

TH Summary of Presentation to Dawson Regional Planning Commission: Proposed Modifications to the Recommended Plan

Tim Gerberding and Katie Fraser
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Introduction

The following document attempts to summarize, and provide background and context to, the main points presented to the Dawson Regional Planning Commission (the Commission) on January 20, 2025. It is not meant to be an exhaustive list of modifications - our April 30, 2024, submission remains TH’s complete submission of proposed modifications.

Background/Context (slides 2-4)

The Parties to the Tr'ondëk Hwëch'in Final Agreement (THFA) have promised to:

- *"recognize and protect a way of life that is based on an economic and spiritual relationship between the Tr'ondëk Hwëch'in and the land;*
- *recognize and enhance, to the extent practicable, the traditional economy of Yukon Indian People and their special relationship with the wilderness Environment; and*
- *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".*

The Courts have confirmed that Regional Land Use Planning is important to keeping those promises. In her January 31, 2023, decision in the Metallic Minerals case, Yukon Supreme Court Justice Suzanne Duncan stated:¹

"Courts have held that Chapter 11 does create Treaty rights (FNNND 2017)², contrary to the Yukon government's interpretation. The Yukon government's position that Chapter 11 does not create Treaty rights and is not relevant or applicable to this decision, is an erroneous and ungenerous interpretation of the Treaty. The Supreme Court of Canada warned that this approach to interpretation could result in a failure to implement the treaty and thus fail to achieve reconciliation."

Previous Feedback (slide 6)

Throughout the planning process TH has outlined a consistent vision for land use in the Dawson planning region. As we said in our December 1, 2020 document titled *Ninänkäk hqzq wëk'ättr'ènòhcha (We Take Good Care of Our Land)*:

- *"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.*
- *Protecting the land ... provides our future generations with safe and clean lands to utilize and practice culture and traditions 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."*

TH Proposed Modifications: *At a glance*

As set out in our April 30, 2024 proposed modifications submission to the Commission, we believe the Dawson Regional Land Use Plan must contain strong provisions for:

1. TH/YG Co-Management of public lands and waters
2. Sustainable Development
3. Permanent Protection of Additional Lands and Waters

¹ *First Nation of Na-Cho Nyak Dun v Yukon Government,*

² *Supreme Court of Canada in the Peel case*

4. Additional Protection for Wetlands
5. Commitment from YG to use all Available Tools, and where necessary, develop new Tools to achieve Objectives of Plan
6. Removal of TH Settlement Land from SMAs

This will necessitate:

1. Conservative Cumulative Effects Thresholds accompanied by rigorous Reclamation Standards.
2. Access Management Planning, along with strict requirements to curtail and reclaim access (see *Access Management* section).
3. Concrete steps to protect important natural resources such as caribou, salmon and moose.
4. Permanent protection for areas of Cultural and Environmental Importance.
5. A requirement for Adequate Baseline Data Prior to Development Activities, including mining exploration.
6. Differentiating between types of mining to prioritize Critical Minerals while moderating gold mining.
7. Interim Protection for some areas while determining and implementing next steps.
8. Utilizing the Precautionary Principle in regulating development activities.

TH Proposed Modifications: *In more detail*

Set out below is a bit of detail regarding important issues TH proposes to be addressed in the Dawson Regional Land Use Plan. The order in which these issues are addressed is not meant to imply priority. All the issues are extremely important. Our April 2024 proposed modifications provide additional information.

1. Regional Land Use Planning and YG Regulatory Regime (slide 5)

TH strongly disagrees with the view that land use planning and other regulatory processes, such as successor resource legislation, should be considered separately. TH asserts that the current YG regulatory regime is antithetical to sustainable development and does not allow the Commission to recommend a Plan that meets the TH or Commission vision for appropriate land use in the Dawson Planning region.

TH notes that 11.1.1.6 of THFA states that one of the objectives of Land Use Planning is "*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 (underline added) so as to ensure Sustainable Development.*"

TH notes further that 11.7.3 of the THFA provides that "Nothing in 11.7.1 shall be construed to require Government to enact or amend Legislation to implement a land use plan or to grant an interest in, or authorize the use of, land, water or other resources".

- While not requiring Government to enact Legislation to implement a Land Use Plan, 11.7.3 explicitly contemplates that possibility.

In March of 2018, when the renewed Dawson Planning process was just getting underway, the Yukon Land Use Planning Council (YLUPC) asked the Dawson Regional Land Use Planning (DRLUP) Technical Working Group (TWG) and Senior Liaison Committee (SLC) "*Can the Commission recommend management actions that exceed current legislative or regulatory tools?*"

The DRLUP SLC responded to YLUPC, stating "*The answer to this question is a qualified Yes. If current legislative or regulatory tools do not enable the Commission to recommend a Plan that meets the Commission's vision for appropriate land use, the Commission is at liberty to recommend actions that exceed current regulatory tools. If this occurs, the Commission will need to provide a good rationale.*" The same answer was provided to the question "*Can the Commission recommend an enhanced management regime (e.g., enforcement in certain areas)?*"³

TH notes that the Peel Regional Land Use Plan exceeds current regulatory tools in several respects, including requirements for "adequate baseline data prior to development activities", and requirements for "full reclamation". Those recommendations did not prevent YG from formally approving the Peel Plan and agreeing to jointly implement it with TH and other Affected First Nations.

TH notes further that YFNs and YG have been involved in what YG calls "collaborative" initiatives to develop new Mining Legislation for 12 years now, beginning with the Mining License Improvement Initiative back in 2013. This was followed by the Devolution Transfer Agreement Protocol in 2015, the Mining Memorandum of Understanding in 2017, the Mineral Development Strategy in 2020, and the current YG/YFN Mining Engagement. All these initiatives were meant to bring YG Mining Laws into conformity with YFN Final Agreements and the 2002 Devolution Transfer Agreement. However, none of these initiatives have produced much in the way of tangible results. Yukon Mining Legislation remains as it has been for decades - or in the case of the Yukon Placer Mining Act, since 1906.

The point of these bullets is to show that land use planning issues are very much intertwined with legislative and regulatory issues. It's not possible to manage land, water and resources "***in an integrated and coordinated manner***" without addressing legislative and regulatory issues. I.e. you cannot meet the objectives of chapter 11 without considering the regime as a whole.

It is TH's view that The Commission is at liberty to recommend how legislative and regulatory issues can be addressed in developing your Final Recommended Plan.

³ Please see attached correspondence from 2018 for more information

2. Co-Management (slide 19)

YG's letter of June 18, 2024 to the Commission stated:

"We note that Tr'ondëk Hwëch'in's Submission to the Commission made comments on the entire Recommended Plan as it applies to both Settlement Land and Non-Settlement Land. We remind the Commission that 11.6.2 authorizes the Government of Yukon, after Consultation, to approve, reject or propose modifications to the Recommended Plan as it applies to Non-Settlement Land: while pursuant to 11.6.4. Tr'ondëk Hwëch'in has the same authority in relation to Settlement Land. The 2018 Memorandum of Understanding entered by the Parties does not change that approach".

This is also reflected in the November cover letter accompanying YG's proposed modifications, which states:

"After careful review, extensive consultation and engagement on the Recommended Plan, the Government of Yukon has determined to modify the Recommended Plan in relation to Non-Settlement Land as per 11.6.2 of the Tr'ondëk Hwëch'in Final Agreement."

TH acknowledges that the TH FA provides that YG can "propose" and "approve" Plan modifications on Non-Settlement Land, and TH on Settlement Land. However, YG's authority to modify the Plan does not occur until it has "Consulted" with TH and Affected Yukon First Nations and Affected Communities. TH is likewise obliged to "Consult" YG prior to making modifications.

- "Consult" means giving full and fair consideration to the views of the Party being consulted. The Courts have confirmed that means making reasonable attempts to "accommodate" TH and other YFNs.

TH takes strong exception to the view that TH influence and authority should be limited to Settlement Land. We believe that the view expressed above in the June 18 2024 letter is inconsistent with our signed MOU, the THFA, and relevant jurisprudence. In 2010 the Supreme Court of Canada confirmed that First Nation participation in the management of public resources is an essential part of the Treaty bargain:⁴

"Under the Yukon treaties, the Yukon First Nations surrendered their Aboriginal rights in almost 484,000 square kilometres, roughly the size of Spain, in exchange for defined treaty rights in respect of land tenure and a quantum of settlement land (41,595 square kilometres), access to Crown lands, fish and wildlife harvesting,

⁴ *Beckman v. Little Salmon/Carmacks First Nation*, 2010 SCC 53 at para. 9.

heritage resources, financial compensation, and participation in the management of public resources" (underline added).

In 2017 the Supreme Court of Canada addressed the issue again:⁵

- *"(46) In exchange for comparatively smaller settlement areas, the First Nations acquired important rights in both settlement and non-settlement lands, particularly in their traditional territories (see Chapters 7, 10, 13, 14, 16, 17 and 18; see also Little Salmon, at para 9). Section 9.3.1 recognizes that "(t)he amount of Settlement Land to be allocated has been determined in the context of the overall package of benefits in the Umbrella Final Agreement". Barry Stuart, the Chief Land Claims Negotiator for the Yukon Territorial Government, explains that it was more important to First Nations that they be able to meaningfully participate in land use management in all of their traditional territory than to acquire vast tracts of their traditional territory as settlement lands*
 - *.... it became abundantly clear that (the First Nations') interests in resources were best served by creatively exploring options for shared responsibility in the management of water, wildlife, forestry, land and culture. Effective and constitutionally protected First Nation management rights advanced their interests in resource use more effectively than simply acquiring vast tracts of land (as Settlement Land)...*
- *(47) In short, it is a clear objective of Chapter 11 to ensure First Nations meaningfully participate in land use management in their traditional territories."*

The Supreme Court of Yukon echoed the same points:⁶

"These [modern] land claims agreements.... constitute sophisticated codes with respect to such matters as development, land use planning (underline added), water management, fish and wildlife harvesting, forestry and mining. These codes assure a continuing role for the aboriginal people in the management of the resources of the entire region covered by the agreement, not just their own settlement land."

The Courts have consistently held that Yukon First Nation Final Agreements must be read in their entirety. Individual clauses cannot be cherry picked and read out of context. In the Peel litigation the Supreme Court cited the FN/YG Letter of Understanding - on which the TH/YG MOU is modelled - as strong evidence of the Parties' intent to reach consensus on the whole of the Peel Regional Land Use Plan, including both Settlement Land and Non-Settlement Land. TH says the same applies in the Dawson planning region.

⁵ *First Nation of Nacho Nyak Dun vs Yukon*, 2017 SCC para 46 & 47

⁶ *First Nation of Nacho Nyak Dun v. Yukon*, 2014 YKSC 69 at para. 147, quoting Hogg, Peter W. *Canadian Constitutional Law*, Vol. 1 (Carswell), pp. 28-35.

Chapter 11 Regional Land Use Planning does not segregate land use management responsibilities between Settlement land and Non-Settlement land. On the contrary, Regional Land Use Planning creates shared responsibilities for the management of all the land in the planning region.

The Peel Plan contains several recommendations that support meaningful YFN participation in the management of public resources. The Peel Plan recommends that the Parties:

- have joint management authority for all of the SMAs in the Peel Watershed (55% of the region);
- jointly prepare, or have prepared a management plan for each SMA;
- jointly make best efforts to complete the management plans within five years of the establishment of the SMAs and
- jointly review each management plan at least once every 10 years."

The Peel Plan recommends that "significant changes to any of the Plan's concepts require a Plan Review conducted jointly by the Parties".

In approving the Peel Plan, the Parties agreed to "jointly implement all of the recommendations in the Plan."

- TH asks the Commission to include recommendations in the Final Recommended Plan that reflect the concept of co-management of public lands, waters and resources in the Dawson planning region, which would be consistent with measures already achieved through the Peel Plan.

TH Definition of Participate in the Management of Public Resources

Participation in the management of public resources means meaningful collaboration and partnership with other governments with respect to managing lands and resources throughout the TH Traditional Territory. It includes consultation and shared decision making with respect to the management and development of non-renewable resources, renewable resources, resource revenue sharing, environmental assessment, approval of proposed projects, legislative and regulatory reform, monitoring and enforcement, development and joint implementation of land use plans, co-management of Parks and natural resources, participation on and liaison with management boards, negotiation and implementation of Agreements regarding said matters, and intergovernmental activities and initiatives established to create and maintain a natural and political environment where treaty rights and interests flourish and remain meaningful over time.; i.e. all of the intergovernmental engagements required to ensure that the objectives of the treaties are realized.

3. Access Management (slide 17)

This issue is closely related to co-management. The Parties have both supported potential access to the possible cobalt deposit in the Tatonduk area (LMU 1). If and when the mineral deposit proves viable, TH proposes that TH and YG should jointly develop an Access Management Plan. YG proposes that TH and YG should “*work to reach consensus*” on an Access Management Plan, but that if an Access Management Plan cannot be approved, the existing regulatory review process would apply. From the TH perspective that is not co-management.

- TH does not support YG’s proposed modification on approval of access management plans in LMU 1 or LMU 7.

TH would hope that TH and YG could reach consensus regarding access into LMU 1 and LMU 7 - if and when a resource proves viable.

- TH supports the Recommended Plan’s recommendations related to joint approval of access management plans in SMAs and LMU 7

4. Sustainable Development (slides 16-17)

Both parties speak to the importance of ‘sustainable development’ in their proposed modifications. For TH, this means moderating the pace and intensity of mining and adopting cumulative effects thresholds that allow the environment to regenerate to agreed levels before allowing additional disturbance.

- TH supports the cumulative effects thresholds in the Recommended Plan

YG has noted that the surface disturbance threshold in the Upper Indian River LMU 17 are “*could have been exceeded already or be exceeded soon*” (page 4). TH believes the current level of mining in the Indian River is inconsistent with the concept of sustainable development and the commitment to protect the TH way of life.

Areas of high mineral potential are sometimes in the same areas that have high cultural and environmental values, such as wetlands, the Stewart River Corridor, and the Yukon River Corridor south of Dawson. In these areas it is important that a truly effective cumulative effects approach would protect those values even when a competing interest or value exists.

A perfect example of this is the boundary between LMUs 7 and 8, Antimony and Brewery Creek, respectively. While the Parties have both agreed that this area contains critical caribou habitat, YG’s proposed boundary for LMU 7 does not adequately protect caribou in this area. The proposed SMA is good, but not good enough.

- TH supports the entirety of LMU 7 (Antimony) being designated an SMA

TH Definition of “Economic and Spiritual Relationship”

Part of the overall objectives of the THFA is for *“the parties to recognize and protect a way of life that is based on an economic and spiritual relationship between Tr’ondek Hwech’in and the land”*

To TH, the term "economic" in this objective is not in the context of the current monetary economy ("the production and exchange of goods and services for money"). For TH, this is speaking to a *traditional economy*. TH believes that the commitment to protect the TH way of life is based on a non-monetary economic relationship with the land, i.e., a traditional relationship that maintains the TH ability to harvest and subsist upon resources such as salmon, moose and caribou.

5. Critical Minerals⁷ (slide 17)

TH is not opposed to carefully controlled mining for minerals Canada has deemed “critical” for a transition to a green economy, however mining for those minerals must be done in a *new way*, and mining must occur in a manner that meets the definition sustainable development under the THFA. TH does not support Canada’s “Critical Mineral Strategy”, which has left us out of its development completely. TH had no prior knowledge or input into the drafting of the critical mineral proposals or know what the contents of agreements between Canada and the Yukon have entailed. We are once again in the dark, and this is unacceptable.

- TH supports the inclusion of robust recommendations for how any development for “critical” minerals in the planning region must be done collaboratively between us and Yukon.

Further, TH does not support the promotion of mining for “critical minerals” to mean the promotion of ALL mining. To TH, promoting ALL mining in the name of “critical minerals” is synonymous to trying to protect birch trees while allowing clear-cutting. There is no reason that support for mining critical minerals must extend to all minerals.

6. Implementability (slide 18)

YG has offered the Commission their version of the Scenario Report. We wish to reiterate that TH did not sign off on the Scenarios Report. In YG’s Scenario’s Report, it states:

“the Recommended Plan will need to be implementable to meet it's Objectives, protect Final Agreement Rights, and serve the public. To achieve full implementation of the Recommended Plan as written, it will be necessary to increase the capacity of both governments and complete substantial up-front and ongoing work.”

⁷ “Critical Minerals” refers to the term coined by Canada and includes those minerals that have been identified as having utility in clean technology and energy (includes 34 minerals and metals)

- TH agrees with most of that statement, with a caveat on the word "up-front".

The Scenario Report goes on to say that "The approved plan is expected to be implementable on day one."

- TH strongly disagrees with that statement.

In our view it is unreasonable to think that a Regional Land Use Plan should be fully implementable on day one. We agree that mechanisms must be available to make a Plan implementable, but we think it will take time to develop and activate those mechanisms - which we believe is entirely reasonable

There are several Peel Plan examples of Recommendations that go (or went) beyond the current regulatory regime.

- The Peel Plan recommended the closure of the Wind River Road. It took many months to put that closure into effect.
- The Peel Plan recommends limited ATV use in Conservation Areas. It took years to develop the necessary regulations.
- The Peel Plan recommends that adequate baseline data be required prior to any development activities. It took three years to develop the Peel "Standard Terms and Conditions" document that tells proponents what sort of information is required prior to undertaking development activities in the Peel.
- The Parties are still working on a document that clarifies the precise process for obtaining adequate baseline data.

The Dawson Regional Land Use Plan does not have to be implementable on day one. The Plan can identify targets /desired outcomes and leave it to the Parties to achieve those outcomes over a reasonable timeframe.

That's the way the Peel Plan operates. It's hard to imagine a Regional Land Use Plan operating otherwise, unless it merely rubberstamps the status quo.

7. Adequate Baseline Data prior to Development Activities (slide 17)

TH strongly advocates for adequate baseline data recommendations in the Dawson Plan that are similar to those in the Peel Plan - which requires that baseline information be gathered prior to any development activities. Without adequate baseline data there is no standard against which to measure change. The moment exploration begins the baseline may change - especially when it comes to identifying and understanding sensitive cultural and environmental resources - depending of course on the way exploration takes place.

8. Yukon and Stewart River Corridors (slides 8-9)

The Recommended Plan recommends withdrawal of the Yukon River Corridor until the completion and approval of a sub-regional plan, or until such time as the Parties agree to remove the withdrawal. The Recommended Plan also recommends a Yukon-wide plan for the entire Yukon River in Yukon and contemplates consideration of legal personhood for the Yukon River.

YG proposes to designate the Yukon River Corridor north of Dawson as a SMA and the Corridor south of Dawson as an ISA 1, whereas TH proposes the designation of the entire Yukon River Corridor as a SMA.

- TH supports the Commission's recommendation for a Yukon-wide plan for the entire Yukon River.
- TH also supports consideration of personhood for the Yukon River.

As detailed in our April 2024 submission, the Yukon River has unparalleled value for the Tr'ondëk Hwëch'in. We strongly encourage the Commission to recommend the highest degree of protection for this invaluable asset.

Neither Party wants to alienate mineral resources that may need to be accessed from the Yukon River, but that does not mean protections for southern part of the Corridor cannot be explored. TH believes that reasonable access can be mutually agreed while designating the whole Corridor as an SMA - similar to what is proposed for LMU 1.

TH also supports the designation of the Stewart River as a SMA, with a commitment to joint planning with NND.

9. Interim Protection (slide 10)

In YG's submission it is proposed that interim withdrawals be removed from the Plan in areas outside of SMAs.

- TH strongly disagrees with that proposal.
- To remove withdrawals prior to finalizing the Plan could open development in areas that should not be developed.

Firstly, we don't yet know which areas will ultimately be SMAs. To remove interim protection on certain areas now pre-supposes what the Final Approved Plan will look like. Secondly, there may be areas - such as the Yukon River Corridor south of Dawson, the Dempster Highway Corridor, wetlands or areas identified for Caribou overlays - that will be subject to a subsequent planning process. Those areas should not be compromised by new mining interests prior to planning.

What this boils down to is moderating the pace and intensity of mining in the Dawson region. Interim Protection is just that - interim. Unless replaced by permanent protection, it goes away after a while. As a society we don't have to be in a race to extract every viable mineral in the Dawson planning region. We can extract minerals at a measured pace that allows the land and water to recover as we open new areas for development.

We need to collectively assume our responsibilities for stewardship and achieve a balance between industrial development and protection. Development should occur at a sustainable pace.

- TH supports the identification of interim withdrawals in the Yukon River, Antimony, Upper Indian River, and the Fortymile Caribou Corridor

10. Wetlands (slides 11-12)

YG's submission proposes that the Recommended Plan better align with *A Policy for the Stewardship of Yukon's Wetlands*.

- TH agrees that wetlands need to be more fulsomely addressed but is not persuaded that Yukon's Wetlands Policy goes far enough to protect wetlands in the Dawson Planning region.

TH notes that implementation of the Yukon Wetland Policy requires regulations that have yet to be developed. The Wetland Policy is good as far as it goes but seems more aspirational than substantial. TH would like to see more teeth in the Wetland Policy.

TH would like to extend a measure of protection for all wetlands in the Planning region, including robust protection for Indian and Ladue River Wetlands. TH does not favour a regime that trades off wetlands that sequester carbon for wetlands that do not sequester carbon, i.e., trades off fens and bogs for marshes, swamps and shallow open water wetlands - as is occurring in the Indian River. Once destroyed, permafrost cannot be restored. Shallow open water wetlands may be good for moose but do little to address climate change.

11. Salmon (slide 14)

Historically salmon were the mainstay of our people. Now they are on the verge of extinction. Both Canada and YG bear a significant measure of responsibility for the decline of Yukon River salmon, although TH acknowledges that the Department of Fisheries and Oceans bears primary responsibility for riparian habitat. However, YG bears responsibility for the crown land upslope from riparian areas, which drain into riparian areas. YG is also responsible for administering Yukon Placer Authorizations - which allow the "*harmful alteration, disruption or destruction of fish habitat*" resulting from placer mining. Placer Authorizations allow the wholesale relocation of salmon streams and do not consider rearing and overwintering areas in determining "habitat suitability" for Chinook.

- TH believes the Yukon Placer Authorization requires an overhaul.

Canada is currently developing Rebuilding Plans for Yukon River Chinook on both the national (in Yukon) and international (in both Yukon and Alaska) fronts. The Government of Yukon must actively get on board with those Plans if they're going to succeed.

Workshops to support the "in Yukon" Rebuilding plan have noted that an "improved regulatory regime" and "adequate baseline data" on rearing and overwintering habitat are requirements for rebuilding Yukon River Chinook here in Yukon.

The international Agreement identifies "resource development: as one of the factors to be addressed in the Rebuilding Plan.

- Please refer to our April 2024 submission for more information. And please include strong recommendations in your Final Recommended Plan to save our salmon.

12. Climate Change (slide 15)

Climate change is the existential crisis of our time. Our salmon are severely impacted by warming water in the Yukon River and its tributaries. Our lands are heaving and sloughing. Our rivers and streams don't freeze like they used to. The list goes on and on. The Dawson Regional Land Plan should contain bold and far-reaching provisions to address this crisis.

The Parties agree that the Plan should contain specific actions and direction to achieve the Plan's priority objectives. This can be achieved in two ways:

- a) Protecting lands that sequester carbon.
 - i) especially wetlands; and
- b) reducing carbon emissions.
 - i) From May through October, Placer Mining is the largest emitter of carbon in the Dawson Planning region. Steps need to be taken to make placer mining more carbon neutral.
 - (1) Among other things, this means taking away the carbon tax rebate for mining.

TH urges the Commission to develop a Final Recommended Plan that contains strong measures to combat climate change. Please see our Climate Change Appendix for more detail.

13. Ongoing Commission and Conformity (slide 18)

12.17.1, 12.17.2 and 12.17.3 of the THFA provide that Regional Land Use Planning Commissions "shall" (quotation marks and underline added) be requested to make conformity determinations. This is further reflected in the *Yukon Environmental and Socio-Economic Assessment Act* (YESAA). From the TH perspective, Final Agreement "shall" provisions cannot be held hostage to funding.

- TH asserts unequivocally that the THFA requires the Dawson Planning Commission to remain in place to make conformity determinations.

Importantly, recent discussions at the Peel Plan Implementation Committee have concluded in all parties agreeing that a Peel Commission should be re-established. The Committee is now deciding on how best to proceed, and acknowledging that the Peel Plan may need to be amended to re-establish the Commission.

The ongoing operation of YESAA in the Dawson planning region will be a nightmare without a reliable body to make conformity determinations. We strongly encourage the Dawson Planning Commission to recommend that a Commission remain in place to make conformity determinations.

- This does not necessarily mean that existing Commissioners personally must remain as Commissioners. There are other potential ways to ensure a Commission continues to exist. But we need a Commission.

14. Document Design & Tracked Changes

The Parties agree that the Plan should be clear and concise, and TH agrees with YG that terms like “activities” and “development” should be clearly defined. At the same time, TH believes the intent of the Parties at this point should be to provide proposed modifications rather than firm and specific changes, as demonstrated through the tracked changes document. TH is much more interested in the substance of the Plan than the form. The intent of the Plan should be clearly stated, but a bit of repetition and cross referencing is OK.

Bottom line: It's much more important to get the substance of the Plan right than the form. As was the case with the Peel Plan, the Parties may choose to rewrite portions of the Dawson Plan for the sake of better presentation. What's important is that the intent of the Commission is clearly stated.