



January 11, 2024

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Dear Premier Pillai and Ministers Streicker and Clarke,

**Re: Acknowledgement and Proposed Timeline Extension for Dawson Regional Land Use Plan**

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Thank you to Minister Streicker and staff for travelling to Dawson to meet with TH Council on December 12 to advance our efforts to reach consensus on the Recommended Dawson Regional Land Use Plan. And thanks to Premier Pillai and Minister Clarke and jëje-in for joining virtually. We appreciate your time and effort.

We hope you have a better understanding of the TH vision and desired outcomes for the Dawson Planning process. While we did not press you for verbal responses, we do look forward to receiving a timely written response to the questions we posed during the meeting, as set out in the attached speaking notes, including on a priority basis a response to the three most important questions highlighted at the end of this correspondence. The questions asked are the significant ones that will affect the shape and substance of the Dawson Regional Land Use Plan. We were encouraged by your letter to Chief Johnston dated November 14, 2023, confirming the Government of Yukon's view that you wish to move away from the status quo model of mineral disposition, and to create new minerals legislation that is consistent with Aboriginal and treaty rights, and balances mining with other land uses. We hope that the Government of Yukon's response to our questions is consistent with those views.

During our meeting, I supported your request to extend our projected timelines. I suggest we extend those timelines by one month and provide our written THFA 11.6.2 and 11.6.3 responses to the Planning Commission by the end of April 2024. This should provide you with additional time without unduly delaying a land use process that is a fundamental part of our Final Agreement yet long overdue.

On a related note, we were happy to hear that Premier Pillai always emphasizes the requirement to address the needs of affected Yukon First Nations whenever he talks to industry about mining in Yukon. We would like to work with you to fashion a joint Yukon Territory message to be delivered at the coming Cordilleran AME Roundup in Vancouver.

Thanks again for meeting with us.

Sincerely,



Darren Taylor  
Hähkè, Tr'ondëk Hwëch'in

cc. Brenda Butterworth-Carr, Executive Director, Tr'ondëk Hwëch'in  
Tr'ondëk Hwëch'in & YG SLC Representatives

#### Excerpts from Speaking Notes - Most Important Questions for YG

15. We hope that the Yukon Government shares our desire to achieve these outcomes and look forward to hearing your views on these matters. Please tell us which of these outcomes (described in 4 - 14) you support and which you do not support - and why.

21. Is YG willing to moderate the pace and intensity of mining in the Dawson Planning Region?

27. Please provide us with a clear picture of how you envision mining proceeding in the Dawson planning region.

Note: Question 21 is especially important because it has huge implications for all the questions.

We look forward to your responses.

SPEAKING NOTES for Hähke Darren Taylor and Tr'ondëk Hwëch'in Council  
DRLUP Meeting of the Principals December 12, 2023

1. On behalf of the Tr'ondëk Hwëch'in I want to welcome you to Dawson and our Traditional Territory. Thanks for coming. And thanks to those who were unable to come but are joining virtually.
2. We hope we can close the gap between us during this consultation and emerge with some consensus on the Dawson Regional Land Use Plan.
3. I want to start by confirming the outcomes Tr'ondëk Hwëch'in wants to achieve through the Dawson Regional Land Use Planning process. We have described these in our submissions to the Commission and to YG SLC representatives. Today we want to paint a clear picture, so Yukon elected Leaders know exactly where we are coming from.
4. At the highest level we want to protect the health and productive capacity of the lands and waters within our traditional territory in a way that preserves our cultural and spiritual connection to the land. This includes protecting and making meaningful our rights to practise our culture and traditions, our subsistence harvesting rights, our rights to clean water, and our rights to participate in the management of public resources.
5. We want healthy aquatic and terrestrial eco-systems. This means maintaining and where necessary restoring abundant populations of caribou, moose, bear, and salmon - so that our people can eat the food that has nourished us for millennia.
6. This means maintaining the health of the forests, flowers, berries, moss, and other vegetation.
7. This means maintaining the quality and quantity of water in our streams and rivers, which maintain the lifeblood of our culture.
8. This means minimizing disturbance and protecting the Yukon River Corridor, the Stewart River Corridor, the White River, the Dempster region, wetlands, and other areas our people have traditionally relied upon for physical and spiritual sustenance.
9. This means paced mining development that does not overtax the productive capacity of the land and gives it time to recover after disturbance; in accordance with the Chapter 11 definition of Sustainable Development.
10. This means preventing mining in sensitive areas.
11. This means adhering to the highest standards when mining and adhering to the principle of full reclamation after mining.
12. We want to embrace high environmentally and culturally sound Cumulative Effects Thresholds for linear and surficial disturbance.
  - a. When there is question, we want to err on the side of caution.
13. We want to make solid commitments to add additional Cumulative Effects indicators to the Plan, such as water quality, abundance of species like caribou and moose, and potentially others.
14. We want to take concrete steps to reverse the effects of climate change, which includes reducing carbon emissions and protecting natural features like peat wetlands that sequester carbon.
15. We hope that the Yukon Government shares our desire to achieve these outcomes and look forward to hearing your views on these matters. Please tell us which of these outcomes you support and which you do not support - and why.
16. The central issue in Dawson Planning is the way mining will continue in the Dawson Planning region.
  - a. TH supports responsible mining. We recognize the contributions that mining makes to our economy. Many of our Citizens benefit economically from mining.
  - b. But monetary economic benefits are not the driving force behind our vision for land use in our traditional territory.
  - c. Our driving force is Tr'ëhudè, which seeks to find balance and preserve our traditional relationship with the land.

- d. We want our land to continue to support our needs - traditionally and culturally - for thousands of years to come.
- 17. We believe that mining can continue in a way that respects our culture and our values. But that means the current system must change.
- 18. Our discussions with the Government of Yukon have become polarized. In our view both Parties need to move toward the middle and find solutions we can both support.
- 19. For example, TH does not believe that SMA designation need be the only way to achieve a degree of protection for the land. We should be able to agree to measures that allow development at a controlled pace - such that it does not undermine important natural and cultural values.
- 20. TH wants to protect the most important culturally and environmentally important parts of our homeland - such as major river corridors - caribou birthing grounds, salmon spawning and rearing areas, etc. But in the rest of our traditional territory we envision a working landscape, where industrial and natural values co-exist in a way that affords reasonable protection to both.

**We want to reach some consensus coming out of this meeting. So, we ask:**

- 21. Is YG willing to moderate the pace and intensity of mining in the Dawson Planning Region?
- 22. Is YG willing to use all the tools in your current toolbox to protect culturally or environmentally areas in the planning region, such as:
  - a. Special Operating Area provisions of the Placer and Quartz Mining Acts:
  - b. Land Management Zones under the *Territorial Lands (Yukon) Act*:
  - c. Withdrawals, where necessary alongside other tools, to achieve the objectives of the Plan for an LMU, even if the LMU is an ISA.
- 23. Is YG willing to make commitments to develop new tools if those are necessary to achieve Sustainable Development and meet other desired outcomes of the Plan?
- 24. In terms of our Consultation process, we hope that the Government of Yukon gives TH views full and fair consideration and makes reasonable attempts to accommodate our views in your positions and decisions.
- 25. We believe that Regional Land Use Planning is a treaty right intended, among other things, to ensure our rights to meaningful participate in the management of resources on both Settlement and Non-Settlement Land.
  - a. Please clarify your stance on this issue.
- 26. We support much of the federal Critical Minerals Strategy. We see critical minerals as a means to combat climate change and bolster Yukon's economy. But under no circumstances can the mining of critical or other mining damage important values like salmon and caribou. All mining must take place within agreed thresholds, with strict requirements for reclamation.
  - a. YG must be clear on your support for critical minerals. Does YG support the federal Critical Mineral Strategy, including the portions of the Strategy related to reconciliation and UNDRIP? What does YG want to see when it comes to critical minerals?
- 27. Please provide us a clear picture of how you envision mining proceeding in the Dawson planning region

**Some Issues where our Technical Representatives identified Options:**

**Yukon River Corridor (LMU 3)**

- 28. The Yukon River Corridor is the lifeblood of TH culture and well-being.
- 29. TH's preference is to see the whole Corridor within the Planning Region be designated a Special Management Area.

- a. TH supports the Commission's recommendation that the Management Plan for the TH portion of the Corridor be integrated with a Management Plan for the whole of the Yukon River Corridor in Yukon.
30. We may be, however, prepared to consider the option identified by our Technical Representatives (PTR) with the proviso that we adopt the Commission's recommended Cumulative Effects thresholds and identify "specific tools" to maintain the integrity of the southern portion of the Corridor.

### **LMU 7 (Antimony) & 8 (Brewery Creek)**

- 31. TH wants to manage LMU 7 and 8 in a way that protects the Hart River caribou herd and TH's cultural use and value of this area
- 32. Hart River caribou calving grounds are located where YG wants to expand LMU 8 north as an ISA 3. TH believes that the disturbance levels of an ISA3 are incompatible with protecting the calving grounds.
- 33. Hart River caribou are a threatened species under the *Species at Risk Act*.
- 34. Although an SMA for LMU 7 (Antimony) is a good thing, it does not address the impact of expanding LMU 8 north and increasing CE thresholds for the region.

### **Wetlands**

- 35. Wetlands hold important cultural and environmental values to TH. They protect water quality and rate of flow, are the home of traditional medicines and host a diversity of animals. They are prime hunting and harvesting grounds for our people.
- 36. TH wants to protect wetlands in the planning region, including upper Indian River wetlands. YG has shown no appetite to protect Indian River Wetlands but has agreed to protect some other wetlands through a Wetlands of Special Importance (WSI) designation pursuant to the Yukon Wetlands Policy. However, YG needs to develop new tools to implement the Policy.
- 37. It is not clear what legal tool YG would use for the WSI designation, and whether it would be effective to protect wetlands.
- 38. It appears the Wetland Policy does not address existing tenure (claims) and approvals. which makes us ask how can this tool protect wetland values in areas that are already staked?
- 39. It is not clear whether YG will commit to designating wetlands in the upper Indian River as WSI.
- 40. It is not clear whether YG is willing to use withdrawals to protect the Ladue wetlands and other wetlands in LMU 19.

### **Cumulative Effects (CE) Thresholds**

- 41. Cumulative Effects thresholds must be set at levels that protect the environment and maintain its ability to support the TH way of life. This means that mining development must be consciously paced and managed.
- 42. TH supports the CE thresholds in the Recommended Plan for linear and surficial disturbance (which are considerably more indulgent than the thresholds in the Peel Plan.)
- 43. Over time, TH wants to add Cumulative Effects thresholds related to water quality and disturbance to cultural and environmental values, such as caribou.
- 44. YG wants to revert to the critical surface disturbance CE thresholds recommended in the Draft Plan, which allow current mining to continue at current levels and new mines to be developed with little constraint.