



"The primary instrument for Renewable Resource Management in the Tr'ondëk Hwëch'in Traditional Territory."

May 12th, 2022

Yukon Fish and Wildlife Management Board (YFWMB)
Box 31104
Whitehorse, YT
Y1A 5P7

Dear YFWMB and staff,

RE: Trapline Concession Allocation Proportions

The Dawson District Renewable Resources Council (DDRRRC) is currently in the process of reviewing the *Trapline Allocation Criteria & Guidelines for the Tr'ondëk Hwëch'in Traditional Territory*. As a result of our review, we have encountered an issue stemming from our requirement to comply with provisions of the *Tr'ondëk Hwëch'in Final Agreement (THFA)* related to the allocation of traplines. The THFA states that the overall allocation of traplines in each Yukon First Nation's Traditional Territory shall be approximately 70 percent held by Yukon First Indian People and aboriginal people who are beneficiaries of Transboundary Agreements and approximately 30 percent held by other Yukon residents (THFA - 16.11.3). The THFA also states that where the realization of the overall allocation in a Yukon First Nation's Traditional Territory would require that more traplines be allocated to Yukon Indian People, the acquisition of those additional traplines shall be completed within 25 years of the Effective Date of that First Nation's Final Agreement (THFA - 16.11.3.1).

On July 16th, 2022, the THFA will have been enacted for 24 years. With the THFA and many of the other Yukon Self-Governing Final Agreements that contain these same provisions soon approaching or have approached 25 years of enactment, we are writing to ask that the provisions related to trapline allocation proportions detailed in the Final Agreements be investigated by the YFWMB and discussed with the affected First Nations and Renewable Resource Councils.

We also wish to bring to your attention an observed disadvantage for Yukon First Nation Indian People redesignating a trapline from Category 2 to Category 1, as defined in the THFA. A Category 1 trapline may only be temporarily assigned to other qualified Yukon Residents, and such assignments shall not alter the Category 1 status of the trapline (THFA - 16.11.10.3). Our understanding of this provision is that a Category 1 trapline cannot be sold or permanently transferred to another Yukon Resident. This observed disadvantage may be contributing to

c: Darren Taylor (Director, Tr'ondëk Hwëch'in Natural Resources Department)
c: All Yukon Renewable Resources Councils

DDRRRC

DAWSON DISTRICT
RENEWABLE RESOURCES COUNCIL



P.O. Box 1380
Dawson City, Yukon
Y0B 1G0

Phone: (867) 993-6976
Email: dawsonrrc@northwestel.net

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target trapline allocation proportions not being met within the 25-year timeframe, if Category 1 vs. Category 2 designation is used to quantify trapline allocation proportions. This raises another issue we have observed when assessing if target trapline allocation proportions have been met. Should the parties assess trapline allocation proportions based on designation of Category 1 vs. Category 2? Or should the parties assess trapline allocation proportions with regards to provisions 16.11.3 and 16.11.3.1. If the later, one provision applies to Yukon Indian People and aboriginal beneficiaries of Transboundary Agreements (16.11.3), while the other applies only to Yukon Indian People (16.11.3.1). This discrepancy should also be investigated, and a legal opinion sought to provide clarity for the parties assessing if target trapline allocation proportions have been met.

We apologize for not bringing this to the attention of the YFWMB and other Renewable Resource Councils during the April 2022 Chairs Meeting. This issue was flagged during a recent meeting between the DDRRC and Tr'ondëk Hwëch'in staff.

Regards,

Mark Wierda (DDRRRC Co-chair) on behalf of the DDRRC.

c: Darren Taylor (Director, Tr'ondëk Hwëch'in Natural Resources Department)
c: All Yukon Renewable Resources Councils