

**First Nation of Na-Cho Nyäk Dun**

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**RE: YESAB #2020-0075—Antimony Creek Quartz Exploration Project**

**1.0 Land Use Planning:**

The First Nation of Na-Cho Nyäk Dun (FNNND) has reviewed project number 2020-0075 which is a quartz exploration project proposed on 362 claims within the Antimony Creek area. The project takes place within the North Klondike River drainage and within the traditional territories of the Tr'ondëk Hwëch'in (TH) and FNNND.

FNNND supports development within the FNNND Traditional Territory. Development must, however, be reflective of the interests and priorities of FNNND and respectful and protective of FNNND treaty rights.

Under the First Nation of Nacho Nyäk Dun Final Agreement (“FNNND Final Agreement”) signed in 1993, more than 95% of the FNNND Traditional Territory in the Yukon was designated as non-settlement. FNNND accepted this based on the understanding and promise that FNNND would be able to meaningfully participate in land use planning for the entirety of the FNNND Traditional Territory. The promise of land use planning is enshrined in Chapter 11 of the constitutionally-protected FNNND Final Agreement. Unfortunately, today, more than 25 years after the agreement was signed—and despite countless requests by FNNND for land use planning to be undertaken—the promise of land use planning in our Traditional Territory remains unfulfilled. In the view of FNNND, public government’s failure to initiate a land use planning process for the FNNND Traditional Territory is a fundamental breach of a key commitment enshrined in our treaty, and is flatly inconsistent with the honour of the Crown.

Due to the failure of the Yukon Government in this regard, FNNND cannot support new development within the FNNND Traditional Territory at this time. FNNND has recently written to the Yukon Government to request—once again—that a regional land use planning process be initiated and has asked for a moratorium on mineral staking in the interim. The 25-year delay in fulfilling the treaty promise of land use planning has given NND no other choice.

While the proposed project occurs within the Dawson Regional Land Use Plan (DRLUP) area currently subject to land use planning processes, the DRLUP is not complete. As such, FNNND maintains that a staking moratorium is necessary for the planning commission to properly carry

out their duties unencumbered by ongoing land use changes and continued development. FNNND therefore maintains that until the DRLUP is complete, new development is not supported at this time within Traditional Territory including its inclusion in the DRLUP area.

It is FNNND’s view that, given that land use planning has not yet occurred, the adverse impacts on FNNND treaty rights that will result from the proposal are significant and cannot be mitigated or accommodated. The FNNND Final Agreement committed that development in the FNNND Traditional Territory would proceed subject to land use planning. Courts have characterized the negotiation of the Yukon treaties as an exchange of Aboriginal rights for defined treaty rights—rights which include the right to participation in the management of public resources and land use planning. Authorization of this development in the absence of a land use plan would only further undermine and infringe the section 35 protected treaty rights of FNNND.

While this will necessarily delay development in the short term, FNNND strongly believes that land use planning will ultimately facilitate development and provide certainty for all. It will allow for FNNND, other Indigenous Nations, public government, and industry to make decisions together respecting priorities, values and criteria for development and minimize future land use conflicts by making clear where development can and cannot be pursued. Most importantly, it will ensure that development respects and supports, rather than undermines, the treaty rights of FNNND. Until then, FNNND cannot support the present proposal, or any other new development within the FNNND Traditional Territory, where a land use plan is not in effect.

Table 1: Summary of Land Use Planning/Cumulative Effects Project Effects and Associated FN Final Agreement Rights and FNNND Resolutions:

<b>Category</b>	<b>Final Agreement / Resolution/ Formal Agreement</b>	<b>Applicable Language</b>	<b>Project Activity</b>	<b>Concern</b>
Land Use/ Cumulative Effects	FNNND Final Agreement, Section 11.1.1.6	“To ensure that social, cultural, economic and environmental policies are applied to the management, protection, and use of land, water and resources in an integrated and coordinated manner so as to ensure Sustainable Development.”	-all activities	-any new development within NND Traditional Territory at this time cannot be carried out in an “integrated and coordinated manner” and must therefore not be permitted until a Land Use Plan is in effect
	FNNND Resolutions #006-2017 #003-2018	“A moratorium be placed on new developments in the NND Traditional Territory until a land use plan is approved by NND.”		

## 1.1 Cumulative Effects Discussion:

FNNND Traditional Territory has been heavily altered from its pre-contact baseline, often to the detriment to First Nation valued ecosystem components (VECs) and First Nation citizens' ability to practice their cultural and traditional practices. Mining activities can impact the environment at multiple spatial scales (site, landscape, regional and global) and temporal scales (months, years, decades) through direct and indirect processes (eg. increased access for hunting). Given the mining footprint is most visible at the site-specific scale, it is not surprising that larger spatial scales are often overlooked in the mitigation process. Continued deterioration of fish and wildlife populations, unfettered fragmentation of habitat, disrupted and altered hydrology, and displacement of NND citizens from traditional and preferred harvesting areas, exemplifies how assessing and regulating industrial activities at a site-specific scale does not harmonize with the spatial and temporal scales regulating ecosystem dynamics and First Nation cultural practices. In combination with climate change and natural variability, these drivers of change have amplified ecosystem degradation in the FNNND Traditional Territory.

FNNND is concerned about potential cumulative impacts resulting from industrial activity across the Traditional Territory. Although individual projects on their own may only cause incremental adverse impacts, the presence of multiple exploration and development activities, both historical and current, have led to unacceptable cumulative impacts to fish and wildlife and their habitats, water quality/quantity, heritage resources, land use practices and ecosystem fragmentation. Cumulative effects in FNNND Traditional Territory already include the legacy effects of the fur trade, colonial policy and residential schools, in-migration, road development, outfitting, placer and quartz mining, hydro-electric power generation, and wildlife management policies. Such impacts compound over spatial and temporal scales.

The current information, regulatory regimes and management mechanisms are insufficient to adequately deal with assessing and managing cumulative impacts. Therefore, any impacts, large or small, will contribute cumulatively to negatively affect FNNND's VECs, impacting culturally important land use practices, resulting in interruption of First Nation Treaty Rights. Many of the currently accepted mitigations strategies in the assessment process address site-specific concerns but remain inefficient or speculative at addressing landscape scale concerns, and First Nation cultural threats. Accounting for the full impact of mining requires sophisticated scenario modelling to capture all possible causal pathways and predict all potential impacts across spatial and temporal scales. Long-term strategic assessment and regional land use planning which properly accounts for cumulative impacts, establishes baseline data, identifies research needs and incorporates adaptive management practices to mitigate impacts are existing tools at our disposal to improve outcomes.<sup>1</sup>

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<sup>1</sup> Sonter, L. J., Saleem, H. A., and J. E. Watson. 2018. Mining and biodiversity: key issues and research needs in conservation science. *Proceedings in Biological Sciences* 285: doi: [10.1098/rspb.2018.1926](https://doi.org/10.1098/rspb.2018.1926)

## **1.2 Incremental Mineral Development and Contextual Considerations:**

As discussed above, project-by-project assessment alongside insufficient information and inadequate management mechanisms renders cumulative effects consideration often impossible to properly implement on the project scale. In order to aid in scoping potential cumulative impacts related to this project, FNNND would like to highlight a few points.

This area has not been extensively explored or developed for mineral resources to the same degree as many other parts of the Yukon. As such, this area remains in a unique position in which natural ecosystem integrity remains relatively high while industrial infrastructure and expenditure remains relatively low. That being said, there is growing interest in the area. Just this past fall there have been over 100km of placer leases staked within the Antimony Creek and Brewery Creek drainages including tributaries overlapping the project claim block. A current class 1 authorization allows low-level exploration on the claim block in question, but clearly prospective interest is pushing these activities to higher and more intensive levels of exploration. It is in the interest of resource companies to find deposits of adequate quality and feasibility with potential for mineral development. Many proponent commitments listed in proposal documents outline progressive and final measures to “achieve land that is equivalent to what existed prior to development” (YOR 2020-0075-0003). In FNNND’s experience, any deposit with any potential is explored and delineated for many years with increasing intensity of exploration methods. Renewals, amendments and new permits are usually applied for and existing infrastructure (including access) remains in place.

The proponent outlines the following in the Reclamation Plan: “Although new landscapes will be created during exploration and reclamation, they will be stable and able to support a variety of land uses. The new landscapes will look similar to the surrounding undisturbed land and have vegetative diversity.” This statement implies that the proposed exploration program within the temporal limits of a mining land use authorization will be the full extent of activity and final reclamation will restore disturbed areas back to a state reminiscent of how it is right now.

For the purposes of scoping and integrating a consideration of cumulative impacts, it is vital that assessors contemplate the full and likely temporal and geographic extent of how exploration in this area may proceed in the following years if resources prove promising. In particular, when considering impacts of access, the following statement within the Reclamation Plan essentially renders all proposed reclamation of access moot: “Roads may not be reclaimed if there are plans to re-submit another permit for exploration the following year and roads are to be used on the next permit.” FNNND strongly urges YESAB to not consider this application in a typical piecemeal approach to assessment, but fully consider the likely impacts of continued exploration of possibly increasing intensity over multiple permit lengths and in combination with any likely placer exploration or development in the recently staked drainages overlapping and nearby.

## 2.0 Water Quality and Quantity:

Table 2: Summary of Water Quality/Quantity Project Effects/Associated FN Final Agreement Rights

Category	Final Agreement / Resolution	Applicable Language	Project Activity	Concern
Water Quality and Quantity	FNNND Final Agreement, Section 14.8.1	“A Yukon First Nation has the right to have water...remain substantially unaltered as to quantity, quality and rate of flow, including seasonal rate of flow.”	-construction and use of stream fords (4 new, 7 existing) -culvert installation	-potential erosion, alteration of stream bed morphology and resulting cumulative impacts from sediment loading into watercourses
			-fuel storage, use and transfer (24,000L total of Jet B, diesel, gasoline, and propane)	-contamination via leaks, spills, accidents
			-trenching and overburden stockpiling (5000m <sup>3</sup> total)	-trenching and resulting exposed rock may contribute acid rock drainage and/or metal leaching (ARD/ML) -trenches and overburden piles may contribute sedimentation due to erosion
			-drilling and associated activities (100 holes/year each of RAB, RC and diamond)	-potential ground/surface water contamination from drill fluid or hydrocarbon leaks/spills
			-camp water use and waste production	-disposal of water and waste from camp activities

## 2.1 Water Quality and Quantity Discussion:

- The current mechanisms are not in place to adequately manage for the protection of water quality and quantity in FNNND Traditional Territory. Without the data available to determine overall water budget within a drainage system, and without an adaptive management regime and appropriate thresholds for activities affecting waterways, there is no way of ensuring Chapter 14 rights can be met in the long-term. Ultimately, fulfilling Chapter 11 treaty rights of the FNNND Final Agreement is necessary prior to entertaining further development that could infringe on other treaty rights, including those laid out in Chapter 14. The North Klondike River Drainage includes a number of waterways and tributaries which have seen relatively low anthropogenic influence as compared with other portions of FNNND Traditional Territory. In particular, both placer and hard rock mineral

development has altered a number of key waterways over the past century and continue to shift aquatic environments away from a pre-contact baseline. The maintenance of the North Klondike, its tributaries, and the habitats they support should be paramount in consideration of potential and likely future impacts should this application move forward.

- In the project proposal Form 1 (YOR 2020-0075-0001), the proponent states that no new fords will be created and that 4 “naturally occurring” fords already exist on the property. In the project scope, it was identified that 4 new fords would be constructed. DFO was identified late as a Decision Body for this project. It is FNNND’s understanding that ford construction would constitute activity within a waterway requiring a DFO authorization. There is lacking information in the proposal regarding the presence and use of existing fords or proposed ford construction and the nature, frequency, and design, use and reclamation of fords for this project.
- In light of the comments made above, it must be considered highly likely to imminent that exploration (if proving to be promising) will instigate further exploration and continued permit applications, amendments and/or renewals in the future. As such, statements made by the proponent to the effect that access reclamation will not be instigated if permits are renewed/re-applied for and that “reclamation will begin immediately after the exploration activity is complete” (YOR 2020-0075-0003) are concerning. In particular, mitigations suggested by the proponent with respect to potential impacts to water, including ARD/ML risks, are not sufficient to deal with potentially long-lasting effects. For example, FNNND is supportive of proponents conducting thorough field investigations and ongoing water monitoring and management; however, the water monitoring stations proposed by the proponent lack detail regarding number, site selection, timelines, testing parameters, etc. In addition, the testing of some surface waters for pH and treating to adjust pH may be a successful technique on a small scale for a short, isolated time period. However, with road construction proposed on claims which may not be reclaimed within the timeline of the permit and ongoing exploration activities including trenching, such techniques are inadequate in addressing the potential for ongoing ARD/ML concerns.

### 3.0 Fish and Wildlife:

Table 3: Summary of Fish and Wildlife Project Effects/Associated FN Final Agreement Rights

Category	Final Agreement / Resolution	Applicable Language	Project Activity	Concern
Fish and Wildlife	FNNND Final Agreement, Section 16.4.2	“Yukon Indian People shall have the right to harvest for subsistence within their Traditional Territory[...], for fish and wildlife for themselves and their families at all seasons of the year and in any number...”	-helicopter/aircraft use for surveys, personnel and material supply -site access via vehicle use	-cumulative disruption to wildlife from noise and increased human presence in the area -flight disruption of wildlife including sheep, caribou and nesting raptors
			-drilling (100 holes/year each of RAB, RC and diamond)	-drilling may create entrapment hazards for wildlife -cumulative disruption to wildlife from noise and increased human presence in the area -increased noise and human presence may create avoidance patterns in wildlife
			-trenching (100 trenches 25mX1mX2m)	-trenching can create wildlife entrapment hazards
			-all clearing activity totaling 53,000m <sup>2</sup> (drill pads, heli pads, camp/infrastructure, access roads/lines/trails, etc.)	-clearing activities overlap key migratory bird nesting period -stripping and clearing activities contribute to habitat loss and fragmentation
			-off-trail vehicle use	-disturbance to wildlife through human presence and noise -uncoordinated and dispersed disturbance on land through off-road vehicle use
			-camp use	-disruption and/or mortality of bears and other wildlife due to attractants in camp
Land Use/ Cumulative Effects	FNNND Resolutions #007-2017 #003-2018	“NND does not support the development and construction of new trails and roads within our Traditional Territory until a land use plan is approved by NND”	-new access (15km new road, 40km new trail, 40km temporary trails, 10km cut lines)	-linear disturbance negatively impacting wildlife populations via habitat fragmentation, disruption, changing predator-prey dynamics and increasing hunter access -clearing activities contribute to habitat loss and fragmentation

### 3.1 Fish and Wildlife Discussion:

- **Trapping:** In the project proposal Form 1 (YOR 2020-0075-0001) the proponent states that “the project area is used extensively by trappers, hunters, outfitters and outdoor enthusiasts. All major river systems are used by First Nations and local residents for subsistence, hunting and fishing purposes.” Impacts on trapping are listed within project effects in the Form 1 proposal yet no mitigations are proposed. Given the context of proposed activities (including significant access development) within a relatively undeveloped area with high fish and wildlife values, FNNND views these activities as potentially conflicting with trapping as a land use. Completion of the Dawson Regional Land Use Plan is essential in determining appropriate land use prior to the permitting of activities such as those proposed.
- **Sheep and Caribou:** The entire project area falls within the habitat range of the Hart River Caribou Herd. YG telemetry data and local knowledge confirm the high elevation areas within the claim block to be ideal and utilized caribou calving and post-calving habitat. Caribou use of this area therefore overlaps largely with the majority of the exploration season (spring through summer). In addition, there is evidence to suggest this area is utilized by sheep despite a lack of mapped wildlife key areas. To our knowledge, YG has not conducted any sheep surveys in the project area, hence the lack of mapped data. However, FNNND’s Traditional Knowledge database and local knowledge confirm the area includes sheep habitat. One of the main targets identified by the proponent is within 1km of a traditional use area and sheep habitat as identified by our Traditional Knowledge database. In this instance, the recorded information is limited and does not fully capture the nature of traditional use of the area or the timing of sheep use or quality of the habitat. The lack of understanding of this dataset requires a better understanding of sheep use of the area, including, but not limited to, presence/absence of mineral licks, identification of important migratory and movement pathways, and mapping of seasonal use. Sheep and caribou are very sensitive to human disturbance. Frequent flights, noise, and (in particular) linear disturbance can have lasting negative effects on these ungulates. A baseline understanding of sheep habitat and use in this area is necessary to adequately assess potential impacts to sheep and sheep habitat.
- **Access Development:** As mentioned previously, access development in the form of roads, trails, and lines are a key concern for FNNND. Linear disturbance can negatively affect ungulate populations in multiple ways including by habitat loss and fragmentation, changing predator-prey dynamics and increasing access for hunters. The proposed access for this project generally involves road and trail connection cutting from Northwest to Southeast along the length of the claim block connecting targets and camp locations. This proposed access comes within 2km of the Dempster Highway and potential future connection between the proposed road and the Dempster should be seriously considered. There is a clear lack of regulatory framework and a plethora of identified issues regarding access roads on mineral claims in the Yukon. In FNNND’s experience, access and mineral



exploration infrastructure rarely gets decommissioned and reclaimed at the end of a permit. Renewals and new permits are usually applied for and after a few years any access becomes an accepted and widely used feature of the landscape which falls under the jurisdiction of the Department of Highways and Public Works as a public highway<sup>2</sup>. Given this context and history, and in light of the pending Dawson Regional Land Use Plan, the precautionary assumption to be made in assessing project activities is that proposed road access will not be decommissioned but will be permanent, or at minimum longer lasting than the authorization length.

- ***Fish Habitat:*** According to FNNND’s Traditional Knowledge database there are some fish values and traditional camp locations identified on the North Klondike River in close proximity to the project area. As discussed in section 2.1, the health and integrity of these waterways is central to the ecological and cultural integrity of the area. Any increase in industrial development, most importantly any cumulative increase in industrial activity, will likely alter the quality and/or quantity of the waters in the area. The completion of the Dawson Regional Land Use Plan must come before continued permitting of activity which may threaten the health of these waters as fish-bearing streams and rivers.
- ***Ecological Integrity and Baseline Conditions:*** As outlined previously in section 1.2, the area of proposed activity has seen very little industrial development to date and occurs in very close proximity to the Tombstone Territorial Park. In addition, there are a significant amount of fish and wildlife values in and around the project area (as discussed above). Given the context that the proposed activities are to take place in a region which currently does not have a land use plan, and that there is no significant industrial history in this location, the prospect of increasing development in the proposed area in the absence of a complete land use plan will unquestionably shift land and land use conditions to predetermine (to some degree) the outcome of the ongoing Dawson Regional Land Use Planning Process. FNNND’s stance regarding permitting of industrial activity in the absence of ratified land use plans is reiterated time and again (see section 1.1). While previous exploration permits have been issued for this area, it is FNNND’s understanding that no significant workings have been completed under these permits. In the proposal documents, including the Wildlife Management Plan (YOR 2020-0075-0004), the proponent commits to conducting biological studies within the project area. While FNNND is supportive of proponents contributing valuable data which can aid in narrowing information gaps, the merit of such studies in this context is questionable. The proponent states that “all biological field studies will be performed in conjunction with the proposed exploration methods.” The monitoring of wildlife through wildlife logs, as proposed by the proponent, has value for ongoing data. However, the “study” as suggested does not constitute a baseline study of the rigour and breadth necessary for this region. Wildlife logs, including recording of habitat information, concurrently with project activities negates the necessary baseline studies required which must be undertaken prior to any

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<sup>2</sup> Highways Act, SY 2017, c.14. Retrieved from [https://legislation.yukon.ca/acts/highways\\_c.pdf](https://legislation.yukon.ca/acts/highways_c.pdf)

further activities. As outlined above, the lack of recorded information regarding sheep and sheep habitat in this area is one such vital piece which should be rectified before entertaining exploration and development in this location.

#### 4.0 Heritage Resources:

Table 4: Summary of Heritage Project Effects/Associated FN Final Agreement Rights

Category	Final Agreement / Resolution	Applicable Language	Project Activity	Concern
Heritage Resources	FNNND Final Agreement, Sections 13.1.1.5 and 13.1.1.6	<p>“To manage Heritage Resources owned by, or in the custody of, Yukon First Nations [...] in a manner consistent with the values of Yukon Indian People, and, where appropriate, to adopt the standards of international, national and territorial Heritage Resources collections and programs”</p> <p>“To manage Heritage Resources owned by, or in the custody of, Government and related to the culture and history of Yukon Indian People, with respect for Yukon Indian values and culture and the maintenance of the integrity of national and territorial Heritage Resources collections and programs”</p>	-all ground-disturbing activities	-nearby known traditional use and camp locations present higher potential for discovery of/impact to heritage resources
			-access	-disturbance of access to, and enjoyment of traditional use areas

#### 4.1 Heritage Resources Discussion:

As mentioned previously, there are a number of traditional camp locations identified along the North Klondike corridor, including in close proximity to the project claim block. Increased industrial use of the area, any negative impacts on fish and wildlife in the area, and general noise and disruption cumulatively experienced will likely degrade the quality of the traditional uses associated here. Such increased access and disruption may likely lead to displacement of First Nation traditional use if not managed cumulatively.

It is the mandate of FNNND outlined in the FNNND Final Agreement 13.1.1.8 to identify and mitigate the impacts of development upon Heritage Resources, through integrated resource management including land use planning and development assessment processes. FNNND has a broad definition of Heritage Resources, which includes ethnographic movable heritage resources directly related to the culture and history of the First Nation people:

- Harvestable resources; wildlife, fish, plants (traditional medicines), and their ecosystem and migration routes, waterways, trails
- Special features; mineral licks, calving/lamming areas
- Camps, caches, trap lines
- Burial sites and sacred places
- Raw materials; bark, wood, stone, bone, fiber
- Cultural place names, stories, traditional knowledge

### **5.0 Socio-Economic Considerations:**

The Dempster Highway and Tombstone Territorial Park are treasured locations by Yukoners and world travelers alike. The proximity of the proposed activities to the highway and Park are of great concern partly due to their visibility and perceived impact including from flight disruption. Mining is a part of Yukon’s economy, history and identity. Travelers come to Dawson City and visit places like the Gold Fields to witness mining in action where they see the vastly altered landscapes that shaped this history. The Dempster Highway and Tombstone Park are characterized by wilderness areas, vast natural landscapes with visible and healthy wildlife populations. The North Klondike River is used by locals and tourists for recreation including paddling and fishing. The health and natural function of the North Klondike River as a natural waterway unimpacted by industrial activity is vital in the overall cultural, economic and traditional value of this place.

In the project Form 1 (YOR 2020-0075-0001) the proponent states “The immediate project area is not of particular interest to tourists and is not likely to be frequented except by those exploring the Dempster Highway or the north Klondike River. The Exploration activities will not take place in sight of any tourists.” FNNND wishes to refute this statement and highlight the importance of the area both locally and internationally. While specific locations such as targets, camps, fuel storage, etc. may not be readily used or accessed by most Yukon citizens or tourists, the proposed access cutting across the claim block and the increase in industrial air and vehicle traffic will have a profound impact on the area. There is great international interest in visiting Tombstone Territorial Park and the Dempster Highway. Adequate management of the tourism industry to mitigate potential environmental and socio-economic impacts of so many people traveling this corridor and accessing wilderness areas depends on coordinated and integrated management of lands and waters. Land Use Planning remains an essential tool to guide such management. The ad-hoc permitting of access such as the proposed roads and trails which come so close to the Dempster acts directly counter to the coordinated and integrated approach necessary in managing both industrial activity and tourism.

### **6.0 Impacts to Settlement Land:**

There are a number of TH Settlement Land Parcels in close proximity to proposed activities. While FNNND has identified values within and nearby the project area, the First Nation will defer all comments regarding settlement lands to TH. This includes any discussion around proponent commitments regarding settlement land and suggested buffers etc.

## **7.0 Consultation:**

FNNND requires all proponents looking to conduct economic activities in Traditional Territory to follow the *Cooperative Engagement Process for Economic Activities Proposed in the Traditional Territory of the First Nation of Na Cho Nyak Dun* (see below). Initial contact must be made with Chief and Council as well as the Lands and Resources Department and the Department will follow-up as required. All proponents should also contact the Lands and Resources Department for questions, and to provide regular updates on project activities or changes. There are established protocol guides and frameworks for proponents working with First Nation Governments and it is expected that these protocols be followed. The following documents will help to define the typical consultation process. Documents can be accessed on the FNNND website: <https://www.nndfn.com/land-resources/>

- Cooperative Engagement Process for Economic Activities Proposed in the Traditional Territory of the FNNND (FNNND 2008).
- Engaging with Yukon First Nations and Communities (Yukon Chamber of Mines 2011).
- Guiding Principles Towards Best Practices Codes for Mineral Interests within Na-Cho Nyäk Dun First Nation Traditional Territory (FNNND 2008).

## **Conclusion:**

As described above, the regulatory mechanisms and baseline data are not available to properly assess and manage cumulative impacts to treaty rights. We wish to reiterate that FNNND does not oppose development. However, at this point in time impacts to water quality and quantity, fish and wildlife habitat, socio-economic values and heritage resources will contribute cumulatively with no adequate means to document, monitor and manage these cumulative impacts in an integrated and coordinated way. As per FNNND's recent request to the Yukon Government to fulfill Chapter 11 Final Agreement obligations, and preceding resolutions stipulating a moratorium on all new development within Traditional Territory until a Land Use Plan is ratified by FNNND, the First Nation cannot support this application at this time. Completion of the Dawson Regional Land Use Plan is an essential prerequisite of any further permitting in this area.

Thank You,

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