

From: Shannon.Jensen
Sent: September 27, 2022 10:01 PM
To: Carmen.Gustafson; Diane.Gunter
CC: Samantha.Cotterell
Subject: Re: For Review - Draft Letter RE: BNA
Attachments: BNA Informing Letter Yukon Indigenous Orgs draft v2_Sept_23_2022-ar.docx

Hi Diane -

I don't have any significant comments but have attached some editorial suggestions for your consideration. 7

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Just a thought.

Cheers,

Shannon

Shannon Jensen (she/her)
 A/Director, Policy and Consultation
 Executive Council Office | Aboriginal Relations
 T 867-332-4004 | Yukon.ca

From: Carmen.Gustafson <Carmen.Gustafson@yukon.ca>
Sent: Tuesday, September 27, 2022 1:25 PM
To: Diane.Gunter <Diane.Gunter@yukon.ca>; Shannon.Jensen <Shannon.Jensen@yukon.ca>
Cc: Samantha.Cotterell <Samantha.Cotterell@yukon.ca>
Subject: RE: For Review - Draft Letter RE: BNA

Hi all,

73(a)

-cg-

Carmen E. Gustafson (she/her)
 Legal Counsel
 Natural Resources and Environmental Law Group
 T 867-667-5473 | Yukon.ca

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From: Diane.Gunter <Diane.Gunter@yukon.ca>
Sent: Tuesday, September 27, 2022 12:39 PM
To: Shannon.Jensen <Shannon.Jensen@yukon.ca>
Cc: Carmen.Gustafson <Carmen.Gustafson@yukon.ca>; Samantha.Cotterell <Samantha.Cotterell@yukon.ca>
Subject: For Review - Draft Letter RE: BNA
Importance: High

Hi Shannon,

Nature of the business I guess, but yet another quick turn around on this review request (sorry!).

Attached for your review is a letter drafted by Environment and Climate Change Canada to inform Yukon First Nations and Inuvialuit on negotiations between Can/Yukon to establish a "Nature Agreement" that will flow funds to YG to support conservation work (protected areas and species at risk).

Canada would like to finalize this letter tomorrow if possible as we will be negotiating the funding agreement with them next week.

The attached has a few suggested edits from my review and I have shared it with Carmen as well for Justice's review. I have also attached the originating email from ECCC that includes the letters sent to NIOs.

If you need longer than end of day today or early tomorrow to review just let me know.

Thanks again!
Diane



Diane Gunter (she/her)

Director

Environment | Policy and Planning Branch

T 867-667-3028 | C 867-334-3257 | V-2 | Yukon.ca

I respectfully acknowledge that I work within the Traditional Territories of the Kwanlin Dün First Nation and the Ta'an Kwäch'än Council.

74(1)(a)

From: Diane.Gunter
Sent: September 28, 2022 12:20 PM
To: Shannon.Jensen
Subject: RE: For Review - Draft Letter RE: BNA (2)

Thanks for this additional context. Although ENV hasn't identified specifics on this, we will pose the question to ECCC and Parks Canada and figure out where best to land on this.

I'll let you know where it goes...

From: Shannon.Jensen <Shannon.Jensen@yukon.ca>
Sent: September 28, 2022 10:34 AM
To: Diane.Gunter <Diane.Gunter@yukon.ca>
Subject: Re: For Review - Draft Letter RE: BNA

Hi -

No, I'm not aware of any capacity funding for "nature agreements" going to any transboundary Nations from AR. I know that a few FNs including TRTFN have expressed interest in IPCAs though so it is likely that your letter will generate interest in having that discussion.

Cheers,

Shannon

Shannon Jensen (she/her)
A/Director, Policy and Consultation
Executive Council Office | Aboriginal Relations
T 867-332-4004 | Yukon.ca

From: Diane.Gunter <Diane.Gunter@yukon.ca>
Sent: Wednesday, September 28, 2022 10:20 AM
To: Shannon.Jensen <Shannon.Jensen@yukon.ca>
Subject: RE: For Review - Draft Letter RE: BNA

Hi Shannon –

We are exploring the transboundary Indigenous government question you pose and thus far it is likely just YFNs and Inuvialuit; but are you aware of any capacity funding going to transboundary from YG?

Thanks,
Diane

From: Shannon.Jensen <Shannon.Jensen@yukon.ca>
Sent: September 27, 2022 10:01 PM
To: Carmen.Gustafson <Carmen.Gustafson@yukon.ca>; Diane.Gunter <Diane.Gunter@yukon.ca>
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Hi all,

73(a)

-cg-

Carmen E. Gustafson (she/her)
Legal Counsel
Natural Resources and Environmental Law Group
T 867-667-5473 | Yukon.ca

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Cc: Carmen.Gustafson <Carmen.Gustafson@yukon.ca>; Samantha.Cotterell <Samantha.Cotterell@yukon.ca>
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Thanks again!
Diane



Diane Gunter (she/her)

Director

Environment | Policy and Planning Branch

T 867-667-3028 | C 867-334-3257 | V-2 | Yukon.ca

I respectfully acknowledge that I work within the Traditional Territories of the Kwanlin Dün First Nation and the Ta'an Kwäch'än Council.

From: Karen.Clyde
Sent: October 5, 2022 8:59 AM
To: Shannon.Jensen
Subject: RE: Emailing: BNA Informing Letter Yukon Indigenous Orgs YG and ECCC penultinmate draft v4 2022.10.03

This is very helpful Shannon. Thank you for your quick response.

From: Shannon.Jensen <Shannon.Jensen@yukon.ca>
Sent: October 5, 2022 6:16 AM
To: Karen.Clyde <Karen.Clyde@yukon.ca>
Subject: Re: Emailing: BNA Informing Letter Yukon Indigenous Orgs YG and ECCC penultinmate draft v4 2022.10.03

Hi Karen -

I am also offsite today but can offer the following. As I mentioned briefly (in less detail) to Diane when I sent her my comments on the previous draft, 74(1)(a)

Hopefully that is helpful but let me know if you still want to chat. Also, note that the two Kaska Nations located in BC are also considered to be TBFNs 76(1) and should be included if ENV determines that it will be engaging with TBFNs (it wasn't clear from your list below if they are already on your list of recipients).

Cheers,

Shannon

Shannon Jensen (she/her)
A/Director, Policy and Consultation
Executive Council Office | Aboriginal Relations
T 867-332-4004 | Yukon.ca

From: Karen.Clyde <Karen.Clyde@yukon.ca>

Sent: Tuesday, October 4, 2022 6:01 PM

To: Shannon.Jensen <Shannon.Jensen@yukon.ca>

Subject: Emailing: BNA Informing Letter Yukon Indigenous Orgs YG and ECCC penultimate draft v4 2022.10.03

Hi Shannon,

The attached letter is a draft that is intended to be sent to Yukon First Nations, the Inuvialuit, Gwichin Tribal Council, and the Wildlife Management Advisory Council.

Canada is also wanting to inform the 76(1) . The broader context of this letter is YG is negotiating a bilateral Nature Agreement with Environment and Climate Change Canada and Parks Canada this week. I can give you more detail by phone.

This is a somewhat urgent request since we would like to send the letter this week. 74(1)(a)

Could you give me a call on my cell phone tomorrow morning to discuss? We are in negotiations but I will step out to take your call.

Hope to hear from you soon,
Karen

Karen Clyde
Strategic Advisor, Planning & Special Projects
Department of Environment | Government of Yukon
C 867-336-0108 | karen.clyde@yukon.ca

From: John.Ryder

Sent: November 2, 2022 8:26 AM

To: Mark.Callan

Subject: FW: BNA letter that went to CYFN?

Attachments: Collaboration-On-A-Proposed-Bilateral-Nature-Agreement-Dennis-Arey.pdf; Copy of Contacts_4MailMerge_BNA-Oct2022-new.xlsx; Yukon Complete Draft BNA and Annexes 28 Oct 2022.pdf; Annex 2 25 by 2025 28 Oct 2022.docx; Yukon Draft Umbrella Agreement 28 Oct 2022.docx; Schedule 1 28 Oct 2022.docx; Annex 5 Data Sharing 28 Oct 2022.docx; Annex 4 Species at risk 28 Oct 2022.docx; Annex 3 30 by 2030 28 Oct 2022.docx; Annex 1 Aullaviat Aungunairvik agreement implementation 28 Oct 2022.docx

Hi Mark,

Attached find the bilateral nature agreement materials being negotiated between YG (ENV) and Canada (ECCC), which reference cumulative effects work.

There is also an attached letter and distribution advising indigenous nations of these negotiations. A copy of the letter went to Charmaine Thom at TRT.

Any questions, give me a shout. These documents around the bilateral agreement are draft and 74(1)(a)

Cheers,

John

From: Samantha.Cotterell <Samantha.Cotterell@yukon.ca>

Sent: November 1, 2022 3:18 PM

To: John.Ryder <John.Ryder@yukon.ca>

Cc: Dana.Eisinger <Dana.Eisinger@yukon.ca>

Subject: RE: BNA letter that went to CYFN?

Hey John,

I don't actually believe we sent one to CYFN.

I've attached a copy of one of the letters and the contact list that was used.

sam

From: John.Ryder <John.Ryder@yukon.ca>

Sent: November 1, 2022 10:28 AM

To: Samantha.Cotterell <Samantha.Cotterell@yukon.ca>

Cc: Dana.Eisinger <Dana.Eisinger@yukon.ca>

Subject: BNA letter that went to CYFN?

Hi Sam,

Can I trouble you to track down the signed letter re: the BNA agreement that went from the Minister to CYFN?

I was planning to share the letter and the BNA agreement with Marc Callan at AR, to support his understanding and discussions with Take River Tlingit around cumulative effects (and other matters).

Thanks,

John



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

October 7, 2022

Dennis Arey, Chair
Inuvialuit Game Council
P.O. Box 2120
Inuvik, NT X0E 0T0
igc-js@jointsec.nt.ca;

Dear Dennis Arey

RE: Collaboration on a proposed Bilateral Nature Agreement

This letter is to inform you about discussions between Environment and Climate Change Canada, Parks Canada Agency, and the Government of Yukon regarding the provision of funding support to the Government of Yukon to help better meet our collective, collaborative work on conservation. Recently, 76(1)

You may be aware of various Yukon and federal government arrangements with First Nations and Indigenous governments on conservation-related topics, including the Indigenous Guardians Program, the Yukon South Beringia Priority Place, Community Nominated Priority Places, the Aboriginal Fund for Species At Risk, and Target 1 Challenge and/or Capacity funding (including for Indigenous Protected and Conserved Areas or similar). We will continue to work directly with the governments involved in this important work, including providing future funding under these programs.

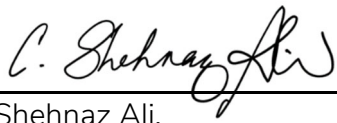
Most of the programs listed above do not provide funding for provinces or territories to collaborate with First Nations and Indigenous governments on conservation work. To support provinces and territories in collaborating with all partners, the 2021 federal Budget allocates \$200 million, spread across five years (2021-22 to 2025-2026), to provinces and territories that negotiate a "Nature Agreement" with matching funds. A portion of the funds the Government of Yukon receives through the Nature Agreement will be allocated to support Yukon First Nations' and Indigenous governments' participation on the implementation of the Agreement.

Dennis Arey
Page 2
October 7, 2022

The purpose of a negotiated Nature Agreement between Government of Canada and Government of Yukon is to build on and accelerate progress in the Yukon towards conserving jointly nominated areas and reporting them publicly as contributions to Canada's goal of 25% land conserved by 2025, and 30% of land conserved by 2030. In addition, the Nature Agreement discussions focus on collaborating on species at risk surveys and monitoring, and enhancing data sharing. Finally, the agreement is also meant to ensure continued and improved engagement and collaboration with Indigenous governments and organizations on these priorities.

The Nature Agreement discussions between the Government of Yukon, Environment and Climate Change Canada and Parks Canada Agency will help support the territorial government to partner with Indigenous governments and organizations to work more effectively together and achieve conservation outcomes in a more timely way than their current capacity allows. We will share future updates on these discussions with your government as they evolve. If you have any questions, please contact either Karen Clyde, Government of Yukon at 867-336-0108 (karen.clyde@yukon.ca), Craig Machtans, Environment and Climate Change Canada at 867-393-6706 (craig.machtans@ec.gc.ca), or Christopher Hunter, Parks Canada Agency at 867-333-0708 (christopher.hunter@pc.gc.ca).

Sincerely,



Shehnaz Ali,
Assistant Deputy Minister,
Corporate Services and Climate Change
Secretariat
Department of Environment
Government of Yukon



Bruce MacDonald,
Director, Northern Region,
Canadian Wildlife Service,
Environment and Climate Change Canada

cc: Davonna Kasook, Resource Management Coordinator igc-rp@jointsec.nt.ca

Fname	Lname	Title
Frank	James	Director of Heritage, Lands and Natural Resources
Tom	Buzzell	Senior Director of Nation Services
Adrienne Hill		Acting Finance Director & Manager, Implementation & Governance
Geraldine	Pope	Director of Lands, Resources and Heritage
Greg	Thompson	Director of Heritage, Lands and Resources
Travis	Stewart	Director of Lands and Resources
Eric	Fairclough	Director of Lands and Resources Executive Director
Ellie	Marcotte	Director of Lands, Resources and Heritage
Dave	Irvine	Manager of Lands, Resources and Heritage
Emmie	Fairclough	Director of Lands and Heritage
Erika	Tizya-Tramm	Director of Natural Resources
Brenda	Butterworth-Carr	Executive Director
Sid	VanderMeer	Executive Director
Duane	Smith	Chair and CEO
Dennis	Arey	Chair
Adilene	Marcellais	Executive Assistant
Leigh-Ann	Williams-Jones	Manager of Lands and Resources
Chad	Day	President
Charmaine	Thom	Spokesperson

Primary Email	Organization	Address1
frank.james@ctfn.ca	Carcross/Tagish First Nation	Box 130
tbuzzell@cafn.ca	Champagne and Aishihik First Nations	Box 5310
adrienne.hill@nndfn.com	First Nation of Na-Cho Nyäk Dun	Box 220
lrh.director@kfn.ca	Kluane First Nation	Box 20
greg.thompson@kdfn.net	Kwanlin Dün First Nation	35 McIntyre Drive
TravisStewart@liardfirstnation.ca	Liard First Nation	Box 328
eric.fairclough@lscfn.ca	Little Salmon/Carmacks First Nation	Box 135
hard copy sent	Ross River Dena Council	Box 169
MarcotteE@selkirkfn.com	Selkirk First Nation	Box 40
lrhmanager@taan.ca	Ta'an Kwäch'än Council	117 Industrial Road
Emmie.fairclough@ttc-teslin.com ; lands.rnrd@vgfn.net	Teslin Tlingit Council	Box 133
nrd@vgfn.net	Vuntut Gwitchin First Nation	Box 94
executive.director@trondek.ca	Trondek H'wechin	Box 599
executivedirector@wrfn.ca	White River First Nation	Box 2
dsmith@inuvaluit.com	Inuvialuit Regional Corporation	Bag 21
adminjs@jointsec.nt.ca	Inuvialuit Game Council	P.O. Box 2120
administration@adkfirstnation.ca	Acho Dene Ko First Nation	General Delivery
LeighAnn.WilliamsJones@gwichintribal.ca	Gwich'in Tribal Council	Box 1509
president@tahltan.org	Tahltan Central Government	Box 69
govern.spokesperson@gov.trtfn.com	Taku River Tlingit First Nation	Box 132

Address2	Prov	Address3	Greeting	CC
Carcross	YT	Y0B 1B0	Dear Frank James	
Haines Junction	YT	Y0B 1L0	Dear Tom Buzzell	Melina Hougen, Director of Heritage
Mayo	YT	Y0B 1M0	Dear Adrienne Hill	Millie Olsen, acting Lands Manager
Burwash Land	YT	Y0B 1V0	Dear Geraldine Pope	
Whitehorse	YT	Y1A 5A5	Dear Greg Thompson	
Watson Lake	YT	Y0A 1C0	Dear Travis Stewart	Zuneza Cove
Carmacks	YT	Y0B 1C0	Dear Eric Fairclough	
Ross River	YT	Y0B 1S0	Dear Executive Director	
Pelly Crossing	YT	Y0B 1P0	Dear Ellie Marcotte	
Whitehorse	YT	Y1A 2T8	Dear Dave Irvine	
Teslin	YT	Y0A 1B0	Dear Emmie Fairclough	
Old Crow	YT	Y0B 1N0	Dear Erika Tizya-Tramm	
Dawson City	YT	Y0B 1G0	Dear Brenda Butterworth-Carr	
Beaver Creek	YT	Y0B 1A0	Dear Sid VanderMeer	
Inuvik	NT	X0E 0T0	Dear Duane Smith	Jennifer Smith, Chair of the Wildlife Management Advisory Council (North Slope)
Inuvik	NT	X0E 0T0	Dear Dennis Arey	Davonna Kasook, Resource
Fort Liard	NT	X0G 0A0	Dear Adilene Marcellais	
Inuvik	NT	X0E 0T0	Dear Leigh-Ann Williams-Jones	Kanda Gnama, Transboundary Spec
Dease Lake	BC	V0C 1L0	Dear Chad Day	Nalaine Morin, Lands Director Lance Nagwan, Wildlife Director
Atlin	BC	V0W 1A0	Dear Charmaine Thom	Rodger Thorlakson, Manager of Lands, Resources and Fisheries

CC Email

mhouden@cafn.ca

landsmanager@nndfn.com

Personal_Info gmail.com

chair@wmacns.ca

igc-rp@jointsec.nt.ca

Kanda.Gnama@gwichintribal.ca

LandsDirector@tahltan.org;
wildlifedirector@tahltan.org

lands.mgr@gov.trtfn.com

From: Keith.Maguire
Sent: November 18, 2022 4:12 PM
To: Brian.MacDonald; Kate.Durand
CC: Kimberly.Milligan; Lindsay.DeHart; Eliza.Akhoudas
Subject: FW: CE Info Note
Attachments: Info Note- Cumulative Effects Corporate Strategy 2022.11.15-Routing.docx; 20221118-Cumulative effects related items issues-routing.docx

Hello, Attached is an updated cumulative effects information note for your consideration. The note is being sent to EMR and ENV ADMs as well for discussion at the next ADM 3Es. For your review.

Thanks, Keith

From: Sarah.Chan <Sarah.Chan@yukon.ca>
Sent: November 18, 2022 1:13 PM
To: Keith.Maguire <Keith.Maguire@yukon.ca>; Lindsay.DeHart <Lindsay.DeHart@yukon.ca>
Cc: Kimberly.Milligan <Kimberly.Milligan@yukon.ca>
Subject: CE Info Note

Hi Keith and Lindsay,

Yesterday, the attached started routing through the joint EMR-ENV routing system. With ECO not being part of that joint routing system, we are going through you both to route this as you deem appropriate through ECO. The two attachments include: 1) the Info Note, and 2) the table summary of issues/projects related to CE.

Thanks,
Sarah

Sarah Chan

C: 867-667-5409 | Sarah.Chan@yukon.ca | Yukon.ca

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Information Note

Cumulative Effects Corporate Strategy

Environment,
Energy Mines &
Resources,
Executive Council
Office

Issue:

- First Nations are consistently raising cumulative effects monitoring and management as concerns in land use and environmental assessment processes.
 - These concerns are resulting in significant delays in permitting of resource development projects.
 - 74(1)(a), 76(1)
-
- The need to effectively address cumulative effects is a commitment under the UFA through 'sustainable development'. The need to address cumulative effects is increasingly at the forefront given the current expectations around reconciliation and the 2021 decision in *Yahey v British Columbia*.
 - 76(1)
-
- A cumulative effects strategy would help identify when a new cumulative effects study is necessary, or when YG can apply existing tools. It would further build a corporate approach, identify needs and priorities, manage data with consistency, and inform decision-making.
 - 74(1)(a), 76(1)

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Information Note

Cumulative Effects Corporate Strategy

Environment,
Energy Mines &
Resources,
Executive Council
Office

- The purpose of this Information Note is to describe the issue and get approval to start developing options for short-term and long-term recommendations.

Current context:

- Cumulative effects are most effectively managed with a coordinated, regional approach instead of a project-by-project basis.
- YG has limited tools to address cumulative effects. Those it does have are limited in scope to ecological values, and do not address socio-economic or socio-cultural values. Furthermore, without a strategy under which to implement them, the effectiveness of these tools is limited.
- The Department of Environment is negotiating a Bilateral Nature Agreement with Environment and Climate Change Canada. The scope of this agreement includes monitoring and a framework for ecological cumulative effects, but it would not address cross-department approaches nor interactions with decisions on development projects.
- Intensive inter-departmental work occurred in 2012 to produce the Cumulative Effects Management Process (CEMP; also known as the Dawson Range Cumulative Effects Pilot Project); however, this is not a management and decision-making tool. The use of the CEMP was unsuccessful for multiple reasons, including a lack of consultation with First Nations in its development and lack of internal resources for implementation.
- There is a self-driven cross-department cumulative effects working group primarily involving operational staff from the Departments of Environment, Energy Mines and Resources, and Executive Council Office. So far, the outcome of this group is this briefing.

Active Examples

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Information Note

Cumulative Effects Corporate Strategy

Environment,
Energy Mines &
Resources,
Executive Council
Office

The attached table illustrates the large volume of active files for which cumulative effects have been identified as an issue, usually by First Nations. The table further illustrates that cumulative effects are being raised on files at regional, sub-regional, and project-specific levels. Issues and cross-department implications for three examples from the table are expanded on below.

Dawson Regional Land Use Plan:

74(1)(a)

"White Gold district":

74(1)(a)

S.110s:

74(1)(a)

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Information Note

Cumulative Effects Corporate Strategy

Environment,
Energy Mines &
Resources,
Executive Council
Office

74(1)(a)

Approved by:

Deputy Minister
Department of Environment

Date approved

Deputy Minister
Department of Energy, Mines, and Resources

Date approved

Deputy Minister
Department of Executive Council Office

Date approved

ENV – internal discussion on cumulative effects related priorities/resourcing (v. November 4 2022)

Current cumulative effects (CE) related planning & project initiatives

Item:	Issue:	Comment:	Need:
Regional scale			
Dawson Regional Land Use Plan	Land use zoning & thresholds main elements of RLUP, significant CE components	74(1)(a)	
Whitehorse-SL	CTFN & KDFN calls for LUP and CE related work		
Peel Plan implementation	None specifically. Boreal caribou critical habitat delineation and surface disturbance status in progress.		
Northern Tutchone (in prep)	Significant land use issues/impacts and wildlife effects in some areas		
Sub-regional/watershed scale			
Beaver River Land Use Plan	Sub-regional planning for watershed, with FN NND		
Mayo Moose Management Unit	Ongoing issues with mineral exploration/development and environmental impacts (moose to fish)		

ENV – internal discussion on cumulative effects related priorities/resourcing (v. November 4 2022)

Clear Creek	Placer/quartz exploration and development on Clear Creek caribou herd	74(1)(a)
Ibex valley	KDFN concern with ag and rural res land disposition, impacts to treaty rights (use of area) and wildlife	
Alaska highway west (Mendenhall to HJ)	CAFN concerns with spot land and ag development adjacent road corridor	
White River asserted TT	WRFN active on several CE related issues. Has come up in Pickhandle HPA discussions.	
Nahanni Range road/3Aces project area	LFN seeking assurance that Kaska rights are meaningful while mining projects are operating. ENV discussed LFN concerns with EMR-MRB in relation to project	
North Canol	Increased mine exploration, access, wildlife harvest. Proposed ferry upgrade or bridge over Pelly has raised concern between RRDC and HPW	

ENV – internal discussion on cumulative effects related priorities/resourcing (v. November 4 2022)

Coffee Creek, White Gold district	YESAB DD requires ENV to lead CE wildlife monitoring at Coffee Creek/White Gold	74(1)(a)
Indian River placer/wetlands	TH concerns related to wetland loss/conversion. General issues with CE concerns re: environmental impacts within watershed	
McIntyre Creek Park	YG in discussions with City of Whitehorse (lead) on McIntyre Creek Park management planning. Priority item for ENV through Ministers mandate letter and platform commitment	
Taku River Tlingit	YG (AR) in negotiations with TRTFN regarding caribou interests and consultation. TRTFN interests include inclusion of cumulative effects in the consideration of adverse impacts to rights.	
Project specific		
BMC-Kudz ze kayak mine	Finlayson caribou impacts & FN aboriginal rights. CE to	74(1)(a)

ENV – internal discussion on cumulative effects related priorities/resourcing (v. November 4 2022)

	caribou range and FN harvest/access rights.	74(1)(a)
Casino mine (pre-YESAB)	Klaza caribou range, proposed road through wintering area. CE from mineral exploration/development	
Aishihik hydro	CAFN seeking CE assessment for Aishihik lake area. Working with AR on agreement	

From: Keith.Maguire
Sent: November 30, 2022 5:19 PM
To: Kate.Durand
CC: Eliza.Akhoudas
Subject: FW: Legal opinion on conformity check
Attachments: RLUP Conformity Checks by Commissions_.pdf; Sub-Regional Land Use Planning - Funding.pdf

Hi Kate, in the meeting this afternoon with Land Planning, AR and ENVT we discussed the issue of conformity checks.

The recent opinion (attached) indicates that YG may be at risk if commissions do not continue into implementation (particularly for the Dawson area where there are so many more projects).

74(1)(a)

- 2) Federal funding for commissions after plan approval and sub-regional plans may fall to YG since devolution.

70 (1)

- 4) The 2024 10-year funding review may be a venue to discuss funding, but the feds may not be responsible for funding like our legal opinion suggests.

74(1)(a)

- 6) Jenny I will be reaching out to Daryn to see if that works.

- 7) We're all briefing our adms with the expectation that you may discuss this at ADM 3Es tomorrow.

Happy to discuss further.

Keith

From: Krysti.Horton <Krysti.Horton@yukon.ca>
Sent: November 30, 2022 4:00 PM
To: Keith.Maguire <Keith.Maguire@yukon.ca>; Diane.Gunter <Diane.Gunter@yukon.ca>; Jennifer.Imbeau <Jenny.Imbeau@yukon.ca>
Subject: Legal opinion on conformity check

Here is the legal opinion we just got.

Krysti



Justice, Legal Services Branch
PO Box 2703 (J-2), Whitehorse, Yukon Y1A 2C6

Our File No.: 2022-0003400
Delivered by: email

TO: Jocelyn McDowell
Land and Resource Planner
Land Planning Branch
Department of Energy, Mines &
Resources

CONFIDENTIAL & PRIVILEGED

FROM: Carmen Gustafson
Legal Counsel
Department of Justice

Practise Group:
Natural Resources and Environmental
Law

DATE: 23 November, 2022

Area of Law:
Natural Resources
Aboriginal

RE: Continuation of Chapter 11 Land Use Planning Commissions – Conformity Checks

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I trust that you will find the above to be of assistance.

In providing this opinion I have outlined the facts and other information upon which I have relied. If any of the facts or information that I have relied upon are not correct, or if they have changed, please let me know as new or different facts or information may change my opinion.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,



Carmen E. Gustafson,
Legal Counsel,
Natural Resources and Environmental Law Group

PLEASE NOTE:

This legal opinion is confidential in nature and protected by what is known as 'solicitor-client privilege'.

Solicitor-client privilege is the right of a lawyer's client to refuse to disclose, and to prevent anyone else from disclosing, confidential communications between the client and the lawyer that relate to seeking and obtaining legal advice.

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Please note that any disclosure in whole or in part of the contents of this legal opinion outside of Government of Yukon may result in the loss of its solicitor-client privilege.

No such disclosure should be made without legal advice and without appropriate authorization having been obtained.

Justice, Legal Services Branch
PO Box 2703 (J-2), Whitehorse, Yukon Y1A 2C6

Our File No.: 2022-0002664
Delivered by: email

To: **Lyndsay Dehart**
A/Director
Implementation and Reconciliation
Aboriginal Relations
Executive Council Office

CONFIDENTIAL & PRIVILEGED

Krysti Horton
Manager
Regional Land Use Planning
Energy, Mines and Resources

FROM: **Elaine Cairns**
Legal Counsel
Department of Justice

Practise Group:
Natural Resources and
Environmental Law

DATE: 28 April, 2022

Area of Law:
Aboriginal Law

RE: Sub-Regional Land Use Planning – Funding

BACKGROUND

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A/Managing Counsel,
Natural Resources and Environmental Law Group

PLEASE NOTE:

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No such disclosure should be made without legal advice and without appropriate authorization having been obtained.

From: Samantha.Cotterell
Sent: December 12, 2022 9:02 AM
To: Shannon.Jensen
CC: Diane.Gunter
Subject: Canada-Yukon Nature Agreement - Follow up with FNs
Attachments: Canada-Yukon Notification Agreement; Copy of Contacts_4MailMerge_BNA-Dec2022-new.xlsx

Hi Shannon,

As an FYI, please find attached a letter the governments of Yukon and Canada sent to notify First Nation and Indigenous governments that we have agreed to a Nature Agreement. This is a follow up to the letter that was sent on October 7th to notify of negotiations, which you had reviewed for us. I have included an updated contact sheet as well in case you are interested in who the letter was sent to.

If you have any questions, please let us know.

Best,
Sam



Sam Cotterell (she/her)
Policy Analyst
Environment | Policy and Planning Branch | V-2
C 867-332-5393 | Yukon.ca

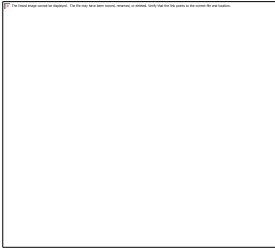
I respectfully acknowledge that I work within the Traditional Territories of the Kwanlin Dün First Nation and the Ta'an Kwäch'än Council.

From: Tanis.Carter
Sent: December 8, 2022 5:11 PM
To: administration@adkfirstnation.ca
CC: Samantha.Cotterell; 'Bruce MacDonald:'
Subject: Canada-Yukon Notification Agreement
Attachments: 20221208-ADKFN-CYNAL.pdf

Dear Adilene Marcellais,

Please find attached a joint letter from Shehnaz Ali, Assistant Deputy Minister, Corporate Services and Climate Change Secretariat, Department of Environment, Government of Yukon and Bruce MacDonald, Director, Northern Region, Canadian Wildlife Service, Environment and Climate Change Canada regarding the Early Notification of the Canada-Yukon Nature Agreement.

Cheers,



Tanis Carter ([She/her](#))
Administrative Assistant | Assistant Deputy Minister's Office
Department of Environment | V-1
T 867-667-5634 | C 867-689-1862 | [Yukon.ca](https://www.yukon.ca)



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

December 8, 2022

Adilene Marcellais
Executive Assistant
Acho Dene Koe First Nation
General Delivery
Fort Liard, NT X0G 0A0

Email: administration@adkfirstnation.ca

Dear Adilene Marcellais:

RE: Early Notification of the Canada-Yukon Nature Agreement

This is a follow up letter to the one we sent on October 7, 2022, regarding discussions between Canada and Yukon on establishing a Nature Agreement. We are pleased to share that the Government of Canada and the Government of Yukon have come to an agreement which will support work on conservation in the Yukon. This will include support for continued collaboration with First Nations and Indigenous governments on existing conservation initiatives and forums in the Yukon.

The Government of Canada will be providing funding support to the Government of Yukon that includes resources to further consult, collaborate and support First Nations and Indigenous governments in conservation work. We would like to reiterate that all of the funding initiatives mentioned in the last letter are still in place to directly support your government's participation on the conservation work related to implementation of the agreement.

Federal Environment Minister Guilbeault and Yukon Environment Minister Clarke will be attending the United Nations Biodiversity Conference (COP15) in Montreal this month and plan to publicly announce and sign the agreement on December 14, 2022. The Canada-Yukon Nature Agreement will be publicly released after it is signed. We wanted to provide you with early notification of this pending announcement and will continue to share future updates on the implementation of this agreement with your government as we move forward. Please share this information with other relevant staff and your Chief and Council.

Page 2
December 8, 2022

If you would like more information about the context of the agreement or have any questions please contact either Diane Gunter, Government of Yukon at 867-334-3257 (Diane.Gunter@yukon.ca), Craig Machtans, Environment and Climate Change Canada at 867-393-6706 (craig.machtans@ec.gc.ca), or Christopher Hunter, Parks Canada Agency at 867-333-0708 (christopher.hunter@pc.gc.ca).

Please share this important news with your leadership prior to the announcement date. We look forward to continuing to work collaboratively on shared conservation initiatives.

Sincerely,



Shehnaz Ali,
Assistant Deputy Minister,
Corporate Services and Climate Change
Secretariat
Department of Environment
Government of Yukon



Bruce MacDonald,
Director, Northern Region,
Canadian Wildlife Service,
Environment and Climate Change Canada

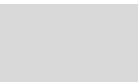
Fname	Lname	Title
Frank	James	Director of Heritage, Lands and Natural Resources
Tom	Buzzell	A/Executive Director
Adrienne	Hill	Acting Finance Director & Manager, Implementation & Governance
Geraldine	Pope	Director of Lands, Resources and Heritage
Greg	Thompson	Director of Heritage, Lands and Resources
Travis	Stewart	Director of Lands and Resources
Eric	Fairclough	Director of Lands and Resources Executive Director
Ellie	Marcotte	Director of Lands, Resources and Heritage
Dave	Irvine	Manager of Lands, Resources and Heritage
Emmie	Fairclough	Director of Lands and Heritage
Erika	Tizya-Tramm	Director of Stewardship and Sustainability
Brenda	Butterworth-Carr	Executive Director
Sid	VanderMeer	Executive Director
Charles	Klengenberg	Director of Lands
JD	Storr	A/Chair
Adilene	Marcellais	Executive Assistant
Leigh-Ann	Williams-Jones	Manager of Lands and Resources
Connor	Pitty	Lands Director
Rodger	Thorlakson	Manager of Lands, Resources and Fisheries

Phone	Primary Email
1-867-332-1706 x8217	frank.james@ctfn.ca
867-634-4200	tbuzzell@cafn.ca
(867) 996-2265 x137	adrienne.hill@nndfn.com
(867) 841-4274	lrh.director@kfn.ca
70(1)	greg.thompson@kdfn.net
(867) 536-7901 ext. 24	TravisStewart@liardfirstnation.ca
(867) 333-9657x 256	eric.fairclough@lscfn.ca
867-969-2277 / 2278 ext 200	hard copy sent
(867)537-3331 x601	MarcotteE@selkirkfn.com
867.668-3613 x601	lrhmanager@taan.ca
867-390-2532 x370	Emmie.fairclough@ttc-teslin.com; lands.reception@ttc-teslin.com
(867) 668-3261 x1	nrd@vgfn.net
(867) 993-7100 x124	executive.director@trondek.ca
(867) 862-7802 ext. 102	executivedirector@wrfn.ca
867-777-7009	cklengenberg@inuvaluit.com
(867) 777-2828	igc-c@jointsec.nt.ca
(867) 770-4571 x253	administration@adkfirstnation.ca
777-7910	LeighAnn.WilliamsJones@gwichintribal.c
250-771-3274	president@tahltan.org
250.651.7900 ext 401	lands.mgr@gov.trtfn.com

Organization	Address1	Address2	Prov	Address3
Carcross/Tagish First Nation	Box 130	Carcross	YT	Y0B 1B0
Champagne and Aishihik First Nations	Box 5310	Haines Junctic	YT	Y0B 1L0
First Nation of Na-Cho Nyäk Dun	Box 220	Mayo	YT	Y0B 1M0
Kluane First Nation	Box 20	Burwash Land	YT	Y0B 1V0
Kwanlin Dün First Nation	35 McIntyre Drive	Whitehorse	YT	Y1A 5A5
Liard First Nation	Box 328	Watson Lake	YT	Y0A 1C0
Little Salmon/Carmacks First Nation	Box 135	Carmacks	YT	Y0B 1C0
Ross River Dena Council	Box 169	Ross River	YT	Y0B 1S0
Selkirk First Nation	Box 40	Pelly Crossing	YT	Y0B 1P0
Ta'an Kwäch'än Council	117 Industrial Road	Whitehorse	YT	Y1A 2T8
Teslin Tlingit Council	Box 133	Teslin	YT	Y0A 1B0
Vuntut Gwitchin First Nation	Box 94	Old Crow	YT	Y0B 1N0
Trondek H'wechin	Box 599	Dawson City	YT	Y0B 1G0
White River First Nation	Box 2	Beaver Creek	YT	Y0B 1A0
Inuvialuit Regional Corporation	Bag 21	Inuvik	NT	X0E 0T0
Inuvialuit Game Council	P.O. Box 2120	Inuvik	NT	X0E 0T0
Acho Dene Koe First Nation	General Delivery	Fort Liard	NT	X0G 0A0
Gwich'in Tribal Council	Box 1509	Inuvik	NT	X0E 0T0
Tahltan Central Government	Box 69	Dease Lake	BC	V0C 1L0
Taku River Tlingit First Nation	Box 132	Atlin	BC	V0W 1A0

Greeting	CC	CC Email
Dear Frank James		
Dear Tom Buzzell	Melina Hougen, Director of Heritage	mhougen@cafn.ca
Dear Adrienne Hill	Millie Olsen, acting Lands Manager	landsmanager@nndfn.com
Dear Geraldine Pope		
Dear Greg Thompson		
Dear Travis Stewart	Zuneza Cove	Personal_Info@gmail.com
Dear Eric Fairclough		
Dear Executive Director		
Dear Ellie Marcotte		
Dear Dave Irvine		
Dear Emmie Fairclough		
Dear Erika Tizya-Tramm		
Dear Brenda Butterworth-Carr	Darren Taylor, Director of Natural Resources	darren.taylor@trondek.ca
Dear Sid VanderMeer	Manager, Lands and Resources	nro@wrfn.ca
Dear Charles Klengenberg	Jennifer Smith, Chair of the	chair@wmacns.ca
Dear JD Storr	Davonna Kasook, Resource	igc-rp@jointsec.nt.ca
Dear Adilene Marcellais		
Dear Leigh-Ann Williams-Jones	Kanda Gnama, Transboundary Specialist	Kanda.Gnama@gwichintribal.ca
Dear Connor Pitty	Lance Nagwan, Wildlife Director	LandsDirector@tahltan.org; wildlifedirector@tahltan.org
Dear Rodger Thorlakson		

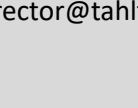
Column1



Send first letter as we shifted away from elected official



ector@tahltan.org



From: Shannon.Jensen
Sent: December 20, 2022 2:53 PM
To: Alisha.Bell; Leslie.Hill; Allison.Anderson
Subject: Fw: [EXT] S.C. No 20-A0133 C/TFN v. Yukon Government
Attachments: 2022 12 15 Ltr WWCo to YG re Settlement Offer Ten Mile (00524214xE1C2E).pdf

FYI.

Shannon Jensen (she/her)
A/Director, Policy and Consultation
Executive Council Office | Aboriginal Relations
T 867-332-4004 | Yukon.ca

From: Carmen.Gustafson <Carmen.Gustafson@yukon.ca>
Sent: Monday, December 19, 2022 11:30 AM
To: Jerome.McIntyre <Jerome.McIntyre@yukon.ca>; Brian.MacDonald <Brian.MacDonald@yukon.ca>
Cc: Sara.French <Sara.French@yukon.ca>; Lindsay.DeHart <Lindsay.DeHart@yukon.ca>; Shannon.Jensen <Shannon.Jensen@yukon.ca>; Krysti.Horton <Krysti.Horton@yukon.ca>; Fia.Jampolsky <Fia.Jampolsky@yukon.ca>; Julie.Desbrisay <Julie.DesBrisay@yukon.ca>
Subject: FW: [EXT] S.C. No 20-A0133 C/TFN v. Yukon Government

Good morning Jerome and Brian (and your teams),

73(a)

Carmen, Fia and Julie

Carmen E. Gustafson (she/her)
 Legal Counsel
 Natural Resources and Environmental Law Group
 T 867-667-5473 | Yukon.ca

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From: Gavin Gardiner <gavin@woodwardandcompany.com>
Sent: Friday, December 16, 2022 4:40 PM
To: Carmen.Gustafson <Carmen.Gustafson@yukon.ca>; Julie.Desbrisay <Julie.DesBrisay@yukon.ca>; Fia.Jampolsky <Fia.Jampolsky@yukon.ca>
Cc: Soudeh Alikhani <salikhani@woodwardandcompany.com>
Subject: [EXT] S.C. No 20-A0133 C/TFN v. Yukon Government

Hello all,

Please find the attached settlement offer on behalf of Carcross/Tagish First Nation in the above matter.

Gavin

Gavin Gardiner[^] (He/Him)
Partner | Woodward & Company LLP
 201-3056 3rd Avenue, Whitehorse, YT, Y1A 1E2
Tel: 867.633.5940 | **Mobile:** 867.332.2395 | **Email:** gavin@woodwardandcompany.com
 WoodwardandCompany.com

(learn more about pronouns [here](#))

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[^]Denotes a Professional Corporation

WOODWARD & COMPANY

LAWYERS LLP | BARRISTERS & SOLICITORS

REPLY TO: GAVIN GARDINER
Whitehorse Office
email: gavin@woodwardandcompany.com

ASSISTANT: GLENNYS SEMPLE
glennys@woodwardandcompany.com

our file: 6022

Without Prejudice

December 16, 2022

Carmen Gustafson

Julie Desbrisay

Fia Jampolsky

Natural Resources and Environmental Law Group
Yukon Government
2134 Second Avenue
Whitehorse, YT

Dear Carmen, Julie and Fia

73(a)

VICTORIA OFFICE:
200 – 1022 GOVERNMENT STREET
VICTORIA, BC V8W 1X7

TEL: 250-383-2356; FAX: 250-380-6560
WEBSITE: www.woodwardandcompany.com

WHITEHORSE OFFICE:
201 - 3059 3RD AVENUE
WHITEHORSE, YT Y1A 1E2

TEL: 867-633-5940
WEBSITE: www.woodwardandcompany.com

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Yours truly,
WOODWARD & COMPANY LAWYERS LLP

A handwritten signature in blue ink, consisting of three large, stylized loops followed by a horizontal line.

Gavin Gardiner

cc. Soudh Alikhani, Woodward and Company Lawyers LLP
Client.

Yukon Government
YESAA Practitioners' Forum

June 20, 2023
10:00 - 11:30am
Join Zoom Meeting

72(1)(b)(vi)

Meeting ID: 72(1)(b)(vi)
Passcode: 72(1)(b)

Find your local number: 72(1)(b)(vi)

Agenda

1. Welcome (Andrea Wilson, MPY)

New Business

2. MPY Staffing Updates (Keith Maguire, MPY)
3. 2023 YESAA Forum on Cumulative Effects – Outcomes and Next Steps (Stephanie Routley, MPY)
4. YG-Canada Nature Agreement (Sarah Chan, Environment)
5. Overview of the new Wetlands Policy (Tyler Kuhn, Environment)
6. Policy and Training Updates and Reminders (Kellie Emon, Andrea Wilson MPY)
 - S. 110 Guidance
 - Update on posting final DDs to the YOR
 - Reminders on decision-making responsibilities
7. Next meeting
 - Suggested Topics:
 - Dawson Region Land Use Plan – impacts on assessment process
 - UNDRIP
 - Conformity Checks
 - Other suggestions?