

**PEEL WATERSHED PLANNING REGION  
FIRST NATIONS MEETING**

**Meeting Notes**

**August 25, 2006  
Dawson City, Yukon  
Tr'ondek Heritage Hall**

Facilitator: Gerald Isaac, YLUPC

**Present:**

Darius Elias, VGFN (Acting Natural Resource Manager)  
Joe Linklater, Chief VGFN  
Jimmy Johnny, NND  
Dick Mahoney, NND Fish & Wildlife Dept / Technical Working Group  
Mikolay Peter, NND Lands Office  
Simon Mervyn, Chief NND  
Frank Patterson, Mayo District RRC  
David Moses, NND  
Otto Cutts, Executive Director, TH Chief & Council  
Renee Mayes, TH Lands Office  
Jody Beaumont, TH Heritage Department  
James Macdonald, TH Fish & Wildlife Department  
Joanne Macdonald, TH  
Norman Snowshoe, GTC / Technical Working Group  
Charlie Snowshoe, Gwich'in Land Use Planning Board  
Abe Wilson, TG RRC  
James Andre, TG RRC  
Lennie Macdonald, TG RRC  
Daniel Blake, Tsiigehtchic Youth Representative  
William Kunnizzi, TG  
Marvin Frost, PWPC Member  
Peter Kaye, PWPC Member  
Steve Taylor, PWPC Member / TH Council  
Jim Bell, Yukon Government

Presenters: Albert Peter, Chair, Yukon Land Use Planning Council  
Albert Genier, Chair, Peel Watershed Planning Commission  
Brian Johnston, Senior Planner, Peel Watershed Planning Commission

## Planning Background and Overview

### **8:30 – 8:40 am      Introductions and Review of Agenda:**

- Each participant introduced themselves and identified the organization they were representing.
- All participants were in favour of the draft agenda.

### **8:40 – 9:00 am      Opening Remarks**

Albert Peter made some opening comments:

- A joint process created the commission,
- The key “shall” clauses are “approval” and “linkages” to other bodies.
- The Peel Watershed Planning Commission is unique because there are no permanent residents living inside the planning region.
- The Commission is comprised of one-third representatives of the Yukon Government and one-third representatives First Nations. The seats for one-third of members, who were to be chosen from the demographic, have been assigned to the First Nations and Yukon Government jointly.
- *Council role:*
  - setting up the commissions
  - serves the Commissions and the Parties;
- *Commission role:* Has the mandate to develop and recommend the plan. The Commission membership is comprised of:
  - First Nation of the Nacho Nyak Dun (NND) – Albert Genier
  - Gwich’in Tribal Council (GTC) – Peter Kaye (Tetlit Gwich’in)
  - Vuntut Gwitchin First Nation (VGFN) / Yukon Government – Marvin Frost
  - Tr’ondek Hwech’in (TH) / Yukon Government – Steve Taylor
  - Yukon Government – Sam Wallingham
  - Yukon Government – Dave Loeks
- The Tetlit Gwich’in has settlement land in the Yukon Territory in the Peel watershed. This provision is found within the Gwich’in Comprehensive Land Claim Agreement, signed in 1992 by representatives of Canada, the Gwich’in Tribal Council and Government of NWT, Annex C “Yukon Transboundary Agreement”.
- *Parties role:*
  - Review and approve draft plan;
  - Consult with one another on the draft plan, and
  - Implement the plan.
- Issues to Consider:
  - First Nations need to determine their review & approval process, since it affects the timing of the planning process. That process could come

through the First Nation General Assemblies or with the Chief & Councils of the affected communities with interests in the planning region.

- Review and amendment of the plan;
- What is the Commission's role (if any) after the recommended plan is submitted to the parties?
- How will the plan be implemented given the lack of funding?

Albert Genier made some opening comments:

- First Nations need to provide greater feedback and input into the planning process.
- It is important that the First Nation land users identify significant cultural/heritage sites in the Peel
- The Commission is concerned about meeting the time lines.
- Implementation funding is yet to be defined, but is being addressed through the 10-year Implementation Review of Chapter 11, of the UFA.

Questions and Comments:

*Joe Linklater:* Are there Special Management Areas in the Peel planning region?

*Answer:* Only the National Heritage River designation of the Bonnet Plume.

*Joe Linklater Statement:* VGFN has not engaged in the Peel process due to a lack of capacity and their ongoing role will be constrained for the same reason.

*Norman Snowshoe:*

- *Question:* What are the results from the Fort McPherson TK workshop that was held last spring? It is important that there is quick turnaround on the information for two reasons: 1) to review the results with the participants and 2) to demonstrate to the participants that their contribution was meaningful.
- *Answer:* The Commission expects to have the results compiled later this fall. Turnaround time has been slow because our GIS Specialist, Richard Vladars, has had time commitments with the North Yukon Planning Commission.
- *Statement:* First Nations will need additional resources to review/approve/implement the recommended plan? The GTC does not have a self-government agreement. For this reason they can not access funding for self-government activity such as plan implementation.

*Renee Mayes:*

- The Technical Working Group has met a couple of times but the PWPC Senior Liaison Committee has not met yet.

*Marvin Frost:*

- The North Yukon Regional Plan is one year ahead of the Peel planning process.
- The PWPC boundaries are the lands based on the watershed area.

**9:00 – 12:00 pm      Presentation by Brian Johnston**

Brian gave a PowerPoint presentation on:

- Overview of the Peel Planning Process
- Status of the Planning Process
- Planning Tools and Management Options

Main points from presentation included:

- The PWPC is in Phase II: Issues and Information Gathering of its mandate and goals. The issues identification sub-phase is essentially complete the information gathering is well underway.
- Resources are required to carry out this work – from the Commission, the YLUPC, and the parties (Yukon and First Nation governments).
- The PWPC products, such as the Issues and Interests Report are available on our website: [www.peel.planyukon.ca](http://www.peel.planyukon.ca).

Questions and Comments:

*Frank Patterson:*

- Identifying First Nation heritage sites is critical and not just ruins but also location of gatherings, trading routes etc,
- There is a concern that there is a lack of enforcement of existing heritage sites. Exploration companies are hiding heritage sites/artifacts rather than reporting them to the authorities.
- Mayo RRC has given up a seat to GTC until GTC has a self-governing agreement.

*James Andre:*

- Very little current knowledge of the upper Peel, financial assistance is required to view the upper headwater.
- Tetlit Gwich'in have previously relied on CPAWS for assistance to visit the upper Peel.
- The Commission needs to provide First Nations with products throughout the process.
- The plan needs to consider the effects of global warming.
- There has been a lack of consultation, on the part of proponents, with the RRC on activity in the Peel. For example there has been a lot of claim staking in the headwaters but TGC has no idea what it is about.
- The RRC is currently working with the Gordon Foundation to fund an Elder's workshop in Mayo which would be historic in facilitating discussions between elders for TGC and NND.

*Charlie Snowshoe:*

- Very concerned about all the activity in the Peel (mining and oil & gas).

- The position of the GTC is “No Development” in the Peel Watershed until a land use plan is complete. He has traveled all over the North and there is a great concern over the future of the Watershed.
- First Nations should not worry about self-government money to implement the plan. They should just move ahead and get the plan done. An example is the GTC Regional Land Use Plan.
- The Peel plan should adopt the 3 category land use zoning system used by the Gwich’in.
- It is critical for the plan to move ahead on identifying “Protected Areas”.

*Darius Elias:*

- Be careful using the word “consultation”. It has strict legal implications. Consultation usually refers to the need for feedback on a particular proposed decision, as opposed to the exercise of gathering information or seeking general comments.
- Will the Commission be using the concept of thresholds? He has concerns with the concept.

*Charlie Snowshoe:* Very concerned with the Hunt Oil application. How can the area be a conservation area if Hunt oil is allowed to proceed in this wetland?

*Joe Linklater:* Land use planning is about land use it is not about establishing protected areas. The Commission may recommend protected areas but it is up to the parties to implement and apply the designation. It is important that the participants do not have an expectation that there will be protected areas established with the sign-off of the land use plan. Protected area planning is a whole other exercise.

*Albert Genier:* The Commission can only make recommendations for formal creation of protected areas, but the plan’s zoning and threshold tools could set the management direction in place, prior to their formal establishment as a protected area.

*Norman Snowshoe:* There needs to be legislation to implement the plan to ensure it has teeth. That process should begin now.

*Brian Johnston:* The plan will primarily be a non-prescriptive plan but will be prescriptive when necessary, as in the case with recommended protected areas.

*Darius Elias:* Concern that thresholds are very prescriptive,

### **Comments on the Vision for the Peel Watershed:**

- Don’t want the Peel looking like the Dawson area. Land use planning *is* about protection? (*Charlie Snowshoe*)
- This is a land use planning process and the PWPC can recommend legislation for protection of the watershed.

- When it comes to restrictions, the PWPC can set thresholds on given areas.
- Conservation values should be a priority item.
- Important that the First Nations provide information during the development of the land use plan.

*Mikolay Peter:* The plan needs to identify and deal with the clean up of contaminated sites (e.g. drums at old exploration camps),

*Charlie Snowshoe:* First Nations need to stand up to Government and insist on no development in the Peel prior to a regional plan being completed and that the plans be legislated.

*Joe Linklater:* With regards to legislation there is nothing that prevents First Nations from legislating the plan on settlement land. This would force YTG to enact similar legislation to ensure compliance of legislation (check self-government agreement).

*Norman Snowshoe:*

- Must legislate the plan as per the GTC plan.
- The plan is also important in guiding development and providing resources and information for decision makers.
- “Governments” need to recognize GTC as the owners of land in the Yukon.

*Charlie Snowshoe:* There is no reason why the plan cannot be done in 6 months. The Commission must stick with the task assigned to it.

*Steve Taylor:*

- Concerned that First Nations are not current participants in the current land uses or the land use interests (i.e. tourism, mining, oil/gas) that have been expressed so far. Therefore, the question is: what will be the benefits for First Nations that arise from this planning exercise?

*Jimmy Johnny:*

- He has been in the Peel watershed since 1957-58. There was no exploration in the region until he noticed abandoned exploration camps in 1960.
- Caribou feeding areas have been affected by mineral exploration.
- Have the waters in the area been tested for contamination?

*Brian Johnston:* There is no permanent monitoring program for water quality in the Peel, but there are currently two water flow gauges in the watershed.

## **1:00 – 3:00 pm          Roundtable of Expectations of the Plan and Vision for the Peel**

*Jim Bell:*

- Very important for the parties to work closely together.
- YTG wants a plan that Government can approve.

- The planning process requires lots of feedback and communication.
- The Issues and Interests Report was good. YTG is looking forward to a synthesis of the comments received.
- The first objective for the Commission will be to identify areas suitable for conservation.

*Dick Mahoney:* Will the plan trigger legislation?

*Jim Bell:* The plan can recommend appropriate tools for implementation but legislation won't be triggered.

*Norman Snowshoe:*

- Concerned about development occurring in the potential conservation zones.
- There needs to be a mechanism to organize the information to share with the Parties.
- The Peel Watershed Land Use Plan should be legislated and compatible with YESAA.
- When it comes to land management, the GTC are land owners in the Yukon.

*Darius Elias:*

- Consultation will begin when the final package is delivered to the Parties. This is currently an information gathering phase.
- Important that the Commission takes the time to get the plan right, as they only have one opportunity to do it.
- The plan should not be prescriptive. Therefore be careful in using thresholds, as they are prescriptive.
- Important to look at adjacent plans to ensure compliance with one another.
- Possible issues include:
  - expansion of non-consumptive use of resources in the Peel Watershed,
  - recognition of aesthetic values (i.e. film-making),
  - potential for education (note VGFN experience in North Yukon),
  - traditional knowledge, and
  - trapping.

*Joe Linklater:*

- Need to emphasize that the plan is not of a traditional territory but is a watershed plan which must consider downstream effects. Therefore it is important to educate the public and politicians on why this is important.
- Initially VGFN was not supportive of the Peel process as they did not have the resources to contribute and there are too many other priorities.
- Need to clarify roles and responsibilities of the governments in the process. For example in the NYPC process the Chief reviews the budget for the Commission.
- The cost of implementation is not clear as there are overlaps with other government activities where cost can be shared or even reduced,
- VGFN approval process is straight forward.

1. Public Consultation by VGFN
2. Technical review by VGFN technical staff,
3. Approval by Chief

*Joe Linklater:*

- Plan Expectations
  - The plan should provide reasoning for land use designation or protecting land,
  - Education is an important land use to the Vuntut Gwitchin. VGFN has initiated land-based research and education which is turning traditional knowledge into scientific knowledge.
  - Heritage sites within the plan area need to be identified, management plan developed and the areas protected for current and future use.
  - The land base provides a classroom for hunting and fishing for the current and future generations. Must be able to maintain these skills and the land base to support them in case the world ever goes to hell and the First Nations need to live off the land once again.
  - Technical Working Group (TWG) and Senior Liaison Committee (SLC) are important and should be utilized by the commission for plan development and implementation.
  - Implementation; need to also identify how the plan will create cost savings as well when assessing the costs for implementation.
  - Not sure how serious industry is about the area. If the Mackenzie Valley pipeline goes ahead it will have a huge impact on the region.
- Vision:
  - The area needs a fairly high level of protection but the Commission needs to also consider the future jobs and training opportunities for all sectors of the economy. This has implications for education in that it has to react to future economic activity whether it be tourism or oil and gas.

*Jody Beaumont:*

- Known cultural sites (western notion) on non-settlement land are currently fairly well protected by Yukon heritage legislation. However, as previously mentioned, there are limited resources for enforcement.
- TH is limited to applying its resources to settlement land.
- TH is working on identifying and protecting heritage resources on non-settlement land which do not fit the western definition of heritage. Examples would be a trading route or a meeting place.

*Frank Patterson:*

- Need legislation to enforce our own laws on our land.
- Need to protect enough land to support traditional lifestyle.
- Agree that we need to protect a land base in case of future world event requiring a return to living off the land.

- Need the land to re-educate our children.
- “Elders are our land use planners.” They lived off the land.
- Consultation is very important.
- There is no such thing as small-scale mining.
- Need for industry to do reclamation after they have completed their work.
- Mining brings in jobs and money but land is a priority.
- Cut lines: The new style is much better but you are still “shaving mother nature”.
- Noted that NND provided the seat for GTC on the PWPC, since they have had the greatest traditional use of the area.
- Important to identify and protect heritage sites such as “stone axe stumps”.
- Important to protect the water.

*Jimmy Johnny:*

- He has been through that area and is aware of many First Nations heritage and grave sites.
- Old bones and animal remains show where First Nations people had their sites.
- How do we protect the sites if their whereabouts are made public?
- There shouldn’t be development in the Peel until a land use plan is in place.
- Paul Germaine of NWT knows lots of information and this kind of history should be recorded.
- Other animals are moving into the area (i.e. muskoxen)
- Traditional medicines are a value worth protecting.
- Need to take care of the Peel watershed to protect waters downstream.

*David Moses:*

- When people walk on the land, they leave footprints and we need to record the spiritual connection to the land.

*Dick Mahoney:*

- Planning to date has taken a microscopic approach by looking at the intrinsic view of the land. That needs to be done, but you also need to stand back and take a wide angle big picture view. Need to understand it is a system which sustainable development must work within.
- Economic development does mean tradeoffs which should be understood. The tradeoffs need to be considered when considering any economic development.
- The Peel watershed is like no other region in the Yukon. Planning must consider that uniqueness and plan with care. This shouldn’t be like any other plan.

*Mikolay Peter:*

- The planning process needs to account for the heritage designation of the Bonnet Plume River. The Land use plan should support and strengthen the designation.
- Oil and gas development is not sustainable.
- Economic change cannot be allowed to undermine traditional lifestyles.

- What is the Commission's view of the Hunt Oil application for the Turner wetlands? *Brian Johnston:* The PWPC submitted comments to the YESAB, which are posted on their website.
- Wildlife corridors are important. Wildlife habitat needs to be protected.
- The Commission needs to take into consideration the recommendations of the Peel River Advisory Committee.
- There is a 1992 NND resolution stating there should be no development in the Peel watershed until a regional land use plan for the region has been completed.

*Chief Simon Mervyn:*

- The plan must not be shelved upon completion.
- It is important for the plan to be provided with legislative authority.

*Lenny Macdonald:*

- Important for TGC to develop a better working relationship with the Yukon First Nations and the Yukon Government.
- Is very concerned about the future of the watershed. Coal bed methane is very scary stuff. It will have a serious impact on water quality and quantity. The massive generators required to pump the methane are very noisy.
- Global warming will also have an impact. "The hounds are at the gate." The pipeline will bring in good and bad people, and have good and bad social impacts. Need to have a plan as soon as possible.
- What will happen in the next 10-20 years if we don't take care of the land now?
- "The land is not worth nothing without the water."

*James Andre:*

- Exploration on NWT side is tightly controlled. There are many boards and regulations that industry must follow. The pipeline is required to provide jobs. There are social impacts from development but there are also many social impacts from lack of jobs. The new generation is not interested and don't have the skills to live off the land. They require wage employment, this must be balanced by the Commission.
- Without the revenue from industrial development there will be no self-government (another question of balance)
- It is important to protect the values/traditions required to educate the young to live off the land in case of hard time. However jobs are required. The commission must also consider economic measures. The key is doing industrial development on our terms, not on the terms provided by industry.

*Peter Kaye:*

- He has substantial trapping experience throughout the watershed.
- It is important for the chiefs to work together. Before land claims, there were lots of harsh talks between the Chiefs. With the claims they have resolved their differences. (When their grandfathers travel the land they were happy to meet one another). It is now important for the Chiefs to be happy to meet one another and

work together. The First Nations must go one way as water flows one way; down stream. First Nations must go to government with one voice.

- “The water flows one way. Let’s work together on this as one Nation when we go to Government.”

*Darius Elias:*

- Regarding legislation it is worth remembering that the land use plan is being created under a constitutionally entrenched document which gives it considerable power.

*Joe Linklater:*

- Important that the Commission does not duplicate efforts and looks to the GTC and North Yukon plan for information (i.e. oil and gas work done for the North Yukon)
- As the Chief for VGFN he gives his full political support to the process. He also supports the concept of land-based relevant education. As an example, this past summer VGFN ran university-level courses for 12 year old girls. They held a land-based science camp where the girls participated in university-level research projects.
- Appreciates the effort of the Commission to be “non-biased and neutral” and emphasizes the point that the Commission must maintain its neutral position through out the process. Also important for all the Parties to work together on the process.
- The Commission should put the emphasis on “watershed” planning, not on Traditional Territory planning. They need to be complementary. There needs to be some education about what a watershed is and how to manage it. Give Government all the information it needs to be able to protect the area.
- Roles and responsibilities have to be clearly laid out so that no one is overstepping its boundaries.

*Charlie Snowshoe:*

- Self determination means “do something for ourselves and for our people”
- The GTC “did land use planning on their own with no government help or interference.” For the Peel we should do it on our terms in order to get ahead.
- Make your own legislation for Yukon regional planning. You still need people like Brian Johnston and Ron Cruikshank.
- Exploration should not be allowed until the land use planning is set-up and First Nations should send a message to the Minister about this.
- Keep in mind what is good for your people and don’t worry about what is good for government.
- GTC should shut down Hunt Oil until land use plan is done.

*Norman Snowshoe:*

- There is lots of information out there to help with land management. This plan can provide a mechanism for us to access this information.
- I hope there are some teeth to the plan. The plan should have some power to it.

- We want recognition by Governments that the GTC is the owner of the lands in the Yukon.

### **ACTION ITEMS FOR THE COMMISSION**

- The Commission will report back to the Ft. McPherson elders that participated in the land use and wildlife workshop last spring.
- The Commission to clarify what it means when it uses the term consult. Is it undertaking consultation as required under the UFA or just gathering information?
- Agenda item for SLC is to discuss options to “give effect” to an “approved” land use plan.
- Draft recommendations for the Senior Liaison Committee to consider on options for implementation.
- Commission is completing the information gathering stage. One gap is a shortage of traditional knowledge for the area.
- Commission members should publicly present their vision for the Peel watershed.

### **Closing Remarks**

Albert Peter, Albert Genier and Brian Johnston thanked the participants for their efforts and interest and encouraged them to continue to share ideas, concerns and issues with the Commission and amongst each other.