) with our identified Conservation Areas submitted to the Commission in *Ninänkāk hqzq wëk'ät'r'ènhcha (We Take Good Care of Our Land)*. However, the discrepancy between the designations of SMA I and SMA II creates uncertainty as to the future of these important areas. Furthermore, there are additional areas within the planning region that require consideration for protection based on their high conservation value.

Generally speaking, we need a network of protected areas in order to preserve ecological and cultural integrity within the Dawson planning region. We must make certain that broad swaths of land are truly protected to ensure that far-reaching connectivity corridors allow the important movements and genetic exchange of the species we rely on and have the obligation to protect. When we protect large, interconnected corridors for migratory species, we can simultaneously protect a network of habitats that support the health and perseverance of our local ecosystem. In doing so, we add certainty to our own ability to care for and relate to the landscape, such that we retain true cultural continuity.

Special Management Areas

The establishment of SMAs is provided for under Chapter 10 of the THFA. The objective of that chapter is to *maintain important features of the Yukon's natural or cultural environment for the benefit of Yukon residents and all Canadians while respecting the rights of Yukon First Nations*. Chapter 10 also describes the various ways in which an SMA may be legally designated, including 11 different options with the additional option to establish any "such other areas as a Yukon First Nation and Government agree from time to time." In addition, Chapter 10 makes very specific provisions as to how SMAs are to be established, dictating the level of conservation that should be determined in a management plan.

We understand that the Commission has identified 39.3% of the Dawson planning region as an SMA, with 3.8% of that designated as an SMA I, and 35.5% of that designated as SMA II. The difference

between the two designations focuses around the level of conservation afforded to it, in that SMA I calls for maximum conservation (and a legal definition as a protected area) and SMA II calls for high level of conservation (with no legal designation). Section 3.2.1 states that areas designated SMA I require management plans, but this does not apply to areas designated SMA II.

We believe the Commission should eliminate the distinction between SMAs and require management plans for all SMAs. This would not only be consistent with the opening paragraph of section 3.2.1 of the Draft Plan, in which the Commission states, *“The level of protection within an SMA is defined in a management plan developed for each area, with management shared among Yukon Government, First Nation Governments, and Renewable Resource Councils, depending on the area and the jurisdiction.”* But it is also consistent with the land designation system applied in the Peel Watershed Regional Land Use Plan (PWRLUP). In the PWRLUP, 55% of the region was identified as an SMA, and each was to be permanently withdrawn from industrial land use and surface access. In the PWRLUP SMAs, it was clear that they were intended to become legally designated as protected areas, with subsequent management plans.

We believe that the SMA II designation is an insufficient conservation mechanism. Contrary to the way in which SMAs were described in the PWRLUP, the Draft Plan indicates that SMA IIs are not meant to receive legal designations as protected areas. Further, the requirement for management plans is discretionary. Based on this uncertainty and flexibility, Tr'ondëk Hwëch'in does not believe we will realize the vision we have for the future of our Traditional Territory with the current distinction between SMA I and II. Furthermore, with only 3.8% fully protected within the planning region, the Draft Plan does not fully recognize or promote our cultural values and subsistence rights, as these depend deeply on maintaining the integrity of large intact landscapes within our Traditional Territory.

Similarly, we do not believe the SMA II designation aligns with the Commission's own vision for those areas. For example, in reading the management intent statement for LMU #1 North, the Commission states *“our management intent for this area is to focus on conservation with limited use, and to explore options for ensuring landscape connectivity, ecosystem representation, and key areas for wildlife, stewardship, and heritage are preserved.”* This statement suggests a high focus on conservation and preservation that the SMA II designation does not fulfill.

We encourage the Commission to provide the highest level of protection to all SMAs, to align this designation with the THFA, and to be consistent with the manner within which SMAs were designated in the PWRLUP.

In addition, the Commission should provide greater clarity as to Tr'ondëk Hwëch'in's shared management responsibilities in these important conservation areas.

Recommendations

- To designate all SMAs within the Draft Plan as “Special Management Areas”, consistent with the PWRLUP, and eliminate the distinction between SMA I and SMA II;
- To recommend that all SMAs are to be permanently withdrawn from any new industrial land use and surface access, and that they are intended to become legally designated as protected areas with subsequent management plans; and
- To indicate that interim and permanent withdrawals as recommended by the Commission in SMAs should not be removed without agreement with Tr'ondëk Hwëch'in.

Additional Areas for Protection

There are also critical areas within the Dawson planning region that are not currently designated as either an SMA I or SMA II that should be further considered for protection in the Recommended Plan.

We worked very hard with our Citizens and our community to identify priority conservation areas within *Ninānkāk hq̄q̄ wēk'ātr'è̀nòhcha (We Take Good Care of Our Land)*. Within it, we focused on the need to prioritize key values including water, habitat for fish and wildlife, ecological integrity, Settlement Land, cultural continuity, sustainable economy, trap lines, and cultural landscape, which are attributes of our culture and all of our collective future in this region. Through this work, we identified four key areas for conservation that included the Northern Area, Fortymile Core Caribou Range – Fortymile and Ogilvie/Tatonduk, Key River Corridors (Yukon, Stewart, and Klondike Rivers), and Wetlands (Clear Creek, Indian River, and Scottie Creek).

As described in *Ninānkāk hq̄q̄ wēk'ātr'è̀nòhcha (We Take Good Care of Our Land)*, there are immeasurable and significant values associated with waterways, wetlands, and key habitat for fish and wildlife, that have yet to be fully protected in the Draft Plan, either through the designation as an SMA or through added General or Special Management Directions. We encourage the Commission to review their consideration of the following high valued areas to ensure they are adequately protected in the Recommended Plan:

Waterways

Water bodies and waterways must receive the highest order of protection. Within *Ninānkāk hq̄q̄ wēk'ātr'è̀nòhcha (We Take Good Care of Our Land)*, we identified Major River Corridors, including the Yukon, Klondike, and Stewart River Corridors as Conservation Areas. Currently, only the Yukon River has gained this level of consideration and conservation in the Draft Plan as an SMA II.

Water is the life force of all creation and our collective survival depends upon it. Water is essential for the health of every part of the land and for every aspect of survival and is central to our culture and traditional activities. Many TH Settlement Land parcels are located in major river corridors for this reason. Ensuring protection for major waterways will uphold Tr'ondëk Hwëch'in's rights under Chapter 14 and Chapter 5 of the THFA.

Recommendations

- To revisit the need for conservation of important waterways as well as riparian areas for the Recommended Plan;
- To establish a Major River Corridor designation and make recommendations for those Corridors not currently covered under the Draft Plan, including the Klondike and Stewart River Corridors; and
- To develop specific General Management Directions for water, that include, at a minimum:
 - The protection of water quality, quantity, and rate of flow through and adjacent to Settlement Land as per Chapter 14 of the THFA;
 - The need for adequate water withdrawal monitoring, and testing, and the consideration of set limits to withdrawals within watersheds with high anthropogenic intervention

Wetlands

It is important that we keep wetlands intact, and that we protect and maintain their ecological and cultural function. Wetlands provide habitat for wildlife such as moose, waterfowl and fish, as well as

provide ecosystem services to the surrounding environment, such as water filtration, flood abatement, water containment and carbon sequestration. Importantly, wetlands offer critical areas for subsistence harvest and use, and as such are important to our traditional economy.

We are supportive of the Commission's recommendations to protect undisturbed bogs and marshes throughout the planning region. We are also happy to see the Upper Indian River wetlands and the Scottie Creek wetlands recognized for their high conservation value. We believe the Flat Creek Wetland complex is also deserving of this designation, as they are a site of significant ecological importance as well as important for cultural education and our traditional economy. In addition, region wide, we encourage the Commission to think long term about how adequate consideration can be provided to fen habitat.

Fens, more than most wetlands, are defined by the groundwater that moves through them. Anything that interrupts this slow creeping groundwater flow fundamentally alters or eliminates the fen character, structure, and viability. Even small changes at the headwater source of a fen, such as a road cut, a ditch diversion or intense soil compaction, can eliminate the down-gradient remainder of the fen. Therefore, fens are not as adjustable as marshes, swamps and bogs, rather, fens operate like a living organism that cannot lose vital parts without the remainder dying. To complicate matters, fen wetlands are also heavily influenced by edge effects, in particular the location and extent to which disturbance occurs within and around the fen.

The Commission has asked for direction as to how much fen habitat we are comfortable with being disturbed, providing us with a range of between 25% and 75%, in order to set a recommended threshold in the Recommended Plan. Given the overall general importance of wetland habitat to us, and the significance of fens as sensitive and irreplaceable organisms, it is very difficult if not impossible for us to determine the actual percentage of fen that can be damaged or disturbed. Because of the complicated and natural features of fen wetlands and their sensitivity to disturbance, in addition to protecting as much fen as possible, we need to additionally protect areas surrounding fen habitat through the establishment of appropriate buffers.

Recommendations

- To implement a no more than 25% disturbance threshold to fen habitat within the ISAs without specific management direction otherwise;
- To implement a 200 m buffer zone surrounding the fen, and to have this buffer captured within the 25% threshold to disturbance. Implementing this recommendation will allow for the long-term protection of this important value for future generations;
- To extend the boundary of the Upper Indian River Wetlands (LMU 19);
- To add the Flat Creek Wetlands (LMU 11) as a Special Management Area; and
- To genuinely and effectively protect permafrost. For example, new roads and trails should always avoid permafrost and wetland areas, not just "where practicable."

Caribou Habitat

Protecting habitat for wildlife is essential to meeting the objectives of Chapter 16 of the THFA, including to *"ensure Conservation in the management of all Fish and Wildlife and their habitats"* and to *"provide for the Yukon Indian People's ongoing needs for Fish and Wildlife."* In addition, Tr'ondëk Hwëch'in has the cultural obligation to protect these animals.

Caribou herds are declining worldwide. We are fortunate to have five herds that migrate through and inhabit this region. Caribou have provided food, nutrients, traditional supplies/tools, and clothing for our people for thousands of years, and it is critical that this connection remain for future generations. As stewards of this land, it is crucial that we protect caribou and their habitat such that we also protect our cultural continuity and our way of life.

The Draft Plan indicates that the intent for the Matson Uplands (LMU 18) is *“the preservation of core summer habitat required for the continued growth and survival of the Fortymile caribou herd within its Yukon range.”* We are encouraged by this recognition, however we are not satisfied that the area as delineated in this LMU will accomplish this vision. Rather, this area only represents a small portion of the necessary habitat requirements for this important caribou herd. Without meeting and protecting the core habitat requirements of the Fortymile caribou herd, we risk losing them again altogether. We have foregone subsistence harvesting of this herd for several decades, and now that the caribou have returned, we are just starting to rebuild that important cultural connection. We cannot risk losing this herd again. As such, we urge the Commission to consider the Fortymile caribou herd as *the* priority value of concern within its range on the west side of the Yukon River, and in particular within its core habitat requirements.

Furthermore, we note that the Draft Plan could emphasize the importance of the Clear Creek caribou herd, which resides within the areas currently designated as LMUs 7, 8, 9, and 10. All caribou herds are important and consideration of the needs of this caribou herd is in particularly critical given the overlap of their range within significant areas of development.

Recommendations

- To designate LMU 23 as an SMA (which would include LMU 18). At a minimum, this LMU should be drawn to capture all core summer habitat area, and include a 2 km buffer, such that the area adequately protects the necessary requirements for this important herd. The requirements of this herd must be prioritized over existing sub-surface rights and disturbance such that the presence of either should not dictate the boundaries of the LMU;
- To increase the level of protection for the Clear Creek caribou herd by ensuring a significant portion of their core range is protected. This will likely require boundary changes to the existing LMUs (8, 9, and 10) and the details of which should be based on technical expertise obtained through the Technical Working Group; and
- To designate LMU 7 as an SMA such that habitat required for the Hart River herd is adequately protected.

3. Sustainable Development on the Working Landscape

THFA Objective 11.1.1.6: *To ensure that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in an integrated and coordinated manner so as to ensure Sustainable Development.”*

In order to determine where acceptable limits of Sustainable Development lie, an analysis is required on the economic benefits, costs, and impacts on broader values such as government finances, the environment, social and community values, and Indigenous Values. Tr’ondëk Hwëch’in has begun to look into this analysis as described, but this requirement would be strengthened if the Commission included it within their recommendations. In our view, this would be only fitting given that the Draft Plan has made explicit reference to Sustainable Development as a guiding principle of the Plan. The

Commission must consider not just the value of materials produced by mining, but the full range of costs and benefits, including ecological, social, and community costs, as well as who benefits and who shoulders the costs.

As a community, the social system upon which Tr'ondëk Hwëch'in depends on is intimately tied to the need for healthy fish and wildlife populations and intact landscapes. While the interpretation as to what can be considered sustainable is subjective, the need to consider whether or not socio-economic change is undermining the ecological and social systems upon which communities and societies are dependent, is not. As a community, the Tr'ondëk Hwëch'in social system is intimately tied to the need for healthy fish and wildlife populations. Currently, we do not feel the Draft Plan adequately ensures sustainable development within the working landscape given that there remain gaps within the cumulative effects management framework, adaptive management, and measures to ensure community growth.

We have provided high level recommendations below on the concept of Sustainable Development more generally.

Recommendations

- To strengthen the language in the Plan to ensure Sustainable Development, as defined by the THFA, not just promote it; and
- To recommend an analysis of economic benefits, costs, and impacts on broader values such as government finances, the environment, social and community values and Indigenous Values in the Dawson planning region. This will allow Sustainable Development to be better evaluated.

Cumulative Effects Management

The Draft Plan proposes to manage cumulative effects in the Dawson planning region similar to how they have been managed in the Peel and North Yukon regions. We understand that this includes the identification of thresholds of allowable surface disturbance and linear density (roads and trails) that occur in each LMU in which activities are to occur (i.e. ISAs and SMA IIs). These activities are then tracked and accounted for such that if activities approach the recommended threshold, the activity *may* not be allowed to proceed. We are encouraged to see that the Commission is taking the necessary steps to manage cumulative impacts within the Dawson planning region, and we are happy to see the skeleton framework for how that can be done. We also understand that the Commission is actively seeking additional guidance as to how their cumulative effects management framework can be further developed. Below, we have summarized the main concerns we have on the described approach, and we hope these concerns will be addressed as the Commission develops a Recommended Plan.

We would also like to note that while the work to finalize the Cumulative Effects framework is ongoing, the level of disturbances provided in the Draft Plan are subject to change. We therefore reserve our comments at this time on the specific levels recommended for the Integrated Stewardship Area (ISA), as they are not yet tied to values. In general, however, we feel these thresholds as listed are too high in the ISA III and IV areas.

Recommendations

- To ensure that the cumulative effects management framework establishes appropriate and additional indicators for the Dawson planning region;

- To explicitly incorporate indicators that better reflect Tr'ondëk Hwëch'in social and cultural values , including harvesting and hunting, and/or spending time out on the land, but also measureable indicators of climate change, like permafrost and wildfires;
- To identify effective and acceptable levels of disturbance that **do not** undermine the key values of the region, such as moose, caribou, salmon, water, and to accept that these values might not be the same throughout the planning region; and
- To provide clarity around the overall cumulative effects framework and how all aspects of the recommended framework are to occur. For example:
 - The definition of indicators;
 - The application of indicators and clarity on who has the mandate and resources to assess and monitor indicators, plus certainty as to how often disturbance mapping will occur;
 - The process to occur when changes or exceedances are identified;
 - Clarity around the recommended thresholds, including when land can be considered reclaimed, whether applying a threshold across an entire LMU is an appropriate scale, as well as how the distribution of disturbance within an LMU is determined. Additionally, clarifying that a critical threshold cannot be exceeded, that a cautionary threshold could involve slowing the pace and scale of development in an area, or increasing monitoring.

Adaptive Management

The Draft Plan includes adaptive management as a guiding principle, however there is a lack of clarity on how adaptive management will be applied through implementation and plan review. For example, it is not clear what aspects of the Plan can adapt, and the factors upon which adaptation will be required. Specifically, it will be important that the Recommended Plan consider in explicit terms how climate change will be considered through an adaptive management lens, and similarly, what role Stewardship will play.

In theory, adaptive management is an excellent concept; but in practise, it is difficult to effectively implement. Much of this work will be completed by the Parties, however it is important that the Commission add clarity around this concept and how they envision it relating back to management directions in the Recommended Plan, including disturbance thresholds.

Finally, we also encourage the Commission to review the definitions and the different components of adaptive management and consider how these relate to Tr'ondëk Hwëch'in values.

Recommendations

- To review the definition of adaptive management to ensure it reflects Tr'ondëk Hwëch'in values that apply to the principle; and,
- To provide clarity as to how adaptive management will be applied throughout Plan implementation. It should be clear that all components of the Plan need to be monitored as they are implemented to ensure a comprehensive approach to adaptive management.

Community Growth

We are encouraged to see the focus on agriculture as a growing and sustainable industry in the Dawson planning region. Tr'ondëk Hwëch'in is proud of our Tr'ondëk Hwëch'in Teaching and Working Farm, and

we strongly believe we all must work together to ensure the residents of this region remain food secure as we move into an unsecure and uncertain future due to climate change.

While there are several research and policy recommendations that pertain to prioritizing land for agricultural purposes, there needs to be more certainty as to the protection of high valued areas for agriculture.

Recommendations

- To add greater protection, in certain terms, for high valued land for agricultural purposes in the Klondike Valley and other areas as appropriate.

4. Climate Change and Tr'ondëk Hwëch'in Rights and Interests

The Yukon First Nations Climate Change Emergency Declaration states there is no greater threat today to First Nations culture, way of life, and the wellness of First Nation Citizens and communities than the impacts of climate change.

Climate change is considered in the Draft Plan setting and among general management considerations. Nonetheless, the magnitude of its overall impact on virtually all aspects of the planning region, and in particular on people, could be better emphasized. For example, the Plan could better articulate and make explicit reference to the impacts climate change will have on Indigenous rights, interests, and titles, such as challenges to accessing the land and rivers, exacerbated environmental changes, changes to wildlife and flora distributions, impacts to harvesting, spiritual, physical and mental health and well-being, and effects on culture.

We encourage the Commission to work with the Technical Working Group to better articulate and emphasize the climate crisis and its impacts to the Tr'ondëk Hwëch'in Traditional Territory.

Recommendations

- To consider adding more robust and tangible recommendations that address climate change throughout the entirety of the Plan. For example, the General Management Direction sections could emphasize the impacts different industries have on climate change (i.e. transportation and the construction of roads) and the impacts from climate change on different values (the traditional economy and agriculture);
- To review and adapt the listed objectives of the climate change section to include:
 - Recognising the way climate change is affecting Tr'ondëk Hwëch'in rights, regional governance, and capacity
 - Support the development of self-sufficiency initiatives, food security, and sustainable renewable energy development
- In addition to mitigating the effects to permafrost lost, recommend pro-active measures to mitigate the impacts of climate change; and
- To indicate climate change as a reason to review and adapt the Plan in its entirety, including disturbance thresholds, the location of SMAs, and/or LMU boundaries.

5. Joint Management and the Concept of Stewardship

We are pleased to see that the concept of Stewardship is being utilized in the Draft Plan. This is an important concept that is central to our worldview as we described in previous documents submitted to the Commission, including information related to our Land Stewardship Framework Project.

Given that the Draft Plan covers roughly 75% of Tr'ondëk Hwëch'in Traditional Territory, it is only appropriate that the Stewardship concept be included in the Plan. However, additional work is required in order to adequately define the term and to align it with Tr'ondëk Hwëch'in conceptions of the term, and to incorporate it more fulsomely into the overall directions of the Plan. Thus, in addition to the Land Stewardship Trust, we would like to see greater clarity as to how the guiding principle of Stewardship informs and is enacted through the broader recommendations of Plan. Furthermore, it is crucial to ensure the Recommended Plan fully align with the principles of joint management, as is the overall purpose of Chapter 11 and other aspects of the THFA.

Stewardship

The ideas of Interconnection, Justice and Balance, Integrity, and Respect lie at the heart of Tr'ondëk Hwëch'in land stewardship motivation and actions. Stewardship is about responsibility and obligation – take care of the land and it will take care of you; take from the land only what you need and leave the rest for future generations. Ninänkäk hozo wëk'ätr'ënòhcha – “we take good care of our land,” refers to the Tr'ondëk Hwëch'in deep and inherent ancestral stewardship obligations to the land. These obligations are rooted in an understanding that everything is interconnected. The goal of stewardship is to maintain the integrity of ourselves and of the land. We expect justice from the land – that when we do not act with integrity on the land and with each other, there are consequences, and we must rehabilitate the relationship with the land and with each other in order to undo the harm.

These deep obligations and responsibilities should be more explicitly recognized, honoured, and promoted in the Recommended Plan – not only for our Citizens but for all people living and working in the Dawson planning region. As such, we encourage the Commission to more explicitly describe and integrate this guiding principle within the Recommended Plan.

Recommendations

- To better align the concept and definition of Stewardship as described by Tr'ondëk Hwëch'in within the Recommended Plan;
- To add clarity and more explicitly describe how Stewardship as a guiding principle has directed the land use management recommendations within the Recommended Plan, in particular within the “Integrated Stewardship Areas”. Similarly, greater explanation as to how the phrase Nän kāk ndä tr'ädäl – “on the land we walk together” has informed the recommendations within the Plan; and
- To distinguish between the principle of Stewardship and specific values. For example, listing stewardship as a value in the LMU tables is inaccurate, whereas listing Tr'ondëk Hwëch'in values of cultural continuity and cultural landscapes or Tr'ëhudè, would be.

Joint Management and Implementation

Tr'ondëk Hwëch'in has shared management responsibilities for the lands and resources within our Traditional Territory. This is a critical precept of our Final Agreement, confirmed in 2017 by the Supreme Court of Canada in *Nacho Nyak Dun v. Yukon* (the Peel case).

In some sections of the Draft Plan the Commission has laid the foundation for joint management and joint implementation of the Plan by the Parties. However, joint management is only implied, or entirely missing, in other sections of the Draft Plan.

In signing the THFA, we exchanged comprehensive aboriginal title to all of our traditional territory for the specific rights and provisions set out in our Final Agreement. Importantly, those specified rights include the right to meaningfully participate in the management of public resources throughout our traditional territory. Regional land use planning is one of the key tools for achieving meaningful participation. As stated in the Peel decision, *“it is a clear objective of Chapter 11 to ensure First Nations meaningfully participate in land use management in their traditional territories”* (First Nation of Nacho Nyak Dun v. Yukon, 2017 SCC 58).

The Recommended Plan should bring clarity to the importance of shared management and implementation by consistently reflecting this as a goal of the Plan. Furthermore, we encourage the Commission to make explicit the joint implementation of the Plan through collaborative decision-making processes and the shared management of public lands and resources.

More specifically, the Introduction to the Plan should note that authorities and responsibilities for land, water, and resource management in the Dawson planning region are shared between the governments of Yukon and Tr’ondëk Hwëch’in depending on the nature of Settlement Land and Crown Land. We are supportive of the general integration of shared management into other sections of the Plan, including the Guiding Principles, Plan Goals, and General Management Directions.

It is critical that Section 6 of the Draft Plan – Plan Implementation and Review – be strengthened so as to explicitly reflect the commitment for joint Party implementation of the Plan. We encourage the Commission to improve the language in the Recommended Plan to state that the implementation of a land use plan is a “critical” part of the planning process. Further to this, we suggest that the Recommended Plan explicitly and consistently reflect and provide for joint Tr’ondëk Hwëch’in and Yukon decision making for the management of land, water, and resources in the Dawson planning region.

Recommendations

- To specify that a Goal of the Recommended Plan is to ensure that Tr’ondëk Hwëch’in Citizens meaningfully participate in the management of public resources throughout the Dawson Planning Region, on both Crown Land and Settlement Land;
- To clarify that all SMAs created pursuant to the Recommended Plan will be jointly established and managed by the Parties, and likewise that the Management Plans required for these areas will be jointly developed, implemented and, where necessary, reviewed and amended;
- To revise Section 6, Plan Implementation and Review, to reflect joint management and implementation responsibilities, including joint responsibilities for Plan review and amendment; and
- To consider funding and administrative requirements for joint implementation.

6. Future Planning Areas and Adequate Interim Protection

Tr’ondëk Hwëch'in understands that certain areas of the Dawson planning region require a greater degree of planning in order to consider a wider range of land use activities, interests, and potential conflicts. Accordingly, the Commission has identified areas for ‘Future Planning,’ with the intention that these LMUs will be planned for via sub-regional planning at another time. These areas include LMU 3: Yukon River – Chu kon dëk, LMU 13: Klondike Valley, and the Dempster Highway Corridor.

The Yukon River Corridor in particular is of great importance to Tr'ondëk Hwëch'in. This is why we have identified it as a Conservation Area within *Ninänkäk hqzq wëk'ättr'èndhcha (We Take Good Care of Our Land)*. We are happy to see it identified as an SMA, and are encouraged by the interim withdrawal within this culturally and ecologically significant area. However, it is critical that the impacts to this important LMU, as well as to the others, are allotted adequate consideration and mitigation prior to the completion of another lengthy planning exercise. Furthermore, if these areas are left without adequate consideration and interim management, there remain large gaps in the planning region and thus limits the ultimate success of reaching the Plan goals, objectives, or ultimately the stated Vision for the region.

As such, we strongly encourage the Commission to provide for greater clarity and guidance in the Recommended Plan regarding how these Future Planning areas are to be both a) managed in the interim and b) ultimately planned for. For example, we encourage the Commission to add recommended timelines for starting the sub-regional planning process, as well as clear statements regarding when and how that process shall occur. Furthermore, in the absence of approved sub-regional plans for the Yukon River – Chu kon dëk and the Dempster Highway Corridor, we urge that the Recommended Plan recommend a continuance and/or implementation of mineral withdrawals in these areas such that impacts to them during the sub-regional planning process are minimal. It is also important that any decision to lift mineral withdrawal should be a joint decision made by both the Tr'ondëk Hwëch'in and Yukon Governments.

Recommendations

- To provide a timeline and framework for triggering a joint Sub-Regional Planning process for the Future Planning areas;
- To recommend a continuance and/or implementation of mineral withdrawals in the Dempster and Yukon River Corridors for at least 10 years, or until a sub-regional plan has been developed and approved for those areas; and
- To explicitly state what interim measures should be considered prior to the completion of the sub-regional plans in these important areas.

Appendices

Appendix A: Alternative Conservation Map for Consideration

Appendix A to this submission contains an alternative conservation map for the Commission's consideration as they prepare their Recommended Plan. This map has been developed using the information already provided to the Commission in our *Ninänkäk hqzq wëk'ättr'èndhcha (We Take Good Care of Our Land)* submission in December of 2020, as well as considers the areas put forward by the Commission in their Draft Plan.

It is important to note that any boundary as expressed in this map should only be taken to reflect an indication of size and location, but the exact boundary of LMUs should be discussed and determined further with the Technical Working Group, if the Commission so chooses. In all, our hope is to reflect the following suggestions to the proposed Land Use Designations and LMU boundaries:

Table 1: List of Recommended Changes by LMU

LMU	Draft Plan Designation	Recommended Change	Reasoning
1	SMA II	SMA	Alignment with THFA, consistent with PWRLUP, greater certainty for protection
3	SMA II	SMA	Alignment with THFA, consistent with PWRLUP, greater certainty for protection. Exact boundary on map subject to change. The Yukon River Corridor is an important area for Tr'ondëk Hwëch'in and the size of the Corridor must accurately capture those values.
4	SMA II	SMA	Alignment with THFA, consistent with PWRLUP, greater certainty for protection
6	ISA II	SMA	Boundary on map subject to change. Conservation emphasis in this area should be for the Klondike River and surrounding area, as it contains important salmon habitat, several active trapping concessions, and areas for our traditional economy
7	SMA II	SMA	Alignment with THFA, consistent with PWRLUP, greater certainty for protection
8	ISA III	Modified boundary (see map)	Important areas for Clear Creek Caribou Herd
10	SMA I	Modified boundary (see map); SMA	Important areas for Clear Creek Caribou Herd
11	ISA I	SMA	Flat Creek Wetlands are an important ecological and cultural area
12	ISA IV	Modified boundary	Relatively intact areas closer to the Stewart River may require different management objectives than the Goldfields
15	ISA II	SMA	Fortymile area is important for cultural continuity and cultural education
18	SMA I	Modified boundary (see map); SMA.	Requires added area for protecting the Fortymile Caribou Herd.
19	SMA II	Modified boundary (see map); SMA	Expand into the lower reaches of the Indian River such that important wetland habitat be given the same level of protection as the upper reaches
22	SMA II	SMA	Alignment with THFA, consistent with PWRLUP, greater certainty for protection
23	ISA I/II	SMA	SMA; area should cover, at a minimum all core summer habitat for the Fortymile Caribou Herd as well as a 2 km buffer

Appendix B: A Review of Inclusion and Consideration of Tr'ondëk Hwëch'in Values, Way of Life, and Traditional Knowledge in the Draft Dawson Regional Land Use Plan

Appendix B to this submission contains a review of the Draft Dawson Regional Land Use Plan prepared by Gillian McKee. This review summarizes the way in which Tr'ondëk Hwëch'in values, way of life, and traditional knowledge was included and considered in the Draft Plan, and provides for robust recommendations for how the Recommended Plan can better meet these objectives of Chapter 11 of

the THFA. While several of the high level recommendations of Appendix B have been referenced specifically in this submission, it is important that the Commission review and consider all sections of Appendix B as you move forward with the Recommended Plan.

Appendix C: Technical Summary of Comments

Appendix C to this submission contains a technical summary of comments received during our technical review of the Draft Plan. It is an accumulation of comments from a broad spectrum of technical backgrounds, both internal from staff at Tr'ondëk Hwëch'in as well as from technical experts contracted to provide specific feedback. As such, many of the comments read differently as they are a compilation from multiple authors, and have varying levels of specificity. We want to provide this technical feedback to the Commission such that they are provided with as much information as possible moving forward, however it is also important to note that these comments are likely best addressed at the Technical Working Group level with assistance from the Parties. It is not our anticipation or expectation that these comments be accepted fully in the Recommended Plan.