

Ninänkäk hqzq wëk'àtr'ènhcha
(We Take Good Care of Our Land)

SUBMISSION TO DAWSON REGIONAL PLANNING COMMISSION



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Introduction

At the request of the Commission, Tr’ondëk Hwëch’in (TH) provides this package, which includes our Conservation Priorities and Settlement Land Intended Use and Management Directions to assist your efforts in drafting a Land Use Plan for the Dawson Region.

Our beliefs and way of life are rooted in the traditional law that we are obligated to care for the land, water and animals as our ancestors did – as an integrated whole. The exercise to identify priority areas for conservation was therefore extremely challenging. It is not culturally appropriate for us to consider our home in relation to trade offs, compromises and priorities. We view the land in its interconnected entirety and we have stewardship responsibility to it all.

Our legacy is to leave our Traditional Territory in such a way that our children can have lives as valuable and as meaningful as ours have been. We wish future generations to live connected to their home, and draw their health and well-being from all that it provides. Maintaining healthy relationship with the land now will ensure the future children will retain their culture and prosper in knowing who they are.

Protecting the land...provides our future generations with safe and clean lands to utilize and practice culture and traditions, such as hunting, fishing, trapping. Our ancestors always took care of our animals and the land and water. It is our job to continue to respect it by protecting it.

Framework

Foundations

Tr’ondëk Hwëch’in has been working since the launch of the TH Land Stewardship Framework, February 2019, to better understand, develop and communicate TH’s stewardship values and responsibilities to the land. These values inform what is referred to herein as “conservation priorities.”

The work of identifying these areas came from Citizen-informed map products, and scientific information about wildlife and ecological values and was followed by an intensive TH community consultation on proposed conservation areas.

As we move forward in this collaborative process, we continue to ground ourselves and our contributions to the Commission in the voices of our Citizens and in our foundational guiding documents including: ***Dënezhu dătr’inch’e, Tr’ondëk Hwëch’in Final Agreement, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and our Tr’ëhudè Land Vision.***

Dënezhu dät'r'inch'e (The People of This Land)

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.

Tr'ondëk Hwëch'in Final Agreement

The Commission was established under Chapter 11 of the Tr'ondëk Hwëch'in Final Agreement, which is a central part of the agreement between TH, the Yukon and Canada. 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”. It is our expectation that the Commission will uphold these objectives and the intent of the Final Agreement, and recommend conservation areas based on the TH Conservation Priorities, in order to protect our rights, values, and interests in the context of present day and future needs dependent upon a healthy and diverse landscape.

Land use planning must uphold the terms, spirit and intent of the TH Final Agreement, and in particular Tr'ondëk Hwëch'in's constitutionally protected rights to:

- Participate meaningfully in the management of land and resources (Chapter 11);
- have water which 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 enjoy Settlement Land (Chapter 5); and
- recognize and protect a way of life that is based on an economic and spiritual relationship between Tr'ondëk Huch'in [Sic] and the land (Recital 3).

DËNEZHU DÄTR'INCH'Ë

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'r'inch'e , TH 2019.)

Protecting the priority areas identified in this document will uphold these rights.

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

The United Nations Declaration on the Rights of Indigenous Peoples (Appendix 3) is a document that describes 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.

Incorporating the conservation priorities set out in this document into the Plan will also uphold the UNDRIP and in particular 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); and
- determine and develop priorities and strategies for the development or use of TH lands or territories and other resources (Article 32).

Tr'ëhudè Land Vision

As part of the TH Land Stewardship Framework, Tr'ondëk Hwëch'in is further developing our *Tr'ëhudè* Land Vision. This guiding document will be rooted in our traditional stories. Our traditional stories describe how the Tr'ondëk Hwëch'in have survived on this land for thousands of years; our stories describe the relationships that must be maintained between people and the animals; our stories guide us toward how to live on the land in a good way.

This in-depth story work by TH Citizens is drawing out the values and principles that can and will be applied to all levels of the Tr'ondëk Hwëch'in Government and inform processes, such as land use planning.

This work is one of the many ways Tr'ondëk Hwëch'in is striving to ensure that the cultural values of our people are recognized and promoted in the planning process. Applying these sustainable values to present-day land management approaches is precisely what is needed to ensure that the Tr'ondëk Hwëch'in Traditional Territory retains its integrity for another seven generations.

The work with our Citizens is ongoing. Appendix 2 outlines the framework for developing the *Tr'ëhudè* Land Vision. Our goal is to provide iterative drafts of the *Tr'ëhudè* Land Vision to the Commission from late December 2020 to early April 2021.

Although we recognize that the timing of developing the draft land use plan and the timing of this work are not in complete alignment, we request that the Commission accept and consider our *Tr'ëhudè* Land Vision draft submissions to calibrate their work. For example, it could be used to inform or ground management directions for Stewardship regions as well as provide justification and guidance for the recommendation of protected areas.

The effort to integrate this work will assist in creating a regional land use plan that fulfills the objectives of Chapter 11 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."

Inputs/Process

Our conservation priorities have grown from several community engagement processes with the support of Wildlife Conservation Society (WCS) and Indigenous planning experts The Firelight Group. Together these groups led a Cultural Land Use Mapping exercise with willing TH Citizens from February 2019 to May 2019. Using a standardized interview guide, participants were interviewed about their interests and history of being on the land. Participants were then asked questions on place-specific experiences, example: where interviewees had harvested animals or plants, or had personal experiences or any knowledge they wished to share that was passed down from their ancestors regarding specific places. Finally, Citizens were asked to share their ideas for areas of priority for future protection. Maps representing all the major family groupings were created that reflected those participants' knowledge of the land, use, areas of high ecological sensitivity, and areas of concern and threat for wildlife and ecosystem integrity. This knowledge was then digitized and from this a Cultural Land Use and Future Protection map were created and in turn informed Tr'ondëk Hwëch'in's conservation priorities (Maps 6 & 7, Appendix 1). Knowledge maps collected during the last round of DRLUP planning in 2011 were also incorporated into the Cultural Use map.

TH also participated in Zonation Modeling as led by WCS. Zonation is a planning tool that produces a hierarchical prioritization of geographical input layers based on (subjective) input rankings. This creates a hotspot map based on input weightings. Within our exercise, a total of 26 inputs were chosen to represent key conservation values on the landscape. Two conservation threat layers were included in the prioritization, which receive a negative weighting, to consider existing disturbance within the planning region. The exercise was conducted by WCS with technical staff within the NR department and produced an ecologically and biologically focused zonation scenario map to inform Tr'ondëk Hwëch'in conservation priorities (Map 5, Appendix 1).

Citizen Engagement in response to the proposed Conservation Priorities map and Settlement Land designations began in early October and wrapped up mid November, 2020. A survey based on the draft proposal was designed by The Firelight Group for both in-person and on-line surveys. A small team of staff and TH Citizens worked together to reach out directly to community members via phone calls, home visits, emails, and Facebook messenger. The survey was additionally promoted on CKRW & CHON FM radio ads, CBC psa's, FB ads, and through our MailChimp e-newsletter. Citizens completed surveys: in person and on-line.

This data was compiled and analyzed by our partner The Firelight Group. The results show that a large majority of TH Citizens support the draft conservation priorities. A small minority of made clear that this level of protection could encroach on TH Citizens' ability to make a living through the mining industry. This group of respondents voiced a desire to ensure industrial activities outside of sensitive areas are maintained to provide for Citizen employment and economic opportunities for Tr'ondëk Hwëch'in.

Tr'ondëk Hwëch'in Council has approved the enclosed package based on the high level of support by Citizens for the conservation priorities. We believe the proposed Conservation Areas and Stewardship Areas strike an appropriate balance between protection and Sustainable Development. We will continue to work with the Commission, and our Citizens, to ensure the land use plan protects Citizen's rights and interests throughout the region, and reflects the stewardship obligations for the planning region as a whole.

Key Values

The conservation priorities analysis process and the above foundations identified the following key values, which form the basis for the Tr'ondëk Hwëch'in Conservation Priorities Map.

- ❖ **Water.** 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 TH Final Agreement. Water bodies and waterways must receive the highest order of protection.
- ❖ **Habitat for Fish and Wildlife.** Protecting habitat for Fish and Wildlife is essential to meet the goals of Chapter 16 of the TH Final Agreement, 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”. Caribou herds are known to be declining world-wide, yet we have the good fortune to have 5 herds migrating through and inhabiting this region. Grizzly bears roam the Pacific coast in ever-decreasing habitat and shrinking home range, yet our Traditional Territory sustains a healthy population.

Species of particular interest include moose, caribou, sheep, furbearers and salmon. These species have provided food, nutrients, traditional supplies/tools and clothing for Tr'ondëk Hwëch'in people for many generations. As stewards of our Traditional Territory, we believe it is critical that we protect these species and their habitat in order to maintain the overall health and balance of ecosystems in our Traditional Territory. This will also allow Tr'ondëk Hwëch'in Citizens to continue traditional practices that are necessary to preserve a cultural lifestyle and the identities of individuals and the community as a whole. Priority conservation areas identified in this document include key habitat for these species.

- ❖ **Ecological integrity.** Protecting Fish and Wildlife requires connected and intact landscapes that provide essential habitat connectivity corridors to adjacent protected areas such as the Charlie River Preserve in Alaska, Peel Region SMAs, Tombstone Territorial Park and the Fishing Branch Wilderness Preserve and Habitat Protection Area. As outlined in the introduction, our priorities lie in protecting the system as an interconnected whole, not in protecting site-specific areas. Nonetheless, the conservation priorities in this document identify areas that would create a network of protected areas that will continue to allow species to move, adapt and survive as their habitats change, mitigating the effects of climate change. As noted in the Yukon Parks Strategy, 2020-2030, “[c]onservation science makes it clear that we can no longer think of parks as “islands of conservation.” To meet conservation goals, we need to think about parks, protected areas and conserved lands working together as a network across the landscape.”¹ We must make certain that broad swaths of land are 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

¹ Yukon Parks Strategy, 2020- 2030, at p. 22

simultaneously protect a network of habitats that support the health and perseverance of our local ecosystem. Canada has joined a multitude of other countries globally by committing to protection for 30% of all Canadian land and sea by 2030. Each region must do their part to contribute to this important goal of ecosystem protection so that we can moderate biodiversity loss and safeguard the web of life to which we are culturally and biologically connected.

- ❖ **Settlement Land.** Many Settlement Land parcels were selected to provide a base for traditional activities in the surrounding area. Priority conservation areas include land around many TH Settlement Land parcels in order to protect TH's right to peaceful enjoyment of that Settlement Land, and to maintain the utility of Settlement Land to TH Citizens.
- ❖ **Cultural continuity.** Stewardship and maintaining a connection to the land are central to TH culture. Many of the areas identified in the TH Conservation Priorities Map are used by Citizens to practice traditional pursuits, such as hunting, fishing, trapping and gathering plants for food and medicine. These activities maintain Citizens' connection with the land. We have also included areas that have been identified as important for cultural use by future generations (Maps 6 & 7, Appendix 1). For First Nations individuals and communities, traditional activities are a time for re-connecting with the land and its environment, bonding with family, and sharing teachings through oral knowledge and history. We pass on and sustain our culture and tradition by being on the land with our children. Protecting and conserving the priority conservation areas will protect culturally important areas, supporting our ability to maintain a spiritual relationship with the land and sustain our culture in the future. Protected and conserved areas are an effective tool to protect ecological and cultural values and support ongoing traditional use by future generations, thereby contributing to community health and wellbeing.
- ❖ **A sustainable economy.** The areas put forward as conservation priorities will make meaningful, sustainable and long-term contributions to Yukon's economy and support Yukon's economic, as well as ecological, goals. As noted in the *Yukon Parks Strategy, 2020-2030*, "parks are also a big part of Yukon's economy through tourism, recreation, local employment and entrepreneurship". Use of territorial parks has grown dramatically in the past decade, and the *Yukon Tourism Development Strategy* identifies a goal of doubling tourism revenue by 2028. As noted in the *Yukon Parks Strategy*, wilderness is "a highly valued destination for sustainable tourism" and "an increasingly precious resource ... in the global tourism market". TH's priority conservation areas include wilderness and other areas with tourism potential.
- ❖ **Traplins.** Trapping is a traditional economic activity that provides an ongoing connection to the land and to TH culture. Trapping requires a large land base with adequate furbearer habitat. Potential for land use conflict exists in areas where development pressures impact furbearer habitat and uncontrolled access routes result in disturbance to furbearers' movement corridors and/ or adversely impact trapping infrastructure. Some TH owned traplines are within areas proposed as Conservation Areas, others are in Stewardship Areas and will require careful management (Map 4, Appendix 1). In addition, Chapter 16 of the TH Final Agreement reflects a goal for TH to acquire further traplines, up to 70% of traplines in TH Traditional Territory. All

traplines throughout the planning region should therefore be carefully considered and taken into account in management decisions to ensure this goal can be meaningfully realized.

- ❖ **Cultural landscape.** Our relationship to the land (including the land, water, fish and animals) is integral to our identity. Who we are is borne from the places where we travel, hunt, pick berries, tell stories, and bury our ancestors. Our territories are a “cultural landscape” — a web of connected experiences. Cultural sites, trails (Map 4, Appendix 1), place names, the stories that surround these, the songs and the kinship relationships behind these, connect Citizens to the land and their ancestors. Our conservation priority areas include many of these important values; however, they are found throughout the planning region and must be fully considered within this holistic cultural landscape by the planning process.

We believe that protecting and conserving the priority areas identified by TH in this document will not only contribute to upholding TH’s rights under the TH Final Agreement and the specific interests outlined above, but will also further the Government of Yukon’s goals for conservation, reconciliation, quality of life, recreation, tourism and economic diversification.

We also believe protected and conserved areas on non-Settlement Land in TH Traditional Territory must provide for **collaborative management** between Yukon Government and TH. As stated in Yukon’s Parks Strategy “improved joint management of territorial parks with Indigenous governments is a high priority”².

Sustainable Development

A key objective of Chapter 11 (Land Use Planning) of the TH Final Agreement 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. Furthermore, the chapter requires that the Commission promote Sustainable Development (11.4.5.9) as defined in the TH Final Agreement, as “beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies are dependent.”

While our engagement suggested that a large majority of TH Citizens support the Conservation Priorities, a small minority voiced support for industrial activities, and the need to maintain placer and quartz interests within the region. While there were varying perspectives on the appropriate size, scale and potential location of mining and other industrial activities (e.g. forestry) in TH Traditional Territory, this small group of respondents consistently maintained that some development should be permitted. Many of these voices also maintained that development and stewardship can and should be done together. There is a desire to maintain economic opportunities for Tr’ondëk Hwëch’in, and to ensure opportunities for industrial activities outside of sensitive areas are maintained to provide for Citizen employment.

In order to determine where acceptable limits of Sustainable Development lie, an analysis is required; not just of economic benefits, but also economic costs and impacts on broader values such as government finances, the environment, social and community values and Indigenous Values. To assist the Commission in this task, Tr’ondëk Hwëch’in commissioned two studies (Appendix 4&5):

² Yukon Parks Strategy, 2020-2030 at p.24

- Socio-economic and Environmental Risk Assessment – Hard Rock Mining Implications in the Yukon; and
- Yukon Placer Mining Socio-economic and Environmental Multiple Accounts Assessment.

The reports' key findings on economic benefits and costs, are:

- ❖ There is a lack of data, making it difficult to accurately assess either placer mining or hard rock mining as individual industries;
- ❖ The placer industry pays extremely low royalties to the Yukon government and Yukon First Nations: the total royalty in 2017 was just \$26,405;
- ❖ A significant (and growing) portion of the wealth generated from mining ends up outside the Yukon: The placer report found that in 2015 only 64% of placer workers were Yukon residents, while the KPMA in an October 2020 presentation confirmed that only 40% of placer miners now live in the Yukon year round, and only 80% live and pay taxes in the Yukon for 7 months of the year or more. Similarly the hardrock report concludes that "A significant portion of the mineral industry workforce does not reside in the Yukon and this reduces the benefits accruing to territory ... This situation appears to be getting worse";
- ❖ Overall, the mining sector generates far more expenditures by First Nation, territorial and federal governments than it generates in government revenues: for example TH spends \$600,000 to 1M per year responding to placer mining issues, yet received \$69 in placer royalties in 2016; and
- ❖ The hardrock industry is highly cyclical in Yukon – this makes the supply sector much smaller than it could be and is likely the reason for the growing non-resident workforce, reducing the economic benefit for Yukoners.

The reports also conclude that placer and quartz mining have significant costs that cannot be quantified in terms of money. These include ecological, social, community and cultural impacts, impacts on the rights of Yukon First Nations, and opportunity costs for other economic activities such as tourism. While the financial benefits of mining largely go to private individuals, many of whom live outside the Yukon, the economic, ecological, social and cultural costs are borne by local communities, the Yukon government, Yukon First Nations and individual Yukoners.

TH believes the public government would benefit from conducting more comprehensive analyses of placer and hardrock mining industries to assist in mitigating potentially adverse effects and to share the outcomes of these studies with the public in an effort to foster a more accurate understanding of the industry's socio-economic implications in Yukon.

To ensure Sustainable Development is upheld, the Commission should 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 who benefits and who shoulders the costs.

Conservation Priorities

Conservation Priority Categories

The attached conservation priorities map (Map 1, Appendix 1) is Tr'ondëk Hwëch'in's final submission to the Commission on conservation priorities. The map categorizes areas within the planning boundary into three conservation categories:

- **Conservation Areas** –Industrial land uses are not allowed. Very high ecological and cultural values within a sensitive biophysical setting, that require full protection of traditional economic, cultural, and ecosystem services. Legally designated protected areas withdrawn from surface and subsurface rights issuance. Examples: Wilderness Preserve, Natural Environment Park, Habitat Protection Area.
- **Stewardship Area 1** – Limited industrial land uses are acceptable provided they do not result in permanent loss of ecosystem services/significant functional disturbance, and preserve traditional economic and cultural services. Examples: general management directions that protect habitat for wildlife, movement corridors and wetlands; protective thresholds for cumulative effects, development footprint, access, water withdrawal and disturbance.
- **Stewardship Area 2** – Sustainable Development is permitted, provided it results in minimal loss of ecosystem services, and preserves traditional economic and cultural services. Examples: general management directions to limit impacts on habitats for wildlife, movement corridors and wetlands; thresholds for cumulative effects, development footprint, access, water withdrawal and disturbance.

Conservation Areas

In this section, * indicates additional values identified by TH Citizens during community engagement on the draft conservation priorities.

1) Northern Area (Including Tintina Trench)

Goal: Conservation measures should preserve and enhance key wildlife habitat and protect unique and intact landscapes. Conservation measures should prioritize landscape connectivity, considering adjacent protected areas (Tombstone Territorial Park, Charlie River Preserve in Alaska, Peel Region SMAs, Fishing Branch Wilderness Preserve and Habitat Protection Area) and value the unique and unscathed landscapes found in this area. Conservation measures should preserve and enhance wetlands and migratory bird habitat and flyway, as well as traditional economic and cultural activities.

Values/Justification:

- Important Key Caribou Habitat, movement corridors and migration pathways (Hart, Clear Creek, Porcupine, Fortymile).
- High wildlife value (sheep, grizzly bear, moose, caribou, beaver).
- Extensive Sheep Wildlife Key Areas (WKAs) throughout this area.
- Woodland Caribou WKAs for Hart River and Clear Creek caribou.

- Extensive quality moose habitat north of the Yukon and Klondike Rivers. WKAs for moose, particularly for late winter moose.
- Important moose calving areas, particularly adjacent to large river corridors
- WKA for beaver within Klondike and North Klondike Rivers
- Unique landscape features and ecosystems:
 - The Tintina Trench is a unique feature within the planning region that is known to be an important flyway for waterfowl and migratory corridor for other wildlife species such as moose, caribou, wolf and bear.
- Climate change resilience through protection of intact habitat for a mosaic of culturally significant species.
- High cultural importance and use. Protecting this area is critical to cultural continuity and maintaining cultural ties to the land for TH Citizens:
 - The areas north of the Klondike highway and along the Dempster highway are currently important traditional economic and cultural areas (hunting, timber harvest, trapping, on-the-land camps, cabins* etc.) that are utilized by TH Citizens year round;
 - Other areas have been identified as important based on historical and future cultural use investigations; and
 - Important ancestral cultural sites and trails throughout the entire area.*
- Intact landscapes available for Citizen use and enjoyment are essential to community health, healing and well-being (ie. Nänkäk Chèholay, Dempster Hwy).*
- Traditional Economic Use, including trapping and subsistence harvest.
- Connected and intact landscapes providing essential habitat connectivity corridors to adjacent protected areas.
- Alpine ecosystems and protection of important headwaters.
- Pristine and intact waterways, contributing to water health and quality of the region for both fish and wildlife, and TH Citizen use.*
- Limited mineral claims and limited physical disturbance (minimal land use conflicts).

2) Fortymile Core Caribou Range – Fortymile and Ogilvie/Tatonduk

Goal: Conservation measures should protect key Fortymile caribou habitat. Note, the Ogilvie/Tatonduk area falls within the Northern Area.

Values/Justification:

- High quality summer range and adjacent caribou winter range between Matson Creek and Fortymile River contains the most frequently used and highest quality habitats connected to those used by the herd in Alaska.³
- High cultural and ecological importance within these regions.
- Key summer and winter Fortymile caribou herd habitat is essential to meeting the objectives and goals of the Fortymile Caribou Harvest Management Plan, particularly promoting a robust,

³ TH/YG FMCH HMP 2020-2025.

sustainable population, maximizing the ability of the herd to use key habitat within the historic range of Yukon.

- Summer range is the limiting factor in herd expansion - protecting these important areas is critical to herd conservation.
- The Ogilvie and Tatonduk range falls within areas identified for protection in the Northern Area and also offers critical habitat for this herd.
- Strong subsistence harvesting values (caribou, moose, berries, etc.), particularly within areas accessible from the Top of the World Highway and adjacent secondary/tertiary access.*
- Overlaps with Moose WKA's, particularly late winter, and extensive quality moose habitat
- Thin Horn Sheep WKAs in the Ogilvie/Tatonduk area.

3) Key River Corridors: Yukon, Stewart and Klondike Rivers

Goal: Conservation measures should preserve the values and characteristics that make major river corridors ecologically and socio-culturally important, including critical habitats, intact landscapes, and opportunities for appropriate cultural and non-industrial access and use.

Managing viewsapes along these river corridors by preventing visual anthropogenic activities is essential in maintaining TH's spiritual connection and continued use of the ancestral routes along these waterways.

Values/Justifications:

- Important salmon habitat, including adult spawning, juvenile rearing, and overwintering habitat (including confluences).
 - Salmon is extremely significant to TH. For generations, TH people have relied heavily on the salmon runs in the Yukon River and continue to utilize fish camps along its shores. Salmon are an important component of the traditional diet and essential to good health.
 - The importance of salmon to the broader ecosystem and economy is reflected in international agreements, national and territorial salmon research, management and stock restoration efforts and protection initiatives that have been spearheaded by Tr'ondëk Hwëch'in, amongst others.
 - Maintaining quantity and quality of water is important for sustaining populations of salmon.
- Important wildlife corridors for many species.
- Moose calving and late winter habitat. Extensive quality moose habitat along entire corridor, and WKA's for moose throughout the large river corridors.
- Important raptor nesting habitat (e.g. peregrine falcon, bald eagle, etc.) and WKAs for several birds of prey including golden eagle and peregrine falcon.
- Riparian areas adjacent to rivers and creeks offer distinct ecosystem services that protect water quality, play an important role in flood mitigation and provide valuable wildlife habitat (beaver, waterfowl, otter etc.*).
- Extremely important cultural and traditional use corridors.
- Traditional Economic Activities, including subsistence harvesting and trapping.
- Peaceful use and enjoyment of Settlement Lands, including cabins and traditional pursuit areas.
- High recreation and ecotourism values.

- Intact landscape and landscape connectivity.
- Water quality, quantity and rate of flow important to maintain ecosystem services and to uphold rights set out in Chapter 14 of the TH Final Agreement.

4) Wetlands- Clear Creek, Indian River, and Scottie Creek

Goal: Keep wetlands intact and protect and maintain their ecological and cultural function.

Values/Justifications:

- Provide habitat for wildlife, such as moose, waterfowl and fish. Include WKAs for Moose, Beaver, and Muskrat (Scottie Creek).
- Provide ecosystem services to the surrounding environment, such as water filtration, flood abatement, water containment and carbon sequestration.
 - These services benefit wildlife, hydrological and terrestrial functions, and the people living nearby using these systems.
 - Intact wetlands play a critical role to maintain the health and vitality of the environment.
- Wetlands are the ecological hotspots. Their disturbance, elimination or loss represents a disproportional loss of regional biodiversity.
- The biodiversity of moss species in fens can be quite high and can support relatively rare species. Conversion to marshes removes almost all of these species of moss.
- Fisheries depend on the water quality benefits produced by adjacent and upstream wetlands. Salmon are now gone from the Indian River but their return in healthy runs will require the input of high quality water and peatland functions.⁴
- Important areas for subsistence harvest and use, and as such are important to the traditional economy.
- Wetlands are known to be ecological hotspots and are considered under high level threat across Canada.⁵

Stewardship Area 1

5) Fortymile Caribou/Dawson Range (southern tip of the planning region)

Goal: Conservation measures should protect key Fortymile caribou habitat and movement corridors to safeguard the herd against disturbance.

Values/Justification:

- Fortymile Caribou has high cultural and ecological importance within the region.
- Key summer and winter Fortymile caribou habitat is essential to meeting the objectives and goals of the Fortymile Caribou Harvest Management Plan, particularly promoting a robust, sustainable population, maximizing the ability of the herd to use key habitats within the historic range of Yukon.
- Summer range is the limiting factor in herd expansion - protecting these important areas is critical to herd conservation.

⁴ Dr. Lee Foote, Correspondence with TH, Nov 26 2020.

⁵ Ducks Unlimited Canada, <https://www.ducks.ca/our-work/wetlands/>.

- This area also includes WKA's for thin horned sheep and gyrfalcon.

6) Indian River Watershed

Goal: To protect and reclaim the Indian River watershed to promote its rehabilitation for current and future subsistence harvest and traditional use.

Values/Justifications:

- The Indian River watershed is host to important wetlands within the region that are valued for their:
 - ecological function,
 - fish and wildlife habitat, and
 - carbon sequestration.
- The wetlands and surrounding area are also used by Citizens and contribute greatly to the TH's traditional economy.
- The area is highly impacted or threatened by mining activities.
- WKA for Late Winter Moose.

7) R-49 Management Area

Goal: To provide increased management to protect the interests of TH Citizens for trapping and harvesting values on R-49A.

Values/Justification:

- This area has been identified by Citizens as important culturally and it supports subsistence use and traditional economy activities such as trapping, fishing and harvesting;
- Protection of Porcupine Caribou habitat and movement corridors.

Stewardship Area 2

8) Sixtymile/Dawson Range

Goals: This area requires management direction to preserve the integrity of all caribou habitat and migration corridors, and minimize or avoid disturbance to these key areas.

Values/Justifications:

- Management direction is especially important in the Sixtymile area and the Dawson Range which connect important habitat in the Matson highlands to the Dawson Range in the south.
- This area provides quality Fortymile caribou habitat
- Moose populations are healthy in this area and contribute to regional abundance of this species⁶
- Good landscape connectivity to large swaths of land/ provides for connectivity.
- Good juvenile salmon rearing habitats.

⁶ Yukon government aerial moose count

- WKAs for Moose, Beaver (Ladue River), and Bald/Golden Eagles (White River).
- Although this area is of importance to TH particularly because of the habitat and migration corridors for caribou, it is recognized as also being an area of advanced exploration for both placer and quartz, resulting in conflicting values.

9) Goldfields Area

Goals: Mitigation measures should limit the impacts of mineral development and mining land use on Citizen access to traditional harvesting areas and Citizen’s ability to carry out traditional pursuits. Goals include, but are not limited to, the protection of key habitat and limiting disturbance to wetlands.

Values/Justification:

- The Goldfields area is an important harvest area for TH Citizens and its proximity to Dawson City underscores the importance of use as a Citizen “bread basket”.
- The Goldfields Area contains a well-used and heavily relied on TH Citizen trapping concession.
- The area includes important moose habitat, grouse habitat (sharp-tailed, willow and spruce), wetlands, and habitat for furbearers.
- The area has significant surface disturbance primarily from placer mining (roads, trails, habitat degradation and fragmentation, erosion, increased sedimentation added to waterways, permafrost sloughing and thawing).
- The area offers important moose habitat, and has WKAs for late winter moose, and includes a number of moose licks.
- Beaver WKAs on Dominion and Indian River.

10) Major Highway Corridors - Klondike Highway, Dempster Highway, Top of the World Highway

Goal: Manage major road corridors to balance conflicts between tourism, recreation, industry, traditional economic and subsistence use, and viewsapes, while protecting important habitat and landscape values. Separate corridor mitigations for each major roadway will assist with consideration of particular land uses, land use conflicts, and characteristics of each.

Values/Justification:

- Major highway corridors have a host of values and uses which need to be considered separately from large LMUs.
- Each corridor requires particular considerations for fish and wildlife populations, habitat connectivity, socio-cultural values, and economic development and infrastructure.
- The major roadways intersect with several WKAs - Dempster (Moose, Woodland Caribou, Sheep, Golden Eagle, Beaver), Klondike (Raptor, Moose, Beaver).
- Within these major highway corridors, there is a desire to maintain the viewscape of intact landscapes.
- Major roads are heavily utilized by TH Citizens to exercise both their subsistence harvest rights and peaceful use and enjoyment of Settlement Lands (Map 7, Appendix 1). It is important to plan for the protection of these rights, and consider them in the management of these corridors.

Settlement Land

Tr'ondëk Hwëch'in is interested in indicating to the Commission our intentions for managing Settlement Lands in the future. This section describes TH's Settlement Land, the priorities that guide TH's management of Settlement Land, and a preliminary Settlement Land Designations system which assigns management objectives to several classes of Settlement Land.

Under the *Tr'ondëk Hwëch'in Final Agreement*, TH retained direct control of 2,598.51 km² of Settlement Land. Section 13.3 of the *Tr'ondëk Hwëch'in Self-Government Agreement* grants TH broad land management and planning powers over Settlement Land, including the power to enact laws in relation to:

- use, management, administration, control, and protection of Settlement Land;
- allocation or disposition of rights and interests in and to Settlement Land, including expropriation by the Tr'ondëk Hwëch'in for Tr'ondëk Hwëch'in Purposes; and
- use, management, administration, and protection of natural resources under the ownership, control, or jurisdiction of the Tr'ondëk Hwëch'in.

All Settlement Land is categorized under the *Final Agreement* as either R, S, or C:

- Rural Settlement Land parcels ("R-Blocks") are located throughout TH Traditional Territory, generally outside of the City of Dawson municipal boundary. These parcels were broadly selected to provide large areas of Settlement Land to enable traditional pursuits, and to accommodate Citizens who did not indicate specific areas of interest.
- Site Specific Settlement Land parcels ("S-Sites") are located throughout TH Traditional Territory. These parcels were broadly selected to recognize specific important sites, or areas where individual Citizens were interested in establishing camps.
- Community Settlement Land parcels ("C-Lands") are located in and around the City of Dawson. These parcels were broadly selected to provide land for TH community and economic development.

Settlement Land Designations

Tr'ondëk Hwëch'in Settlement Land is presently managed under the *Tr'ondëk Hwëch'in Land and Resources Act*. This Act grants Tr'ondëk Hwëch'in Council broad planning and land management powers, including to:

- "designate any part of the land or resources to be available for a particular use;"
- "withhold from availability for access, occupation, or use any land or resource for any purpose;" and
- "establish any term, condition, restriction, or stipulation to apply to any particular land or resource or class of land or resource use."

TH Natural Resources is currently developing a system of Settlement Land Designations for TH Settlement Land. Eventually, this system will be further developed and enacted as a regulation under the *Land and Resources Act*. At this point, the system of Settlement Land Designations are not binding,

and formal procedures for implementation have yet to be developed. The draft Settlement Land Designations will be subject to ongoing review and modification to reflect the changing needs and aspirations of our community.

In order to communicate TH’s priorities for managing Settlement Land to the Commission, this package includes an interim version of TH’s Settlement Land Designations system, which defines the Primary Management Intent, Management Objectives and Supported Uses for each Designation. This should be used as a high level indication of TH’s plans for managing our Settlement Land. Map 2, in Appendix 1 is an interim illustration of how the Designations have been assigned to Settlement Land.

MUD	Mixed-Use Development
Primary Management Intent	
<p>“Mixed-Use Development” (MUD) Settlement Land shall be managed to provide TH government, TH Citizens, and TH Businesses with access to serviced and surveyed land for Residential, Commercial, and Institutional Development. MUD Settlement Land shall be developed relatively intensively, seeking to strike a balance between “highest and best use” and “sustainable development” principles.</p>	
Management Objectives	
<ul style="list-style-type: none"> • MUD Settlement Lands shall support healthy and prosperous TH communities by providing land for a mix of Residential, Commercial, and TH Government Development. • Development on MUD Settlement Lands should occur within surveyed lots and be authorized through formal land grant documentation. • Disposition of land shall occur through a transparent and fair allocation process, balancing the desires of existing interest-holders and the interests of the TH community as a whole. • MUD Settlement Lands shall be managed so as to preserve and enhance their economic value. 	
Supported Uses	
<ul style="list-style-type: none"> • Residential development • Commercial development • Institutional development • Traditional Use 	
Non-supported Uses	
<ul style="list-style-type: none"> • Non-renewable resource development • Mineral staking • Placer mining • Quartz mining • Intensive renewable resource management 	
TU	Traditional Use
Primary Management Intent	
<p>“Traditional Use” (TU) Settlement Land shall be managed to steward natural resources for future generations and to provide TH Citizens with access to land for traditional use activities. This includes harvesting activities, such as fishing, hunting, trapping, and gathering edible or medicinal plants, and also the construction of temporary camps and semi-permanent cabins.</p>	
Management Objectives	
<ul style="list-style-type: none"> • Enable individual and communal Citizen access to land. 	

<ul style="list-style-type: none"> Minimize negative impacts to natural resources to ensure continued exercise of traditional harvesting rights on Settlement Land.
Supported Uses
<ul style="list-style-type: none"> Traditional Use Recreational/Hunting Cabin Development
Non-supported Uses
<ul style="list-style-type: none"> Non-renewable resource development Mineral staking Placer mining Quartz mining Intensive renewable resource management
HCU Heritage & Community Use
Primary Management Intent
<p>"Heritage & Community Use" (HCU) Settlement Land shall be managed to protect and celebrate heritage resources, as well as for TH government to develop heritage interpretive material, cultural programming, and infrastructure for recreational or traditional use by TH Citizens or members of the public.</p>
Management Objectives
<ul style="list-style-type: none"> Provide communal spaces to celebrate heritage resources and exercise traditional harvesting rights. Provide enhanced protection for specific identified heritage sites.
Supported Uses
<ul style="list-style-type: none"> Traditional Use Recreational/Hunting Cabin Development Traditional Economic Activity
Non-supported Uses
<ul style="list-style-type: none"> Non-renewable resource development Mineral staking Placer mining Quartz mining Intensive renewable resource management
SD Sustainable Development
Primary Management Intent
<p>"Sustainable Development" (SD) Settlement Land should be managed to provide TH government, TH Citizens, and TH-owned businesses with access to natural resources for economic development opportunities.</p>
Management Objectives
<ul style="list-style-type: none"> Ensure development on SD Settlement Land does not have irreversible impacts on environmental or cultural values in SD Settlement Land. Ensure development on SD Settlement Land provides economic benefits to TH Citizens or the TH government.
Supported Uses
<ul style="list-style-type: none"> Non-renewable resource development (e.g. Placer Mining) Intensive renewable resource management (e.g. Commercial Forestry) Traditional Use Traditional Economic Activity
Non-supported Uses
<ul style="list-style-type: none"> Residential development Institutional development

Settlement Land Management Priorities

TH Government manages Settlement Land to support the following goals:

- **Fish and wildlife** populations across the TH Traditional Territory remain healthy to satisfy the needs of Citizens and maintain ecosystem functioning.
- **Heritage** resources are preserved and celebrated on TH Settlement Land and throughout TH Traditional Territory.
- **Water** resources are stewarded in a way which preserves and enhances their quality and quantity on TH Settlement Land and throughout TH Traditional Territory.
- Opportunities to engage in **Traditional Use** activities are preserved and enhanced.
- Opportunities for **Traditional Economic Activity** are preserved and enhanced.
- To provide land for TH's residential and commercial **Community Development** needs.

The system of Settlement Land Designations described above is meant to implement these Land Management Priorities and to help realize the TH's broader Conservation Priorities.

In Closing

We hope that this package, *Ninänkäk hqzq wëk'atr'ènhcha* (We Take Good Care of Our Land), clearly communicates the foundations from which we present our conservation priorities and Settlement Land designations and management directions. We believe this package clearly defines the thematic values TH holds first and foremost as we prioritized areas for permanent protection and stewardship and how we manage our Settlement Land. We view this submission as an important point in our continuing dialogue with the Commission to help shape and guide the stewardship of Tr'ondëk Hwëch'in Traditional lands within the planning region.

You may recall us mentioning Tsà' Wëzhè in earlier presentations. It was Tsà' Wëzhè, the Traveller, who first made agreements on our behalf with the land and with the other animals of the world. These agreements would allow our people to thrive, the land and animals to thrive, and would sustain and support our lives and our children's lives into the future. While the Tr'ondëk Hwëch'in have experienced extreme challenges in the face of the Klondike Gold Rush and the subsequent installation of a colonial power in our territory, the agreements made between Tsà' Wëzhè and the land remain as important to our people as ever. Given the impact of development and climate change in our Traditional Territory, these agreements may well be even more important now than ever before.

APPENDICES:

Appendix 1: Map Package

Appendix 2: Tr'èhudè Land Vision Introduction

Appendix 3: United Nations Declaration on the Rights of Indigenous Peoples

Appendix 4: Executive Summary Hard Rock Mining Implication in the Yukon Socio-Economic and Environmental Risk Assessment Baseline Report

Appendix 5: Executive Summary Yukon Placer Mining Socio-Economic and Environmental Multiple Accounts Assessment