



# HLRD REPORT

NOVEMBER 2010

## Local Area Planning for Marsh Lake

Land use plans have been completed for most areas around Whitehorse where there is development, such as the Ibez Valley to the north and the Golden Horn and Mount Lorne areas to the south. The largest remaining unplanned area is Marsh Lake.

KDFN and the Government of Yukon have initiated a Local Area Planning process for Marsh Lake. The boundaries for the planning area have been defined and Terms of Reference for the planning process are almost complete. KDFN and the Yukon government are currently nominating people to the committee.

The planning area will include places like the Judas Creek wetlands, the wetlands at the marina and the winter area of the Southern Lakes caribou. It will also include KDFN Settlement Lands near M'Clintock and Marsh Lake.

The Yukon government has agreed that they will not consider any spot land applications in the planning area while the land use planning process is underway. This is an important and significant decision. It will be easier to plan knowing new pieces of land will not be given out in the middle of the process.

We anticipate the entire planning process will take a couple of years. Over the next year, the planning committee will be consulting with KDFN citizens and other members of the public to learn about their concerns and about important values in the area.

### Why is it important to plan?

In Whitehorse and the surrounding area there are many different pressures on the land. People want to use the land for developments like houses or cottages, businesses, agriculture, gravel pits, mining, forestry

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Last Spring, KDFN's Elders Council endorsed plans to create a new cemetery along the Long Lake Road and to expand the existing cemetery at Marsh Lake (*shown in photo below*). This decision was based on earlier work by HLRD that included site visits and discussions with the Elders. HLRD is currently working on layout designs for these two areas. Later this year, we will seek direction from Chief and Council on the establishment of a new Long Lake Road cemetery and on the expansion of the Marsh Lake cemetery.



# Two main areas of work

“Heritage, Lands and Resources Department” is called “HLRD” for short.

HLRD’s work falls into two main categories:

1. Implementing the parts of our land claim agreement that deal with land and natural resources; and
2. Taking care of KDFN lands and heritage for the future.

## Implementing land claims

One of HLRD’s main responsibilities is to make sure many parts of the land claims and self-government agreements are put into place.

For example, HLRD staff participate in:

- surveying settlement lands;
- setting up Special Management Areas;

- managing fish & wildlife;
- land use planning; and
- forest management planning.

These are just a few examples of how HLRD is making sure KDFN’s agreements are carried out.

## Taking care of our lands

In addition to the work that is directly related to implementing our agreements, HLRD has a variety of other land administration and management responsibilities.

For example, we:

- provide input to the City of Whitehorse on development proposals and plans;
- review residential, business and agricultural projects proposed in our Traditional Territory for impacts on KDFN interests;

- work with the Yukon government on new mining and forestry legislation for the Yukon; and
- work on new land policies and laws for KDFN lands.

In other words, our department helps KDFN take advantage of the new powers and opportunities outlined in KDFN’s land claims and self-government agreements.

At the same time, our staff work hard to ensure our government and others protect our lands, heritage and natural resources for generations and generations to come.

This report describes many of HLRD’s activities of the last year.

For more information, please contact our department staff (*see back page for contact information*).

HLRD takes care of KDFN lands in many different ways to help ensure the long-term health of our lands and waters. For example, HLRD reviews road building projects, monitors and researches fish in important creeks, and gets involved in land use planning with other governments.





## Local Area Planning

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or roads. People also want to use the land for recreation, hunting and fishing. And of course fish and wildlife also need to use these lands and we need to protect their habitat.

Land use planning helps decision-makers determine which areas are appropriate for development and which are not. The plans help identify important natural and cultural values in an area.

Kwanlin Dün First Nation's Self-Government Agreement has some unique and important land use planning aspects. Our agreement states we can work with the Yukon government to create "Local Area Land Use Plans" under the Yukon's *Municipal Act*. Because the planning is done under this law, local area land use plans are more enforceable than larger, regional land use plans.

Once the Marsh Lake plan is complete, KDFN and the Yukon government have agreed to work on a plan for Fish Lake.

The Judas Creek Wetlands and a portion of KDFN R-9 (*photo on left*) will be included in the Marsh Lake Local Area Planning.

## Uncovering our heritage

Heritage, Lands & Resources staff worked on archeological projects in both the McIntyre Creek and M'Clintock River areas this summer.

The McIntyre digs were conducted as part of a University of Alberta graduate project along the creek and in advance of the Whistle Bend road development. The project involved people from the Government of Yukon, Kwanlin Dün and the Ta'an Kwach'an Council. The McIntyre digs uncovered one of the largest microblade sites ever found in the Yukon.

This summer, Kwanlin Dün also carried out the first season of a two year archeological project in the M'Clintock area, funded by the Northern Strategy Trust Fund.

The project focussed on the M'Clintock and Michie lowlands and found many sites with points, scrapers and flakes from tool making. They also found many pine trees where the bark had been stripped in the springtime by First Nations people who ate the energy rich inner bark. Since the Mt. Byng ice patch was known to have been used in the past, additional ice patches in the watershed were examined, but no new artefacts were found. The field program will continue in 2011.



This summer, people working on the archeological project in the M'Clintock lowlands found culturally modified pine trees.

These pine trees have scars where the bark was once stripped in the springtime by First Nations people who ate the energy-rich inner bark.

The knife marks on the tree indicate that the scar was not caused by fire but was something done by people who had sliced the bark away.

# Bits and Pieces

## Pipeline Participation

As a governing body, KDFN will be involved in regulatory matters related to the construction, operation and maintenance of any natural gas pipeline through our Traditional Territory.

Starting in August 2009, HLRD started negotiating a Participation Agreement with TransCanada, the company that has the right of way in the Yukon for building the Alaska Highway pipeline. Negotiations have been steady since January 2010.

HLRD is working to ensure the agreement:

- provides for processes for the exchange and review of information;
- provides for compensation for loss, damage or nuisance caused by the pipeline;
- provides for employment, training and economic opportunities; and
- outlines environmental and socio-economic assessment terms for the assessment of the pipeline project.

## Settlement Land Surveys

All of KDFN's rural blocks and site specific Settlement Lands have been surveyed as of the end of this summer! The community blocks have also been surveyed but some are being rechecked before they can be considered final. However, we are essentially finished the survey of our lands!

HLRD staff have worked on surveying our lands with Natural Resources Canada (NRCAN) and the Government of Yukon since KDFN agreements became legal. NRCAN has been overseeing contracts for the survey and we have worked with them to ensure employment benefits for KDFN citizens.

# Representing KDFN interests

Other governments frequently make decisions that impact KDFN lands. To help ensure KDFN interests are considered and respected, HLRD staff work with different government committees.

One of these committees is the City of Whitehorse's Development Review Committee. This is the City's internal committee that reviews development projects and plans within the city.

By meeting with this committee regularly, KDFN is able to have early input on proposed development projects within the city. For example, we learned about the City's development plans for a piece of property next to our Cultural Centre site early on and were able to influence some of their decisions. If we didn't meet with the Development Review Committee, KDFN may not have learned about the City's plans until much later in the process when it would have been harder to have any effective influence.

HLRD staff also sit on a joint committee with senior administrators from the Yukon's Department of Energy, Mines and Resources. This senior level government to government committee deals with issues like forestry, land use and land use planning, agriculture and mining.

By participating in this joint committee, KDFN is better able to shape projects at an early stage. It is essential to moving cooperative initiatives forward, such as the Marsh Lake Local Area Plan.



# Working for Our Wildlife

Under KDFN's land claims agreement, a Southern Lakes Wildlife Coordinating Committee (SLWCC) was set up. The purpose of the committee is to help coordinate research and management for wildlife in the Southern Lakes region. Committee members include First Nations in the region, and the Yukon, BC and federal governments.

In 2009-10, the committee developed recommendations for caribou management and for moose recovery and harvest management. These recommendations provide a common approach and direction for everyone that is responsible for the management of wildlife and habitat in the area.

In May 2010, the committee formed three working groups to make recommendations on other high priority topics: sheep, habitat, and predation. Each of the working groups are working on draft recommendations for the committee to review.

Another priority for the SLWCC is to do a Regional Wildlife Assessment. This assessment will compile existing information and data on a diversity of species in the Southern Lakes such as ungulates, large carnivores, furbearers and small game, non-game species, raptors, migratory and resident birds, waterfowl, and species at risk. The assessment will help guide future management approaches in the Southern Lakes Area.

The SLWCC is set to wrap up at the end of March 2011; however, it is hoped the term of the committee will be extended to allow it to complete its work.

HLRD also participates in the Northern Mountain Caribou Working Group, the Elk technical and management committees, and the Baikal Sedge Recovery Strategy.



## Bits and Pieces

### Development Assessment

Staff at HLRD regularly review proposed development projects that are subject to the Yukon Environmental and Socio-Economic Assessment Act (YESAA).

A few of the projects staff have reviewed in the last year are proposals for the Yukon Queen II boat (as it has the potential of impacting Yukon River salmon), the Whistlebend subdivision, and a mining exploration activity near the Livingstone Trail.

HLRD has also been involved in the five-year review of the implementation of YESAA which is intended to highlight and address concerns with the Act and the assessment process. We are currently working with other governments on reviewing and responding to recommendations presented a year ago by an independent review team.

### McLean Lake Quarries

KDFN has quarry interests in two areas at McLean Lake. HLRD has been working on getting these quarries up and going. This will provide jobs for citizens as well as gravel for KDFN projects.

### Elk Management

For the last two hunting seasons, the Government of Yukon has issued hunting licenses for elk. The harvest is a way of controlling the population of the elk herds and monitoring the risk of the spread of ticks. The annual harvest was identified as a management tool in the Elk Management Plan developed in 2008.

KDFN supports the elk harvest as a way of controlling the herd's size. As our Settlement Lands make up an important part of the harvest area, we gave permission this year to permit-holding hunters to access our Settlement Lands for elk hunting only.



# Funding Our Work

In the last five-year period, about half of the money for running our department has come from Program and Services Transfer Agreement (PSTA) money that KDFN gets to manage Settlement Lands. The other half of HLRD's money has come from funding we have secured for research and development projects from sources outside of KDFN.

For example, for many years we have been doing a study of chinook salmon in Michie Creek. This project, which helps us learn about and manage our salmon, has been funded by the Yukon River Panel.

Our two year project to collect and organize information on our natural and heritage resources (*see page 8*) is being funded by the Northern Strategy Trust Fund. This fund has also paid for the research and analysis we did of other First Nations' land laws (*see page 7*). The Northern Strategy is also funding our two-year archeological project in the M'Clintock area (*see page 3*).

The study we have been doing on mortgages and leases has been funded by the Government of Yukon. Our work on the Baikal Sedge (a plant species at risk) has been funded by the Aboriginal Funds for Species at Risk.

In the last five years, the PSTA money HLRD has received has totalled about \$1.9 million. This is 4% of the funds KDFN receives under its Financial Transfer Agreement (FTA).

The money we raised from external sources in the past five years totals about \$2 million.

In this five-year period, HLRD has contributed \$340,000 of our total revenues to KDFN as a whole for office rent and administration costs.

## Negotiating Boundaries

A First Nation's Traditional Territory includes their Settlement Lands and a larger area of land that a First Nation has traditionally used for hunting, fishing, trapping and more. As many First Nations used the same areas from time to time, the territories overlap.

Kwanlin Dün's Traditional Territory is overlapped by five other First Nations. This has limited Kwanlin Dün's ability to manage our natural resources, like trees and freshwater fish. It also affects our hunting and trapping rights.

Our land claims agreements specify that we need to resolve these overlap areas before we can carry out some of these management responsibilities. For Kwanlin Dün, resolving overlaps is very important as almost all of our Traditional Territory is overlapped by others. However, resolving all of these overlaps will take a long time.

HLRD has been working with the three other First Nations (Champagne & Aishihik First Nations; Carcross/Tagish First Nation; and Ta'an Kwach'an Council) to negotiate a 'common sense boundary' that will allow us to manage some of our resources in the interim, before the overlaps are officially resolved. There is a draft agreement that each First Nation is currently reviewing. This draft agreement deals with forest management planning, trapline allocation and freshwater fish management.

# Developing a Settlement Land Act

Last June, KDFN Beneficiaries approved a new Settlement Land policy. This policy stated that KDFN will put in place a new act:

- To manage Settlement Lands;
- To provide land for our people to live on and use; and
- To act as stewards for the future.

Passing this policy was a very important step forward for KDFN. Once we have passed a new *Settlement Land Act*, KDFN will be able to provide land for long-term residential purposes and other activities like timber cutting (currently we can only do that for three years at a time).

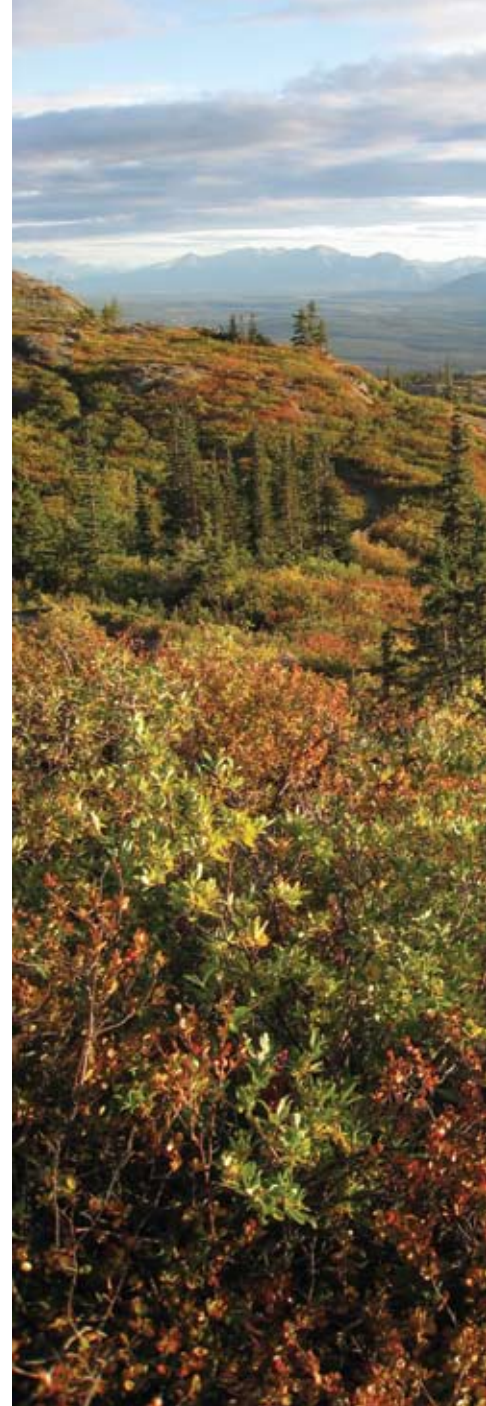
We will also be able to enter into commercial leasing arrangements on our lands in and near the City. This will provide revenues for KDFN and economic opportunities for our citizens.

Over the past four years, HLRD has been doing research on what kinds of things a new *Settlement Land Act* should contain.

For example, we did research on what other First Nations have in their land related laws. We have also met with the Canadian Mortgage and Housing Corporation (CMHC) to look at how people we lease lands to can still get a mortgage even though they might not have title to the land. We have been learning what CMHC and banks need and what is in KDFN's best interest.

Work on this new *Settlement Land Act* is a big priority for HLRD in the coming year. We have brought on a new staff person to work specifically on this initiative. He will build on the work HLRD and the Lands Committee have done together over the last four years.

HLRD is looking forward to creating a strong *Settlement Land Act* that will provide land for our people to live on and use, create new economic opportunities, and allow us to be stewards of our lands for future generations.



## Working on Yukon Laws

Some of HLRD's work involves working with the Yukon government and others to revise Yukon laws.

HLRD staff represent KDFN on the Devolution Transfer Agreement Working Group. This group includes CYFN, KDFN, Kaska Tribal Council and the Yukon government. The group is involved in discussing necessary changes to some Yukon laws that deal with things like mining, forestry and water management.

Responsibility for these areas was transferred from the federal to the Yukon government a number of years ago,

as part of devolution, and there is a need to update or create new laws.

As part of this work, HLRD staff were involved in working on the *Yukon Forest Act* in the last few years. This new law was passed last year and we are now working on new forest regulations.

HLRD is also part of another group working on the Yukon Oil and Gas Act. This group is looking at changes to the legislation related to royalties and disposition of oil and gas rights.

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# Inventory of our resources

HLRD is in the final stages of a two-year inventory project. We received funding from the Northern Strategy Trust Fund to help us collect and organize information on natural and heritage resources in our Traditional Territory.

For the past two summers, staff and contractors worked in the field to collect data. We travelled to diverse sites in our territory to learn more about the plants and animals in specific areas. For example, we did plot samples to record what kind of plants grew in a particular area.

This winter we will be talking to our Elders and biologists to learn about how animals use the different habitats in our territory. This information will then be used to create habitat maps this winter.

This information is very important to our decision-making. For example, if



Les Wilson (*right*), GIS/Lands Specialist for HLRD, shows the Director of the department, Tom Beaudoin (*left*), some of the information he has on KDFN lands.

the Alaska Highway Pipeline project goes ahead, the information we have collected will help us determine what kinds of impacts the pipeline might have on specific sites. This is the same for any other proposed project.

The information will also help us in our work on forest management planning, land use planning and other similar activities.

