



Liard First Nation

Executive Council Office

P.O. Box 328 Watson Lake, YT Y0A 1C0

Phone: (867) 536-7901

Fax: (867) 536-7910

Email: ea@liardfirstnation.ca

Watson Lake
February 13, 2020

By email

John Bailey, Deputy Minister
10 Burns Road
Whitehorse, Y1A 4Y9

Dear Deputy Minister:

Re: Proposed changes to *Wildlife Act* administration of First Nations Community Group traplines (Administrative Change #3)

We write to you today to raise concerns about this proposal and its effect on Yukon First Nations without Final Agreements. We recognize that these changes to the *Trapping Regulation* are intended to make Yukon law consistent with Chapter 16 of Final Agreements, and that the proposed approach would formalize current practice with respect to Community Group traplines owned by First Nations with Final Agreements.

However, it is not clear whether or how the change would affect First Nations without Final Agreements that also own Community Group traplines, and whose citizens exercise a broad Aboriginal right to trap for the purposes of obtaining a moderate livelihood throughout their entire traditional territories.

Eleven Yukon First Nations exchanged their Aboriginal rights for clearly defined treaty rights. As part of that bargain, they accepted Final Agreement rights that were often narrower and more restrictive than the Aboriginal rights they previously enjoyed. Three Yukon First Nations, including LFN, made no such bargain. Our citizens continue to exercise constitutionally-protected Kaska Aboriginal rights that are not subject to the limits prescribed by Final Agreements. In LFN's case, for example, our citizens' right to trap is not limited to trapping for subsistence as we have never agreed to give up our rights to trap commercially throughout Kaska traditional territory.

LFN wants to ensure that any changes in First Nations' regulatory authority with respect to group traplines also benefits LFN equally. We hold RTC #365, a group trapline located south and west of Watson Lake. As a Kaska rights-holder speaking on behalf of its citizens, LFN manages the exercise of Kaska Aboriginal trapping rights within RTC #365 through the assignment and geographic demarcation of trapline areas. However, our Nation's management of those rights, including rights to trap commercially for a

moderate livelihood, extends throughout Kaska traditional territory.

Changes to the *Trapping Regulation* should recognize and support our traditional management and governance practices – and the Indigenous land use patterns that inform them – by extending formal regulatory authority to LFN. Amendments to regulation that leave LFN worse off than Final Agreement First Nations would be indefensible and inappropriate and would not promote reconciliation.

Yukon Government (“YG”) and Final Agreement regulatory bodies have often failed to recognize and respect the continued relevance of Kaska Aboriginal rights in a territorial jurisdiction where most First Nations have signed modern treaties. We realize that the current proposal is not intended to recognize or implement an approach to Aboriginal rights that exist outside of Final Agreements. However, to the extent that the proposal gives Final Agreement First Nations more control over the management and governance of Community Group traplines, it should also provide that same authority to LFN with respect to its group trapline and its role in managing exercises of Kaska aboriginal rights more broadly.

For clarity, the current statutory and regulatory regime fails to acknowledge and recognize the Kaska right to trap to obtain a moderate livelihood. YG is in possession of extensive evidence that, prior to contact with Europeans, Kaska peoples traded extensively in furs with Indigenous trade partners. A law and regulatory regime that fails to account for the full spectrum of Kaska Aboriginal rights and land use patterns infringes those rights and is not a justified infringement. If YG intends to follow Canada and British Columbia’s leads on reconciliation, a regime that adequately recognizes our rights and our role in managing their exercise is essential and long overdue.

Liard First Nation



Councillor Travis Stewart

cc. Kaska Chiefs
Graham Van Tighem, Executive Director, FWMB