



Annual Review 1995-1996

Yukon Land Claims Agreement



Published under the authority of the
Minister of Indian Affairs and Northern Development
Ottawa, 1997

1995-1996 Yukon Land Claims Agreement
QS-Y118-000-EE-A1
Catalogue No. R31-11/1997E
ISBN 0-662-26393-6

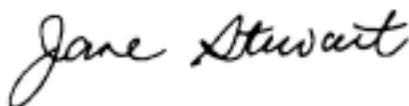
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MINISTER'S FOREWORD

On February 14, 1995, the Council of Yukon Indians Umbrella Final Agreement and final comprehensive land claim and self-government agreements for four of 14 Yukon First Nations came into effect. This event, the culmination of more than 20 years of negotiations, truly marks a new beginning in relations between the governments of Canada and the Yukon and Yukon First Nations.

The first report on the implementation of the four Yukon First Nation land claims agreements is the culmination of the efforts of the Teslin Tlingit Council, the Champagne and Aishihik First Nations, the Vuntut Gwitchin First Nation, the First Nation of Nacho Nyak Dun, and the Governments of Yukon and Canada. These achievements and milestones identified in the report are evidence to the benefits of partnership, effective communication and the individual and collective wills of the parties to work together to ensure the implementation of these Agreements. The activities during this initial period have not been without challenges, but the parties have worked diligently and co-operatively to achieve desired results.

I am particularly pleased with the spirit of good will and cooperation that marked this first year of implementation. I look forward to continued growth and success in the future.



The Honourable Jane Stewart, P.C., M.P.
Minister of Indian Affairs and Northern Development

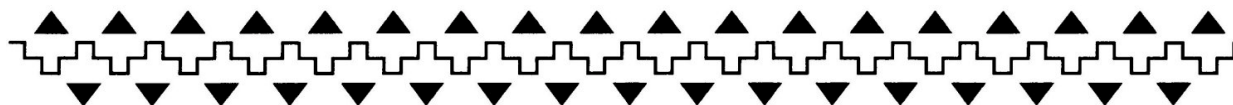
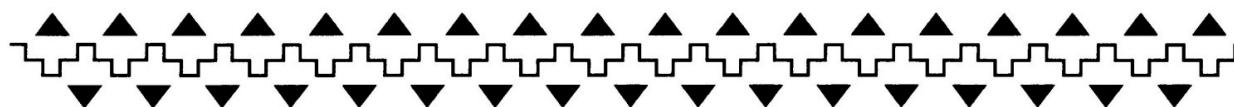


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INTRODUCTION

The Yukon Territory is home to 14 individual First Nations representing approximately 8,000 Yukon Indian People (see Appendix 1). In 1973, these First Nations formed an umbrella organization known as the Council For Yukon Indians (CYI) in order to pursue a comprehensive land claim with the federal government. In 1995, the CYI changed its name to the Council of Yukon First Nations (CYFN).

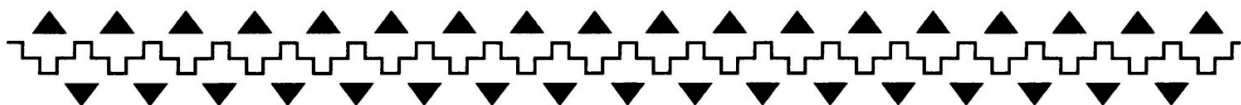
In 1990, Canada, Yukon and the CYI reached an agreement-in-principle which became the basis for the Council for Yukon Indians Umbrella Final Agreement (UFA). Shortly after the conclusion of the agreement-in-principle, the parties also agreed that, rather than a single territory-wide agreement, individual final agreements embodying the provisions of the UFA would be concluded with each of the 14 First Nations.

On May 29, 1993, representatives of Canada, Yukon and the CYI signed the UFA. Final agreements incorporating the UFA were signed between Canada, Yukon and the Teslin Tlingit Council, the Champagne and Aishihik First Nations, the Vuntut Gwitchin First Nation, and the First Nation of Nacho Nyak Dun on the same date.

At the same time, self-government agreements were concluded with the first four First Nations. These agreements are based on a "model" agreement, signed by the First Nations and the federal and territorial governments in 1991, that provides a basic structure for each First Nation's individual self-government. .

Enabling legislation in the form of the *Yukon first Nations Claims Settlement Act* (Bill C-33) and the *Yukon First Nations Self-Government Act* (Bill C-34) was assented to on July 7, 1994. The *Yukon Surface Rights Act* (Bill C-55), an essential companion piece of legislation, was assented to on December 15, 1994. February 14, 1995 was established by the Governor in Council as the effective date of the *Yukon Surface Rights Act*, the land claim and self government settlement legislation, and of the first four First Nation final agreements.

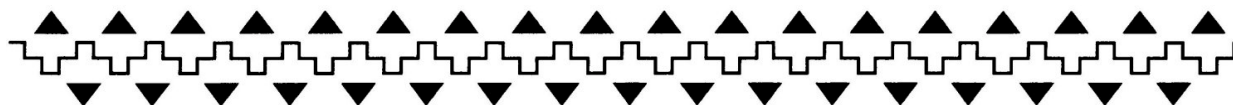
Negotiations to conclude final agreements with the remaining 10 First Nations continued. It is expected that several more final agreements will be concluded shortly.. The focus of this review, however, is the first year of implementation of the first four land claim settlement final agreements.





IMPLEMENTATION HIGHLIGHTS

- Timely payment of all required financial compensation payments and implementation grants.
- Establishment of the Fish and Wildlife Enhancement Trust and the Training Trust, and payment of trust fund contributions.
- Nomination and appointment of members to the implementation bodies established pursuant to the UFA and final agreements (except the Dispute Resolution Board and the Regional Land Use Planning Commissions).
- Completion of funding arrangements with implementing bodies to enable them to commence operations.
- Establishment of a multi-party implementation working group to monitor progress and resolve issues.
- Initiation of the Yukon Drainage Basin Salmon Harvest Study.
- A symposium held on new relationships and the implementation of Yukon land claim settlements, sponsored by the CYFN and Yukon College.
- Commencement of the program to survey First Nations settlement lands.
- Resolution of the commencement date for a First Nations property tax assistance program.
- Establishment of a national wildlife area in the Nisutlin River Delta within the Teslin Tlingit Council traditional territory.
- Consultation with First Nations on the Yukon *Historic Resources Act*.



SUMMARY OF IMPLEMENTATION ACTIVITIES

IMPLEMENTATION WORKING GROUP

The UFA Implementation Plan and the First Nations implementation plans require each party to name a representative to act on its behalf in resolving implementation issues. While there are no requirements in the Yukon agreements for a formal committee, the parties agreed to establish an informal implementation working group to monitor the implementation of the agreements and to address implementation issues. The working group consists of representatives of each of Canada, Yukon, the CYFN and the four First Nations with completed final agreements.

During the first year, the working group met five times in Whitehorse. It proved to be an excellent forum for the parties to inform each other of progress, issues and future priorities. In particular, the working group enabled parties to discuss, clarify and resolve issues of mutual concerns. A wide range of issues were discussed during the year. Highlights include resolution on a commencement date for property tax assistance to First Nations and a complete review of first year obligations and activities undertaken by the parties.

BOARDS, COUNCILS, COMMITTEES AND COMMISSIONS

The UFA provides for the establishment of (or for First Nations nominations to) several implementing bodies with responsibilities for managing wildlife resources, conducting environmental impact assessments and reviewing development proposals, planning and regulating land and water use, addressing heritage issues, settling disputes that may arise in the interpretation of the Agreement,

and for determining who is qualified to participate as a beneficiary of the Agreement.

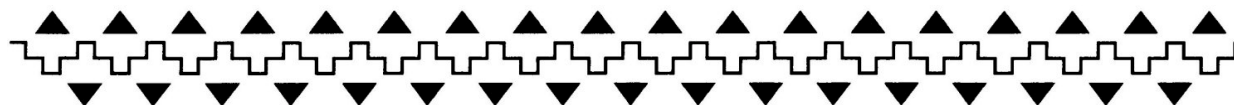
The UFA sets out the membership, functions and time frames for the establishment of each implementing body. The Yukon Water Board, the Yukon Surface Rights Board (SRB) and the yet to be established Yukon Development Assessment Board operate under separate legislation. The provisions of the UFA give First Nations a guaranteed number of nominations to the membership of these bodies and set out the scope of powers to be covered by the enabling legislation.

Generally, funding support and the appointment of members to the implementing bodies are the responsibility of the government in whose jurisdiction their main functions fall. The Fish and Wildlife Management Board (FWMB), the Renewable Resources Councils (RRCs), the Yukon Heritage Resources Board (YHRB) and the Yukon Geographical Place Names Board (YGPNB) fall within the jurisdiction of the Yukon government. The Surface Rights Board, the Water Board, the Land Use Planning Council (LUPC), the regional land use planning councils, the Salmon Sub-Committee (SSC), the Enrollment Commission and the Dispute Resolution Board are supported by Canada. Canada provides an annual contribution to Yukon to fund the operation of the implementing bodies whose functions fall within the jurisdiction of the Yukon government.

Appendix 4 lists the implementing bodies and their membership.

Enrollment Commission

The Enrollment Commission was established under the provisions of the UFA on July 1, 1989. Settlement legislation gives the Enrollment Commission the powers to determine eligibility for enrollment, to hear and determine any appeal respecting enrollment, and to provide for the enforcement of any order or decision. This



Commission is an independent body operating at arm's length from the parties to the settlement agreements.

The membership comprises three commissioners, one nominated by the CYFN, one jointly by Canada and Yukon, and a third person chosen by the two nominees. Appointments are made by the Minister of Indian Affairs and Northern Development.

The Yukon Enrollment Commission has established working relationships with all Yukon First Nations, various other First Nations and government agencies. Reports are received on births, deaths, marriages and name changes from the Yukon government. The Yukon Family and Children's Services and the Commission work together to enroll Yukon First Nations descendants who have been adopted. An enrollment information package and applications were mailed to adoption agencies across Canada and Alaska. Advertising for enrollment to the Yukon Land Claim has appeared in major newspapers across Canada.

All 14 Yukon First Nations have established enrollment committees composed of no more than five members of that First Nation. Each committee has a coordinator who works closely with the Commission's coordinator. Training is provided on request to any enrollment coordinator.

As of March 31, 1996, there were 7,650 beneficiaries to the Yukon Land Claim, with 208 applications pending. During the reporting period, 388 applications were reviewed; 379 were approved and 9 required further documentation. Fourteen beneficiaries withdrew their applications. Of the total beneficiaries, 74 percent live within the Yukon, 17 percent live elsewhere in Canada, and 9 percent live outside Canada. Yukon land claims beneficiary lists are published annually.

The Enrollment Commission's draft appeal rules are circulating among the parties to the UFA, and are to be finalized in the 1996-97 fiscal year.

Yukon Geographical Place Names Board

The Yukon Geographical Place Names Board (YGPNB), established under the UFA, recommends to the Yukon government the naming or renaming of places or features located within Yukon. There are six members, three each nominated by the CYFN and Yukon. The Yukon Minister of Tourism responsible for heritage appoints the members.

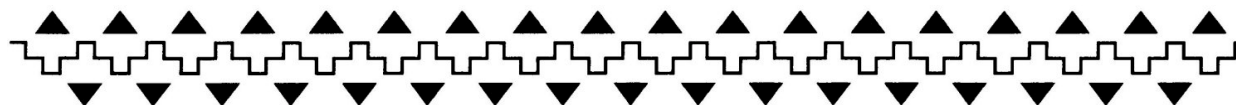
During 1995-96, the Board reviewed 50 applications for the naming of geographical features: 12 were approved and 38 assessed as incomplete or requiring additional information. At year end, 74 applications await Board review. Many of these require further research before the review can be completed.

The Board encourages the compilation of full supporting background information for all approved place names and ensures that suitable information is available for the promotion and interpretation of such sites.

Yukon Heritage Resources Board

The Yukon Heritage Resources Board (YHRB), established in March 1995 in accordance with the UFA, makes recommendations and provides advice to government and First Nations concerning the management of Yukon's heritage resources. It focuses mainly on movable heritage resources (objects) and sites. The Board must also consider ways to use and preserve First Nation languages and the traditional knowledge of Yukon Indian elders.

The Board has 10 members, with equal numbers nominated by the CYFN and Yukon. The Minister of Tourism responsible for heritage for the Yukon appoints the members.



The Board provided recommendations on amendments to the *Historic Resources Act*. The Board invited individuals and experts familiar with Yukon resources to speak about heritage issues and activities, such as the development of heritage legislation, preservation of heritage sites, the Development Assessment Process (DAP), and the heritage river designation process. Two consultant reports were commissioned: "Amendments to the Yukon *Historic Resources Act*" and "A Strategy for Rehabilitation and Re-Use of Heritage Buildings."

The Board considered methods for extending the Canadian heritage rivers program to include commemoration of the Yukon River during centennial celebrations of the Klondike Gold Rush. Two committees were established to consider financial matters and to develop policies, procedures and rules.

Yukon Land Use Planning Council

On the effective date of settlement legislation, February 14, 1995, the Yukon Land Use Planning Council (LUPC) was established, replacing the Land Use Planning Policy Advisory Committee established by the Agreement on Land Use Planning in Yukon of October 22, 1987.

The LUPC consists of three members, one each nominated by the CYFN, Canada and Yukon. The Minister of Indian Affairs and Northern Development appoints the members.

The Council makes recommendations to government and each affected First Nation on land use planning, including the identification of planning regions, priorities for regional land use plans and terms of reference for land use planning in Yukon which encompasses both general and specific requirements for each planning region. Once the LUPC has identified the planning regions, a regional land use planning council will be established for each region.

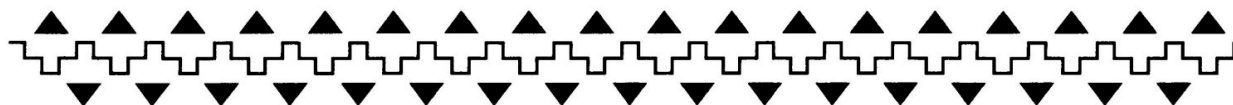
During the period covered by this review, the LUPC:

- established a secretariat to assist the Council in carrying out its mandate;
- conducted a workshop in February 1996 on community-based land use planning; and
- conducted a strategic planning exercise in February 1996 to develop a goals/objectives/actions statement for the LUPC.

The LUPC also began work on the following issues:

- developing a land use planning framework for Yukon;
- planning a series of workshops to gather information on regional and specific land use issues, land use conflicts, priorities and planning boundaries;
- developing a data base of Yukon land and resource planning initiatives and plans on a local, regional and territory-wide basis;
- identifying and documenting land use issues and conflicts relevant to land use planning in Yukon and developing an issues/options paper for distribution before the September 1996 workshop;
- building institutional relationships with First Nations governments and organizations, select UFA bodies, federal and territorial departments and agencies, client and stakeholder groups and the public; and
- planning and coordinating a workshop on First Nations traditional knowledge and experience.

The LUPC is also preparing a communications strategy to assist in educating and advising Yukoners on land use planning and the Council's role. A video and brochure have been completed and will be used as information segments in a series of community visits.





Yukon Surface Rights Board

The Yukon Surface Rights Board (SRB), created under the UFA, was established on June 2, 1995 pursuant to the *Yukon Surface Rights Board Act* (Bill C-S5). The Board's primary mandate is to manage the disputes respecting surface rights that fall within its jurisdiction. The SRB is to consider applications in an informal and expeditious manner while adhering to the Board's procedural rules and rules of natural justice and procedural fairness.

The membership of the SRB is to consist of no more than 10 members, one half of which are nominated by the CYFN plus a chairperson nominated by the members. The members, including the chairperson, are appointed by the Minister of Indian Affairs and Northern Development. The SRB currently has four members plus the chairperson.

The Board's activities in the first few months consisted of orientation to the UFA and the *Yukon Surface Rights Board Act*. This included the Surface Rights Board Workshop in October, 1995 where a start-up plan was developed. The key issues identified were the development of board rules of procedure and bylaws.

The Board developed draft rules of procedure which were published in the *Canada Gazette*, Part 1 on March 23, 1996 and notice was published in the *Yukon News* commencing March 22, 1996. The Board also requested input from various government departments, First Nations, mining associations, and other organizations and individuals. The Board received eight submissions. These were thoroughly reviewed while finalizing the procedural rules. The final rules of procedure will be available in April 1996.

There have been several inquiries to the Board by individuals but there were no applications during the year.

Yukon Water Board

The Yukon Water Board which has responsibility for regulating the use of water in the Yukon Territory was a pre-existing board at the time of the Yukon land claims settlement. The UFA provides for the CYFN to nominate one third of the members of the Board and sets out a number of specific provisions with respect to water management in Yukon. Appointments to the Board are made by the Minister of Indian Affairs and Northern Development.

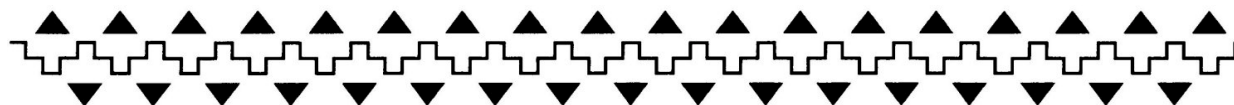
Fish and Wildlife Management Board

A Fish and Wildlife Management Board (FWMB) was established as the primary instrument of fish and wildlife management in Yukon. The Board comprises six nominees of Yukon First Nations and six nominees of government appointed by the Minister of Renewable Resources for Yukon. The Board may make recommendations on all matters related to fish and wildlife management, legislation, research, policies and programs.

Dispute Resolution Board

The Dispute Resolution Board was established to provide a comprehensive dispute resolution process for disputes arising from the interpretation, administration or implementation of settlement agreements or settlement legislation and to facilitate the out-of-court resolution of disputes in a non-adversarial and informal atmosphere. The Board consists of three members jointly selected and appointed by the CYFN, Canada and Yukon.

The appointment of members was not yet confirmed at the end of the period covered by this review.





Salmon Sub-Committee

A Salmon Sub-Committee (SSC) is established under the UFA as the primary instrument of salmon management in Yukon. The SSC consists of two members assigned from the membership of the FWMB and two nominated by the Minister of Fisheries and Oceans. In addition, the affected First Nation for each of the Yukon River, Alsek River and Porcupine River drainage basins nominates two members who sit on the SSC for matters affecting the respective drainage basins.

The Minister of Fisheries and Oceans appoints the members.

Six meetings were held during the year with good attendance and progress on management issues. Three of the six meetings took place in outlying communities.

Renewable Resources Council

The UFA provides for the establishment of a renewable resources council (RRC) in each First Nation's traditional territory as a primary instrument for local renewable resources management in that territory. Subject to transboundary agreements and First Nations final agreements, the membership of each

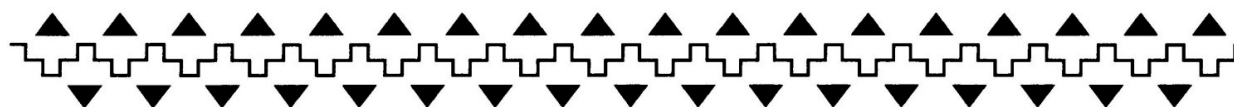
council is to be composed of three nominees of the Yukon First Nations and three nominees of the Yukon appointed by the Minister of Renewable Resources. The Minister also appoints a chairperson nominated by each RRC from its membership.

Four RRCs have been established, one for each of the traditional territories of the First Nations with final agreements.

Settlement Land Committees

Pursuant to the UFA, each First Nation final agreement establishes a settlement land committee to make recommendations on the surveying of settlement lands, including site-specific selections, survey priorities and surveying special management areas boundaries. The committees each consist of two members appointed by government and two appointed by the First Nation. The Surveyor General appoints a representative to chair the committee.

Settlement land committees for the four First Nations with final agreements were established during the reporting period. Each made recommendations which formed the basis of the 1995-96 survey program for Natural Resources Canada's Legal Surveys Division.



FIRST NATIONS

Champagne and Aishihik First Nations

The Champagne and Aishihik First Nations (CAFN) are primarily located east of the village of Haines Junction, the first major community northwest of Whitehorse on the Alaska Highway. As of December 1993, the population of Haines junction was 805, with CAFN members making up approximately 25 percent. Haines junction is the site of Parks Canada's administration headquarters for Kluane National Park, a world heritage site.

During the reporting period, the CAFN carried out a number of implementation activities. A constitution was adopted by the membership, and some drafting of laws was undertaken. First year funding was completed through a financial transfer agreement. Funding for boards was also completed. The CAFN appointed a representative to monitor the implementation plan, and nominated members to the Renewable Resources Council, the Kluane National Park Management Board and the Settlement Land Committee.

The CAFN has invested funds with the assistance of investment counsellors, and has appointed a board of trustees to oversee investments and manage compensation funds.

Several land and resource issues were dealt with, including the process of surveying settlement lands, meetings with overlapping First Nations, negotiations on specific transboundary claims, participation in specific management planning initiatives, forestry and management of fish and wildlife resources.

First Nation of Nacho Nyak Dun

The First Nation of Nacho Nyak Dun (NND) inhabits land in and around the village of Mayo, located 407 kilometres north of Whitehorse on the northern bank of the Stewart River. Historically, it's a fur trade centre and currently, there are approximately 78 traplines in the area.

The NND internal activities included implementing its constitution, passing initial laws in developing self-government and land and resources acts, establishing the Land and Resources Department, drafting land use regulations and negotiating a firefighting contract. Other activities included the revision of administration and finance policies and the modification of financial reporting, the negotiation of impact and benefit and/or framework agreements with two mining companies and the establishment of a separate development corporation.

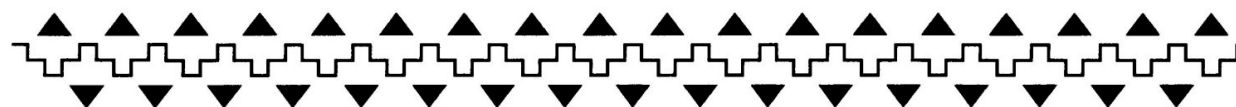
The NND took initial steps in the management of financial resources by establishing a compensation fund management plan. Some income from this fund has been used for enhancing programs and services for NND citizens.

In the area of intergovernmental activities, the NND supported the Implementation Working Group and feels its activity has been very productive in the early stage. The Settlement Land Committee is operational and the survey of NND land is in progress. The Mayo Renewable Resources Council operated throughout this period and participated in several planning and review efforts, including the preparation of the draft Bonnet Plume River management plan and the Outfitters Quota Study. Working relationships at the government department level are being established to achieve effective co-management regimes.

Vuntut Gwitchin First Nation

The Vuntut Gwitchin First Nation is located in Northern Yukon inside the Arctic Circle. Its main population centre is the community of Old Crow on the banks of the Porcupine River. It is accessible only by air, or by boat in summer from Fort Yukon, Alaska.

The Vuntut National Park has been created in the Old Crow Flats region. The park was created on the effective date of the Final Agreement and features prominently in the Agreement.





No report was available from the Vuntut Gwitchin First Nation for this review period.

Teslin Tlingit Council

The Teslin Tlingit Council has its main headquarters in the community of Teslin, located 160 kilometres south of Whitehorse on the Alaska Highway.

No report was available from the Teslin Tlingit Council for this review period.

Council of Yukon First Nations

The Council of Yukon First Nations (CYFN) is the successor organization to the Council for Yukon Indians (CYI). It has several implementation obligations pursuant to the UFA and the UFA Implementation Plan. Activities undertaken during the reporting period include:

- Representation of Yukon First Nations on all implementing bodies established pursuant to the UFA. The CYFN nominates members to all implementing bodies with territory-wide jurisdiction. During the year, the CYFN made all the necessary nominations which allowed the appointments to take place. These appointments ensured that Yukon First Nations were and are involved in all facets of those issues dealt with by the particular board or committee, in accordance with the UFA.
- Holding the Boards and Committees Workshop with approximately 50 people attending. The participants were from UFA boards and committees, and First Nations communities. A handbook was developed and distributed to participants and to board and committee members.

Implementation of General Information Strategy

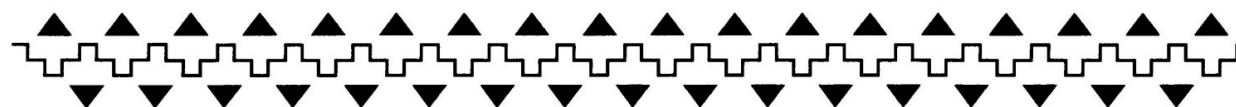
- Yukon College/CYFN Claims Symposium: "A Shared Journey: New Relationships and the Yukon Land Claim" offered a unique opportunity for Yukon First Nations' leaders and citizens to present their vision for the

future in the Yukon Territory. The symposium was designed to allow Yukoners and Canadians to increase their knowledge of the Yukon land claims process, and to gain an understanding of the land claims and self-government agreements. The conference, attended by delegates from across Canada, Yukon and elsewhere, was a success.

- A newsletter on the UFA and related land claims activities has been developed, with the first edition available in July 1996. Depending on the quality and quantity of information, the newsletter may be produced on a bimonthly basis.
- A series of 11 one-minute radio and television commercials was produced. Preliminary discussions have taken place and the work will soon be contracted for at least two videos.
- A land claims briefing book was redrafted. This book is an updated version of the booklet "Understanding the Umbrella Final Agreement," and will include easy-to-read summaries of the UFA chapters and a history of the land claims. Once produced, it will be made available to First Nations and the general public.

Other Projects

- Yukon Harvest Support Program: Consultations were held with each Yukon First Nation, and a program was designed to meet a diverse set of needs and interests. A draft of the report will be presented to the CYFN leadership for approval.
- Survey of Settlement Lands: A committee, composed of the CYFN, Yukon First Nations and the Legal Surveys Division of Natural Resources Canada, has been reviewing the contracting process and request for proposals tender documents. The working group, operating within the existing contracting process, strengthened First Nations participation clauses and the weight given to proposals which best involve and distribute benefits to First Nations.





- **First Nations Financial Institutions Feasibility Study:** Preliminary discussions with both the federal and territorial governments are under way. CYFN leadership has approved the necessary steps to complete the study.
- **Human Resource Study:** This document lays out the training requirements resulting from the UFA. Priorities were drawn from submitted training plans. Options are outlined on training availability and location. Copies have been distributed to all Yukon First Nations and the Training Policy Committee. Once a First Nation submits its training plan, the Committee sets up meetings to review the submission.

YUKON GOVERNMENT

The Yukon government's implementation obligations and activities under the UFA and Yukon First Nation final and self-government agreements are identified in each agreement's implementation plan.

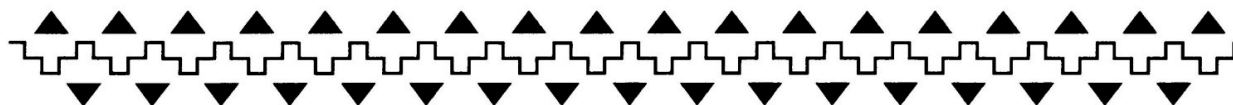
The following are the highlights of implementation activities carried out by some Yukon government departments during the reporting period. Further information is available through the Yukon Government Land Claims Secretariat.

Executive Council Office, Land Claims Secretariat

The Implementation and First Nations Relations Unit within the Land Claims Secretariat is responsible for negotiating implementation plans and coordinating the Yukon government's implementation activities. Officials from the Secretariat represent the Yukon government at multiparty implementation working group meetings where Yukon First Nations with agreements, the CYFN and the Government of Canada are represented. This working group addresses issues of concern in implementation.

During the year, the Secretariat oversaw the establishment of various Yukon boards and committees created by the agreements. It ensured the timely appointment of members and undertook the required consultations with the CYFN and Yukon First Nations on the contribution agreements between the Yukon government and each of the boards. The Secretariat, along with representatives from the federal government and the CYFN, also coordinated and delivered UFA orientation sessions to the boards and committees; this work will continue throughout the coming year.

The Secretariat is the Yukon government's lead department for work on the development assessment legislation. Officials from the Secretariat were involved in discussions with



the CYFN and the federal government to develop this legislation.

Department of Renewable Resources

The Department of Renewable Resources (DRR) carries out the Yukon government's responsibilities for fish and wildlife under the UFA, the final agreements and associated implementation plans. Over the last year, DRR worked extensively with the CYFN and individual First Nations to establish the FWMB and four RRCs. The Minister of Renewable Resources appoints the members of the FWM13 and the RRCs and approves their operating budgets.

In co-operation with the Vuntut Gwitchin First Nation, the DRR has done preliminary work toward the development of a management plan for the Fishing Branch Ecological Reserve. The work included a comprehensive report on the potential of human impacts on the grizzly bear population in the Fishing Branch River Valley and the production of two videos to be used during the management planning process.

DRR has been working with the FWMB and the existing RRCs in a number of areas, including:

- an integrated big game management plan with the Mayo District RRC;
- sheep and moose reference manuals with the Alsek and Vuntut Gwitchin RRCs;
- completion of annotated bibliographies for wildlife studies in four traditional territories;
- development of outfitter quotas for moose and caribou;
- distribution of trapline administration files to RRCs and First Nations with final agreements;
- development of standard formats to aid RRCs in preparing annual budgets and progress reports; and
- streamlining the nomination and appointment process for RRC members.

DRR also signed a memorandum of understanding with the Teslin Tlingit Council respecting conservation, education and renewable resources compliance.

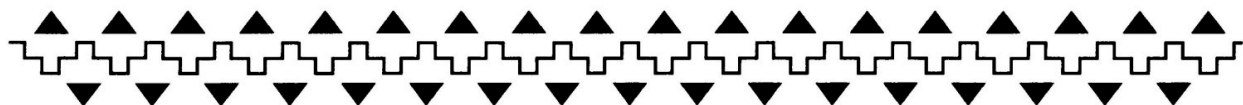
Public information maps were produced which show settlement lands and no-hunting areas. Relevant land claims information has also been added to annual fishing, hunting and trapping summaries.

Department of Tourism, Heritage Branch

The Department of Tourism, Heritage Branch is responsible for implementation activities of the Yukon government with respect to heritage - related obligations in the final agreements. The Branch facilitated the establishment of the YHRB and the YGPNB in 1995 and provided interim secretariat assistance to the boards to ensure their successful inauguration. The Minister of Tourism appoints the board members and approves their operating budgets.

During the year, the *Historic Resources Act* and its amendments were proclaimed to ensure consistency with Yukon First Nation final agreements. The amendments were based on the recommendations of the YHRB. Consultation was carried out with Yukon First Nations as part of this process. The *Historic Resources Act* was proclaimed in April 1996 and will help to implement heritage provisions of the agreements.

Heritage Branch began work with First Nations to develop management plans for four heritage sites specified in the First Nation final agreements: Rampart House and Lapierre House near Old Crow, Lansing, near Mayo, and Sha'washe (Dalton Post) near Haines Junction. Completion of the plans is expected by 1997. The Branch also provided copies of its inventories of heritage sites within traditional territories to the four Yukon First Nations with final agreements, and participated in the economic opportunities planning process for the Champagne and Aishihik First Nations.





Department of Education

During the review period, a Department of Education presentation to the First Nation of Nacho Nyak Dun and the Champagne and Aishihik First Nations dealt with making apprenticeship programs more flexible. The Department is also promoting greater participation in the apprenticeship programs by First Nation citizens. Similar work will begin with the Teslin Tlingit Council and the Vuntut Gwitchin First Nation in the near future.

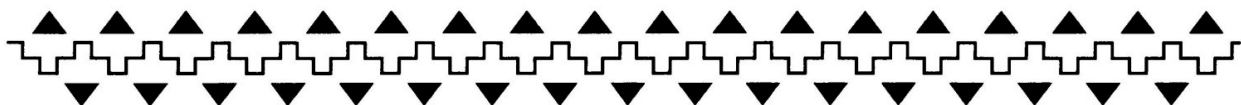
Officials in the Department are working with CYFN to ensure that First Nation training plans are developed in support of the activities of the Training Policy Committee. So far, training plans have been completed for Nacho Nyak Dun, Champagne and Aishihik, Kluane, Teslin, Little Salmon/Carmacks and White River First Nations, and plans are being developed for all remaining Yukon First Nations.

Representatives from the Yukon Archives are also preparing to work with the Department of Tourism's Heritage Branch and the federal government in developing a strategic plan to address the allocation of heritage resources in Yukon. The Archives is responsible for implementation activities relating to documentary heritage resources.

Department of Economic Development

Economic opportunities plans are identified as activities to take place in the early stages of final agreement implementation. The planning process is a joint exercise among Canada, Yukon and each First Nation. Good progress was made on the plan for the Champagne and Aishihik First Nations during the reporting period. The process was facilitated by the secondment to the First Nations of one of the Department's economic development officers and, in exchange, the Department provided a training position for a Champagne and Aishihik First Nations citizen. The economic opportunities plan for the Champagne and Aishihik First Nations should be completed in 1996. Preliminary tripartite talks with other First Nations with final agreements regarding initiation of the planning process have occurred.

The Department is also involved in the design of the Development Assessment Process legislation in collaboration with other Yukon government departments, the Department of Indian Affairs and Northern Development and the Council of Yukon First Nations.



GOVERNMENT OF CANADA

Department of Indian Affairs and Northern Development

The Department of Indian Affairs and Northern Development (DIAND) has a number of obligations pursuant to the UFA and final agreements and their implementation plans with respect to land, water, mines and minerals, forestry, development assessment, surface rights and economic development. DIAND also has the lead role in the negotiation of First Nation final agreements and the administration of First Nation self-government and implementation funding through financial transfer agreements. Most of these obligations are discharged through the DIAND's regional office located in Whitehorse.

During the review period, DIAND:

- assisted in the establishment of the SRB and the LUPC, including the nomination of federal members, participation in training and orientation sessions, review and approval of budgets;
- reviewed SRB rules and procedures and provided training to DIAND staff with respect to the powers of the Board and the provisions of the *Surface Rights Board Act*;
- provided the LUPC with technical expertise in the field of land use planning (assistance will be offered throughout the planning process);
- assisted with nominations to the Dispute Resolution Board and participated on the First Nation Settlement Land Committees;
- initiated development of the Development Assessment Process (DAP) and legislation;
- initiated several DAP interim measures including the Band Resource Officer program and the use of tripartite project review teams to ensure that projects authorized before

implementation of the DAP receive consideration consistent with the intent of the DAP;

- cancelled all notations and reservations to land set aside and notified First Nations about each cancellation (Lands Division also participated on all settlement land committees);
- consulted with the RRCs and/or First Nations on forest management policy and legislation, on the order of, and need for forest management plans and forest resource inventories;
- participated in a joint economic planning process with the Yukon government and Champagne and Aishihik First Nations; and
- completed, in a timely manner, all payments required under First Nations financial transfer agreements.

First Nation of Nacho Nyak Dun Final Agreement

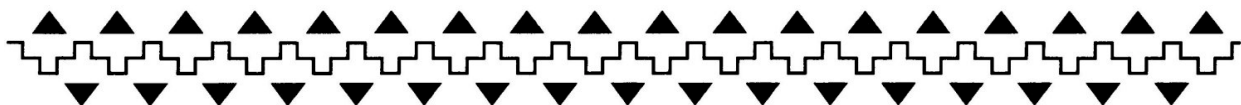
During the period:

- DIAND withdrew the mines and minerals from locating, prospecting and mining for the Horseshoe Slough Habitat Protection Area;
- the Peel River Watershed Advisory Committee concluded its work and submitted a report containing recommendations; and
- the Yukon government, DIAND and the Mayo District Renewable Resources Council jointly produced a draft Bonnet Plume River management plan for public review.

Vuntut Gwitchin First Nation Final Agreement

During the review period:

- DIAND withdrew the mines and minerals from locating, prospecting and mining for the Fishing Branch Ecological Preserve.



Champagne and Aishihik First Nations Final Agreement

During the review period:

- the Yukon government, DIAND and the Champagne and Aishihik First Nations completed a draft Canadian heritage rivers system nomination document for the Tatshenshini River. Based on this draft, the three agencies will carry out public consultations before submitting the nomination to the Canadian Heritage Rivers Board.

Environment Canada - Canadian Wildlife Service

Areas of specific responsibilities of the Canadian Wildlife Service pursuant to the UFA and final agreements and implementation plans include requirements relating to the *Game Export Act*, *Endangered Species Protection Act* and the *Migratory Game Birds Act*. The Canadian Wildlife Service also has a role in the development of management plans for special wildlife management areas.

- In April 1995, all Yukon First Nations were invited to an information session on the *Endangered Species Protection Act*. Presentations were also made with the Fish and Wildlife Management Board as part of a national consultation process.
- Work was also conducted on the report entitled "Yukon State of the Environment." This report is being compiled through consultation with an elders group from the Yukon First Nations and is scheduled for release in April 1996.
- An interim hunting management plan for Teslin Tlingit's Nisutlin Delta National Wildlife Area was completed in August 1995 through consultation with the Teslin Tlingit Council and its RRC. A workshop on the development of a management plan was held with the Teslin Tlingit RRC.

- In March 1995, the Vuntut Gwitchin First Nation RRC participated in the development of a management plan for the Old Crow Flats Special Management Area. Field studies in preparation for management planning for this area were carried out in June-August 1995. Two Vuntut Gwitchin band members were hired and trained in habitat studies, waterfowl banding and waterfowl survey methods.

Fisheries and Oceans Canada

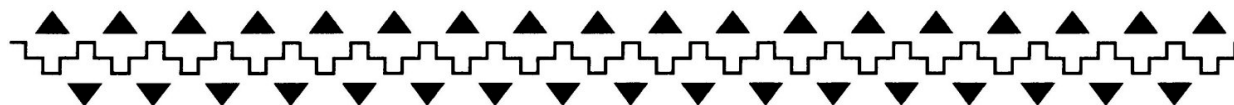
Department of Fisheries and Oceans (DFO) obligations in Yukon in relation to the UFA and the final agreements primarily focus on the management of salmon resources. Under the provisions of the UFA, the Salmon Sub-Committee (SSC) was established as the main instrument for salmon management. DFO is responsible for providing technical and administrative support to the SSC and for appointing members. A senior official of DFO serves as executive secretary to the SSC.

Highlights for the review period include the following:

- Salmon Sub-Committee: Appointed all members and assisted it to get started.
- Yukon River Basin Harvest Study: A steering group consisting of First Nations, CYFN and DFO representatives was formed. LGL Consulting of Sidney, B.C. was selected to conduct the study. All First Nations were consulted. In the first phase of the program, First Nations people were hired in the various communities to gather statistics.
- Commercial licences: Eight commercial licences were made available for issuance to the First Nations by DFO. Allocation of the licences will be made when First Nations reach agreement on their distribution.

Department of Canadian Heritage

Department of Canadian Heritage obligations under the UFA and the Vuntut Gwitchin and Champagne and Aishihik final agreements



primarily focus on the national parks and historic sites program.

Through the Vuntut Gwitchin Final Agreement, the Vuntut National Park was established. As well, the Champagne and Aishihik Final Agreement established one third of "a reserve for a national park in the southwest Yukon" as Kluane National Park. The Kluane National Park Management Board was established as a body to ensure co-operative management of the national park between Champagne and Aishihik and Canada.

The UFA obliges the Department of Canadian Heritage to work toward equity in program delivery between the culture and heritage of Yukon Indian people and Yukon at large.

During the review period, several activities took place:

- Kluane National Park Management Board: Members were appointed, the budget approved and a funding agreement signed. A review of the Kluane National Park Management Plan was initiated.
- Vuntut National Park: An impacts and benefits plan terms of reference was developed with the Vuntut Gwitchin First Nation. The first park warden trainee was hired, and a training plan was developed.
- Parks Canada is seeking to improve representation of Aboriginal sites in its National Historic Site system in Yukon. Carcross/Tagish First Nation and the Champagne and Aishihik First Nations received Parks Canada funding for research of the human history of their traditional lands.
- Hiring practices were reviewed to ensure increased opportunities for Yukon Indian people working for Parks Canada and the Department.

Human Resources Development Canada

Yukon First Nations must have human resource plans in place to access the Human Resources Development Canada (HRDC) Training Trust Fund established under the Yukon final agreements. Through the Pathways to Success Program, HRDC contributed to the development of human resource plans for 13 Yukon First Nations. In 1995-96, 11 First Nations completed their plans.

National Defence

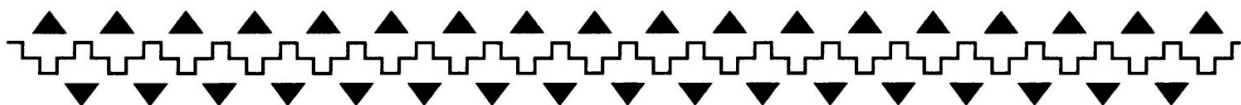
Headquarters Canadian Forces Northern Area communicates with affected Yukon First Nations and local communities in advance of any military training exercises. Between April 1995 and March 1996, seven such exercises occurred. As well, the five cadet units conducted three field training exercises and participated in a zone exercise at Minto in October 1995. A southern-based military unit conducted a sovereignty operation at Dawson in November 1995.

Natural Resources Canada - Legal Surveys Division

The Legal Surveys Division of Natural Resources Canada is responsible for surveying First Nation settlement land selections. It establishes its annual survey priorities based on recommendations made by settlement land committees.

During 1995-96, Legal Surveys Division:

- developed survey programs for each of the four First Nations with final agreements resulting in two survey contracts being issued and administered for each First Nation;
- provided a legal survey training program to prepare Vuntut Gwitchin First Nation members for survey work opportunities with contractors;
- completed survey contracts for the Vuntut Gwitchin First Nation, the Champagne and



Aishihik First Nations, the Teslin Tlingit Council and the First Nation of Nacho Nyak Dun; and

- established a working group to resolve outstanding survey issues, improve communication between First Nations and Natural Resources Canada and to explore means to maximize economic benefits to First Nations through the survey program.

Public Works and Government Services Canada

During 1995-96, Public Works and Government Services Canada continued to advertise procurement opportunities on its Open Bidding Service and to meet the requirements of the final agreements by notifying the four First Nations with final agreements of procurement opportunities in their areas.

Federal Implementation Coordination

The Claims Implementation Branch of DIAND, located at DIAND headquarters in Ottawa, is responsible for the overall co-ordination and monitoring of federal government obligations under the First Nation final agreements. The Branch represents Canada on the implementation working group and is also responsible for funding arrangements with the Yukon government, the CYFN and the SRB, the LUPC, the Enrollment Commission and the Dispute Resolution Board, and for making financial compensation payments to First Nations. It co-ordinates the appointment of members to the implementing bodies and is responsible for preparing the annual review of Yukon land claim agreements implementation.

During this review period, the Branch:

- coordinated appointments to a number of implementation bodies administered federally;
- negotiated the contribution agreements with the SRB and the LUPC;

- chaired several meetings of the working group and followed up on a wide range of issues raised, including property tax, forestry issues, loan repayment schedules, elders loans and First Nation access to status lists;
- participated in an all-party review of first year obligations; and
- delivered, in a timely manner, all compensation and payments due during the year.

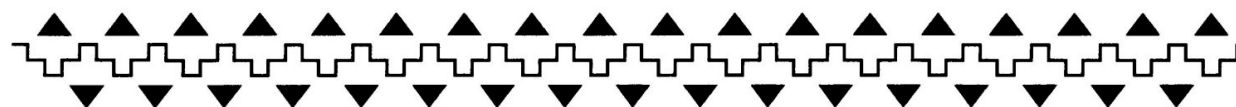
Funding was provided during the reporting period as follows:

Financial Compensation Payments

| | |
|--------------------------------------|-------------|
| Champagne and Aishihik First Nations | \$8,366,252 |
| First Nation of Nacho Nyak Dun | \$3,839,591 |
| Teslin Tlingit Council | \$5,303,302 |
| Vuntut Gwitchin First Nation | \$5,478,331 |

Implementation Funding

| | |
|---|-------------|
| Council of Yukon First Nations | \$5,632,225 |
| Salmon Sub-Committee | \$48,230 |
| Surface Rights Board | \$25,305 |
| Yukon Fish and Wildlife Enhancement Trust | \$577,702 |
| Yukon Government | \$3,356,837 |
| Yukon Indian People Training Trust | \$3,709,821 |
| Yukon Land Use Planning Council | \$62,300 |





APPENDIX 1:

YUKON FIRST NATIONS

Carcross/Tagish First Nation

Champagne and Aishihik First Nations

Dawson First Nation

First Nation of Nacho Nyak Dun

Kluane First Nation

Kwanlin Dun First Nation

Liard First Nation

Little Salmon/Carmacks First Nation

Ross River Dena Council

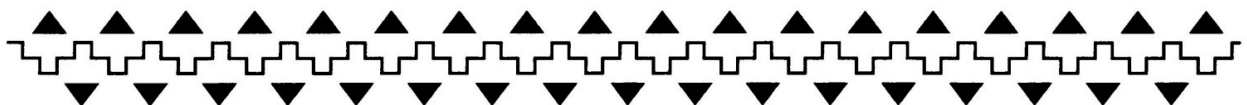
Selkirk First Nation

Ta'an Kwach'an Council

Teslin Tlingit Council

Vuntut Gwitchin First Nation

White River First Nation



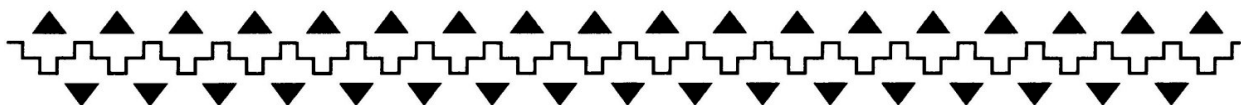
APPENDIX 2:

FEATURES OF THE UMBRELLA FINAL AGREEMENT

The Umbrella Final Agreement is a framework within which each of the 14 Yukon First Nations will conclude a final claim settlement agreement. All UFA provisions are a part of each First Nation final agreement. The quantum of settlement land and financial compensation guaranteed by the UFA are apportioned to individual First Nations based on a formula arrived at by the 14 First Nations.

Some key provisions are:

- title to 41,439 square kilometres (16,000 square miles) of land including Category A land with surface and sub-surface rights and Category B land with surface rights only, but including rights to materials such as sand and gravel;
- a total of \$246.6 million in financial compensation payments (1989 dollars). Individual First Nation shares are paid over 15 years, beginning when each final agreement is reached;
- \$6.5 million Yukon Indian People Training Trust (1988 dollars);
- a \$3 million Fish and Wildlife Management Trust;
- up to \$ 1.5 million for a Yukon River Drainage Basin for a Salmon Harvest Study;
- \$4 million (1990 dollars) as initial capital for the establishment of the Yukon First Nation Implementation Fund;
- \$26.57 million to be paid in exchange for the *Indian Act*, section 87, tax rights beginning on the third anniversary of the effective date of the UFA;
- rental revenues from surface leases and royalties from the development of non-renewable resources;
- rights to harvest wildlife for subsistence purposes throughout traditional territory;
- preferential harvesting of some species: exclusive harvesting on Category A settlement land;
- approximately 70 percent of the traplines allocated in each traditional territory;
- guaranteed one-third First Nation membership on the Yukon Water Board, the Dispute Resolution Board and the Yukon Land Use Planning Council and up to two-thirds representation on Regional Land Use Planning Councils;
- 50 percent representation on the Development Assessment Board, Surface Rights Board, Fish and Wildlife Management Board and the traditional territory Renewable Resources Councils;
- provisions for promoting and preserving the culture and heritage of Yukon Indians; and
- provisions for the ownership and management of heritage resources and designated heritage sites.





APPENDIX 3:

FEATURES OF THE FIRST NATION FINAL AGREEMENTS

Common Specific Provisions

- Participation in government employment, contracting and development projects in the traditional territory;
- options to acquire up to 25 percent of projects managed by the Yukon Government or its agencies or corporations in future non-renewable resource and hydro electric developments in the traditional territory; and
- economic developments and employment planning processes to increase economic development and government employment.
- Guaranteed participation in commercial freshwater, salmon fishery and sports fishing, adventure travel, forestry, outfitting and campsite operations in the traditional territory;
- Representation on the Kluane National Park Management Board;
- Proportional representation in public service positions in Kluane Park;
- Exclusive opportunity or right of first refusal for commercial operations in Kluane Park;
- Exclusive harvesting rights in Kluane National Park within the Champagne and Aishihik traditional territory;

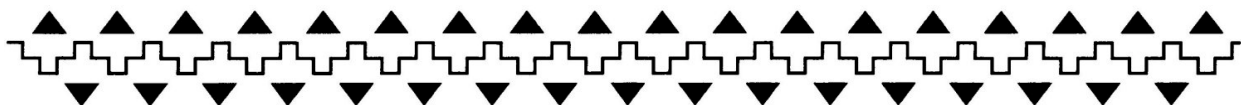
Champagne and Aishihik First Nations

- 1,230.24 square kilometres (475 square miles) of land with surface and sub-surface title (Category A); 1,165.49 square kilometres (450 square miles) of land with surface title only, but including rights to materials such as sand and gravel (Category B); and 31.52 square kilometres (12.17 square miles) of land set aside as reserve;
- \$31,937,855 in financial compensation payments over 15 years;
- specific moose harvests for subsistence needs;
- primary consideration in allocation of freshwater fish resources in traditional territory;
- priority allocation of minimum number of sockeye and Chinook salmon in the Alsek River basin;

- Establishments of a special management area to guide the development and/or management of Kluane National Park and Sha'washe and surrounding area, and joint management of the Tatshenshini River;
- Provisions to nominate the Tatshenshini River as a Canadian heritage river.

First Nation of Nacho Nyak Dun

- 2,408.69 square kilometres (930 square miles) of land surface and sub-surface title; 2,330.99 square kilometres (900 square miles) of land surface title only, but including rights to material such as sand and gravel; and 9.27 square kilometres (3.58 square miles) of land set aside as reserve;
- \$16,888,734 in financial compensation payments over 15 years.





- specific commercial wilderness rights in commercial freshwater fishing, adventure travel and commercial freshwater sports fishing;
- a comprehensive economic plan which may include preferential employment and business initiatives for the First Nation of Nacho Nyak Dun;
- subsistence harvesting rights of moose, woodland caribou, fish, birds, etc.;
- agreement to enter into negotiations with government and the Selkirk First Nation to establish the McArthur Wildlife Sanctuary as a special management area;
- representation on the Peel River Advisory Committee;
- establishment of a wetland habitat protection area at Horseshoe Slough;
- participation in management of the Peel River Watershed;
- designation and management of a trading post on Nacho Nyak Dun settlement land at Lansing as an historic site; and
- provisions to nominate the Bonnet Plume River as a Canadian heritage river.

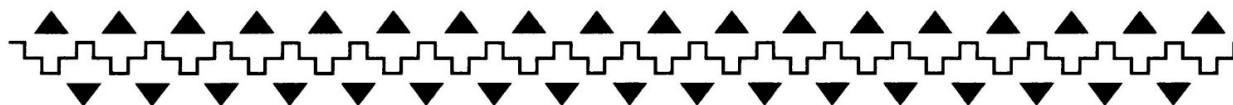
Teslin Tlingit Council

- 1,230.24 square kilometres (475 square miles) of land with surface and sub-surface title;
- 1,165.49 square kilometres (450 square miles) of land with title in surface only, but including rights to material such as sand and gravel;
- and 33.36 square kilometres (12.88 square miles) of land set aside as reserve;
- \$21,646,715 in financial compensation payments over 15 years;
- Guaranteed participation in commercial freshwater and sports fishing, outfitting and commercial wilderness adventure travel; certain employment opportunities for work related to heritage sites, forestry and surveying;
- Specific moose harvest for subsistence needs;
- Primary consideration in allocation of freshwater fish resources in traditional territory;

- Approval needed on any proposed game farming or ranching activities in their traditional territory when Teslin Tlingit harvesting rights may be affected;
- Establishment of the Nisutlin River Delta National Wildlife Area and preparation of a joint management plan which considers traditional and current use by Teslin Tlingit of the area;
- Rights to harvest wildlife and forest resources in Nisutlin River Delta National Wildlife Area;
- Provisions recognizing and protecting the heritage and cultural significance of several specific routes and sites and the Nisutlin River Valley.

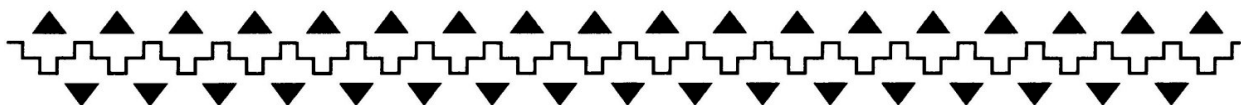
Vuntut Gwitchin First Nation

- 7,744.06 square kilometres (2990 square miles) of land with surface and sub-surface, title; 7.16 square kilometres (2.74 square miles) of land set aside as reserve;
- \$22,234,780 in financial compensation payments over 15 years;
- Exclusive rights to all new big game outfitting concessions within Vuntut Gwitchin traditional territory;
- All commercial salmon fishing licences and all commercial salmon sport licences in the Porcupine River drainage basin for 15 years; preferential rights afterward to any allocation of commercial and sport fishing salmon licences;
- Right of first refusal for commercial wilderness travel and commercial freshwater sport fishing in the Vuntut Gwitchin settlement territory;
- At least 50 percent of public service positions with the Vuntut National Park to employ Vuntut Gwitchin First Nation members;
- First option on business licences within the Vuntut National Park;
- Specific moose harvest for subsistence needs;
- Basic needs allocation of salmon in the Porcupine River drainage basin;





- Rights to subsistence level and harvesting in the Vuntut Gwitchin First Nation traditional territory;
- Three special management areas to be established: The Vuntut National Park, Fishing Branch Ecological Reserve and the Old Crow Flats Special Management Area;
- Provisions concerning the preparations of a land use plan before an all-weather road is constructed into the community of Old Crow;
- Provisions for the protection, ownership and management of heritage resources and designated historic sites; and
- Joint ownership and management of Rampart House and Lapierre House historic sites.





APPENDIX 4:

MEMBERSHIP - IMPLEMENTING BODIES

(as of March 31, 1996)

FISH AND WILDLIFE MANAGEMENT BOARD

Chair

Mike Smith

Members

Gerald Couture (Vice Chair)

Roger Alfred

Bruce Charlie

James Close

David Dickson

Shirley Ford

Elizabeth Hofer

Art Johns

Charles R. Stricker

Georgina Sydney

Douglas Urquhart

TESLIN RENEWABLE RESOURCES COUNCIL

Chair

Danny Denison

Members

Robert Lee Jackson (Vice Chair)

Carolyn Allen

Evelyn Hassard

Harry Morris

Doug Smarch Sr.

Sandy Smarch

Watson Smarch

Orville Smith

Frank Thomas

MAYO DISTRICT RENEWABLE RESOURCES COUNCIL

Co-Chairs

Dan McDiarmid

Frank Patterson

Members

Billy Germaine

Ralph Mease

J.D. Randolph

Jack Smith

Alternates

Joseph Kaye (First Nations)

Bernard Menelon (Government)

YUKON HERITAGE RESOURCES BOARD

Chair

John Ferbey

Members

Pat Van Bibber (Vice Chair)

Helen Couch

Denise Fras

Joe Johnson

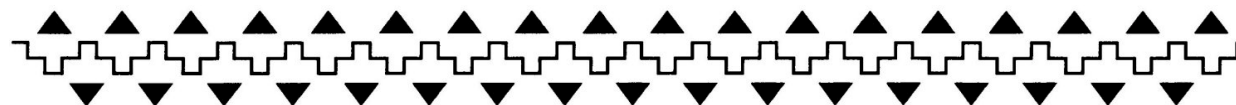
Paul Lackowicz

Harry Morris

Roy Moses

Peter Stone

Flo Whyard





ALSEK RENEWABLE RESOURCES COUNCIL

Chair

Mike Crawshay

Members

Mickey Beattie

Daryl Drift

Thomas Eckervogt

Harry Smith

Alex Van Bibber

YUKON GEOGRAPHICAL PLACE NAMES BOARD

Chair

Diane Chisholm

Members

Percy Henry

Gordon McIntyre

John Bitter

Daniel Tlen

Margaret Workman

YUKON TERRITORY WATER BOARD

Chair

Ron W. Johnson

Members

Dale Eftoda (Vice Chair)

John Bailey

Norma Kassi

Jean Gordon

Stephen Mills

Bruce Sova

Dietmar Tramm

VUNTUT GWITCHIN RENEWABLE RESOURCES COUNCIL

Chair

Roy Moses

Members

Vicki Josie (Vice Chair)

Harvey Kassi

Alice Frost

Two vacancies

Alternates

Joseph Kaye Jr. (Government)

Robert Netro (First Nations)

YUKON SURFACE RIGHTS BOARD

Chair

Stephen Mills

Members

Gerald Isaac

Emile D. Stehelin

F. Bruce Underhill

ENROLLMENT COMMISSION

Commissioner

Mary Jane Jim

Duncan Sinclair

Irene Adamson

Alternates

Dan Van Bibber

Irene Adamson

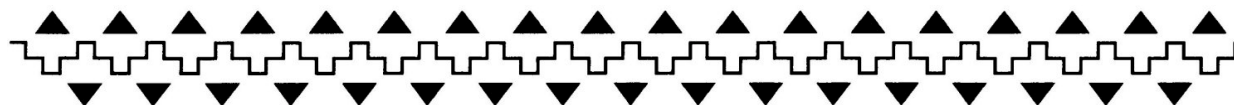
YUKON LAND USE PLANNING COUNCIL

Chair

Gerry Thick

Patrick James

Mike Phillips

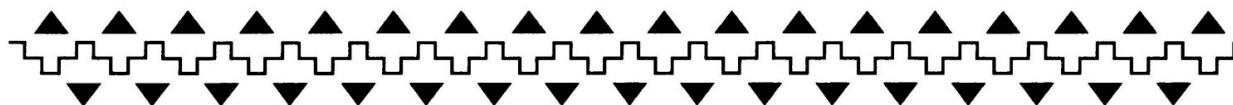




APPENDIX 5:

LIST OF ACRONYMS

| | | | |
|-------|---|-------|--------------------------------------|
| CAFN | Champagne and Aishihik First Nations | HRDC | Human Resources Development Canada |
| CYFN | Council of Yukon First Nations | LUPC | Land Use Planning Council |
| CYI | Council for Yukon Indians | NND | First Nation of Nacho Nyak Dun |
| DAP | Development Assessment Process | RRC | Renewable Resources Council |
| DFO | Department of Fisheries and Oceans | SRB | Surface Rights Board |
| DIAND | Department of Indian Affairs and Northern Development | SSC | Salmon Sub-Committee |
| DRR | Department of Renewable Resources | UFA | Umbrella Final Agreement |
| FWMB | Fish and Wildlife Management Board | YGPNB | Yukon Geographical Place Names Board |
| | | YHRB | Yukon Heritage Resources Board |





APPENDIX 6: MAP OF TRADITIONAL TERRITORIES

