

FOR RELEASE
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Government of Yukon issues temporary staking prohibitions for all of Kaska asserted traditional territory in Yukon

The Government of Yukon has put mineral staking prohibitions in place for the Kaska asserted traditional territory in Yukon.

These staking prohibitions will allow the Government of Yukon and Kaska negotiators time to adequately address the court declarations stemming from the Ross River Dena Council (RRDC) and Kaska Dena Council mining cases.

Quotes

"This temporary staking prohibition will allow us the time to advance our discussions with the Kaska while still respecting the affected self-governing First Nations and transboundary groups including Acho Dene Koe."

–*Minister of Energy, Mines and Resources Ranj Pillai*

Quick facts

- These staking prohibitions include:
 - An order-in-council prohibiting staking in the Ross River area until January 31, 2018 which was signed on January 23, 2017.
 - An order-in-council prohibiting staking in the remaining portion of the Kaska asserted traditional territory in Yukon until April 30, 2017, which was signed on February 1, 2017.
- As the court declarations from the *Kaska Dena Council v Yukon* mining case are now in effect, a staking prohibition will ensure that the Government of Yukon can continue consultations with Kaska Dena Council on how to implement the declarations.
- The staking prohibitions only apply to new claims. Existing claims and mining activities on those claims are not affected by the staking prohibition.

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Background

In *RRDC v. Yukon* (2012 YKCA 14), the Yukon Court of Appeal made two declarations:

- The first declaration states that the Government of Yukon has a duty to consult with RRDC in determining whether mineral rights are to be made available to third parties.
- The second declaration states that the Government of Yukon has a duty to notify and, where appropriate, consult with and accommodate Ross River Dena Council before allowing any mining exploration activities to take place within the Ross River area, to the extent that those activities may negatively affect Aboriginal rights claimed by Ross River Dena Council.

In 2013, the Government of Yukon put a staking prohibition in place for the Ross River area and entered into consultations with Ross River Dena Council on how to implement those declarations.

In March 2014, the Kaska Dena Council filed a statement of claim requesting the same declarations be made with respect to the rest of the southern part of Kaska territory.

In July 2015, the Government of Yukon and Kaska Dena Council reached an out of court settlement and began discussions of how those declarations would be implemented in the remaining Kaska asserted traditional territory in Yukon. Kaska Dena Council and the Yukon government also agreed that those declarations would be suspended until January 31, 2017.

In January 2016, the Government of Yukon and Kaska First Nations announced the signing of three mineral agreements (one each with Ross River Dena Council, Liard First Nation and Kaska Dena Council) that outlined a process to continue discussions on the implementation of these declarations; those agreements also expired on January 31, 2017.

The Government of Yukon and Kaska were not able to reach an agreement to extend these mineral agreements before their expiry on January 31, 2017; however, discussions on how to implement the court declarations will be ongoing.

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