June 20, 2019

Honourable Minister Pauline Frost
Minister of Environment, Government of Yukon
Box 2703
Whitehorse, Yukon
Y1A 2C6

To Minister Frost;

Re: Beaver River Land Use Plan

In anticipation of the development of the all-season Tote Road by ATAC Resources Ltd. in the Beaver River watershed, the First Nation of Na-cho Nyäk Dun (FNNND) and the Government of Yukon (YG) entered into an agreement in January of 2018 to work together to prepare a Land Use Plan for the area. Within this agreement, the Yukon Fish and Wildlife Management Board was assigned in clause 1.(h) to develop an "adaptive, proactive fish and wildlife harvest regime that will address actual or anticipated harvest associated with the Tote Road."

Since being notified of this Agreement in December 2018, the Board has been involved with the Planning Committee to determine the next steps for developing the fish and wildlife harvest regime for the Planning Area within the Beaver River watershed. While this work has been productive and the Board is committed to continuing our participation in this planning process, we would also like to identify some key issues with the process to date, outlined below.

Firstly, the Board would like to address the concern expressed by the Mayo District Renewable Resources Council regarding the Board's involvement in this process, particularly that in developing the fish and wildlife harvest regime for the Planning Area as outlined in clause 1.(h) of the Agreement, the Board is overstepping the RRC's mandate as the "a primary instrument for local renewable resources management in that Traditional Territory" (UFA 16.6.1).

The Board's mandate is to act as "the primary instrument of Fish and Wildlife management in the Yukon" (UFA 16.7.1) – and while the management of the Beaver River watershed is of interest to Yukoners across the territory, the Board agrees that development of the harvest regime for the Planning Area falls more appropriately in the mandate of the Mayo District RRC, as this is a specific issue of local fish and wildlife management within the FNNND Traditional Territory. The Board was not notified at any point during the development of this Agreement that we would be assigned the responsibility to develop the fish and wildlife harvest regime

within the Planning Area, and as such has not intentionally endeavored to overstep the RRC mandate.

The Board is willing and enthusiastic to continue participating in the planning process in order to deliver on the requirements of the Agreement. The Agreement has already recognized the local jurisdiction of the RRC within section 5, where it is stated that "the Parties will work with the Mayo District Renewable Resources Council to address management measures that support the conservation, including sustainable use, of wildlife populations and the protection of their habitat." Going forward, the Board requests that the Mayo District RRC be included in any discussions and decision-making for the development of the fish and wildlife harvest regime outlined in clause 1.(h).

The planning process for the Beaver River watershed, and the Agreement between FNNND and YG, may set the stage for future agreements of this kind as more road developments are proposed in different areas of the Yukon, particularly in light of the *Yukon Resource Gateway Project* announced in 2017. As the primary instrument of fish and wildlife management in the territory, the Board feels that within this process it is our responsibility to provide recommendations and guidance on how these types of agreements can be most effectively and successfully drafted and implemented in order to conserve fish and wildlife and their habitats for our future generations. We look forward to continuing this work with First Nations Governments and the Government of Yukon on the road that lies ahead.

Sincerely,

John Burdek, Chair

Cc: Mayo District Renewable Resources Council

First Nation of Na-cho Nyäk Dun