



Kwanlin Dun Newsletter

July 2001

Land Claims Special



Mt. Sima site creates economic opportunities for KDFN

The Kwanlin Dun First Nation (KDFN) negotiating team has reached an agreement with the Yukon Territorial Government (YTG), which will provide safer access to Mt. Sima, establish a new subdivision and create economic and employment opportunities for the First Nation.

Over the past several months, YTG had been seeking a way to develop a safer access route to the Mt. Sima site. During the negotiations, it became apparent that the safest and most cost-effective approach for construction of a new Mt. Sima access road and intersection would be across land that has been the subject of KDFN land claims negotiations.

Under the agreement, *KDFN* and *YTG* will each own and develop a portion of those lands. The project will include the development of a new 28-lot industrial subdivision along the new Mt. Sima access road. In return, for facilitating the project, *KDFN* will receive title to nine country residential lots and the contract to construct the road. The Kwanlin Development Corporation, in partnership with Skookum Contracting Ltd as project managers, will carry out the work on the project.

"This is an excellent example of two governments working creatively and cooperatively to ensure the benefits flow not only to our people but also the people of the Yukon. Our First Nation puts a high priority on economic development. This agreement helps put people to work



Chief Rick O'Brien

in the short-term. The agreed upon industrial lots will also assist us in strengthening our long-term economic well-being by broadening our resource base," said Chief Rick O'Brien.

While five of the lots will be owned and accessed by *KDFN* prior to the effective date of its Final Agreement, all nine lots will become Settlement

Land under the Final Agreement. Work on the new intersection and access is scheduled to begin in July of this year. Government and Kwanlin Dun negotiators are continuing to work towards finalizing the Kwanlin Dun Final and Self-Government Agreements by March of 2002.

Land Claims must be settled first. . . Alaska pipeline will come second

The pending Alaska gas pipeline took Kwanlin Dun First Nation Chief, Rick O'Brien and Chief Negotiator, Mike Smith, to Anchorage in mid June. Chief O'Brien, along with Kaska representatives, took the message that land claims must be settled before the pipeline receives a nod from their First Nation communities.

"We have to inform the pipeline interests of our outstanding claims, the impediment this presents to the success of the Alaska Highway route and seek their help in pressuring the government that we deal with at home to

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Have you reviewed the
Kwanlin Dun maps and
confirmed your land
selections?

Are you seeking
information on land
selections?

Do you have concerns
related to
land selections?

Contact:
Bruce Gilroy
Kwanlin Dun Lands Specialist
(867) 633-7811

The Yukon River Watershed is an international issue

Kwanlin Dun First Nation (KDFN) will join members of the Yukon River Inter Tribal Watershed Council (YRITWC) at a meeting to discuss the signing of an International Accord between Yukon First Nations and Alaska Tribal Governments and to receive information on a Unified Watershed Assessment Plan.

YRITWC is comprised of 39 First Nation and Tribal Governments spanning the entire Yukon River watershed and representing over 60 communities. The YRITWC was organized, in 1997, as a grassroots effort to clean up communities, promote environmental education and protect the future and health of the Yukon River by encouraging and assisting communities in changing their habits that negatively impact the international watershed.

The meeting will be held at Brooks Brook, Yukon, from August 7th to August 9th, 2001.

YRITWC's five main objectives are:

River Wide Assessment: Assessment of the Yukon River Watershed from the mouth of the headwaters, including water quality testing and monitoring, issue identification, historic information, traditional uses, gather scientific data and research, etc.

Environmental Education: Provide education to the youth through school and community programming, raise community awareness of the issues affecting the river, provide programming and opportunities to involve communities in becoming stewards of the land, etc.

Clean Up: Work with communities to clean up the watershed including our own backyards, assist with the provision of recycling programs, assist with community projects.

Technical Assistance: Provide technical assistance to communities, Tribes and First Nation in the way of project development, design and implementation, assist with funding and grant writing, implement programs such as Train the Trainer Workshops in the communities.

Organizational Capacity Building: Build capacity in the organization and between communities to ensure continuity of efforts and communication.

Land Claims story continued from front page

settle with us," said Chief O'Brien. "Our people want to be involved in profitable development opportunities for the Yukon as much as anyone else but YTG must make substantial progress towards reaching final agreement with us and soon or the failure of the pipeline will lie squarely on its doorstep.

The delegation met with state, aboriginal and petroleum industry representatives in Anchorage and Barrow, Alaska.

The proposed Alaska gas pipeline would cross the traditional territories of both Kwanlin Dun and the Kaska First Nations.

The task of managing and rebuilding salmon populations

Through the years, First Nation people, along with other Yukoners, have watched as the Chinook Salmon population dips to an all time low. The recent deterioration in stocks could have been caused from a variety of sources—over-fishing, global warming or habitat destruction. However, the most significant impact on the First Nation food fishery is the Whitehorse Dam, which is located in the heart of the Kwanlin Dun First Nation (KDFN) Traditional Territory.

To address this issue, the KDFN Land Claims Department, has become more engaged in projects, which enhance First Nation involvement in the caring of our waters. As part of this activity, KDFN is currently involved in a project that encourages the managing and rebuilding of salmon populations, within its traditional territory. The project not only would ensure the salmon population is increased to its fullest sustainable levels but also protects those resources from conflicting land uses.

The first step in obtaining this long-term objective is to understand the present regimes, within the system, and the habits and effects of present management practices. Essentially, the project has been designed to investigate, identify and compare fresh water behaviour of natal (natural) juvenile Chinook Salmon (JCS) and that of hatchery placed salmon. The information gathered would assist in determining the survival rate and behaviour of the JCS and whether the salmon come from hatchery or native stocks. KDFN has taken on the stewardship role by conducting the studies on the McClintock River system this summer.

As in previous years, KDFN is also involved in the breaching of beaver

dams and the removal of the beavers at Michie Creek and Bing Creek. Michie Creek and Bing Creek are tributaries of the McClintock River. The removal of the dams will allow the salmon to return to its spawning grounds in these areas.

In preparation for these projects a KDFN employee, Joshua Smith, has taken an electro-fisher certification course put on by Mallisipina College in Surrey, BC. Electro-fishing will be

necessary for capture and analysis of juvenile salmon in the McClintock River and Michie Creek systems. Michie Creek and McClintock River are the major spawning grounds for Chinook Salmon.

These projects are intended to serve as a stepping-stone to the end means of our people reclaiming their traditional role as stewards of the fisheries or keepers of the river, so to speak.

Aboriginal Fisheries Strategy (AFS)

As the result of what has become known as the Sparrow Decision, handed down by the Supreme Court of Canada, in 1990, First Nations people throughout this country clearly have the right to fish for food, social and ceremonial purposes. The right to fish takes priority over all other uses of the fishery, subject to considerations such as preservation and protection of the resource. In addition, the Supreme Court Decision makes clear the need to consult with First Nations when their fishing rights might be affected, or when increased opportunities arise for First Nation involvement and participation in Fisheries Management.

In 1992, the Department of Fisheries and Oceans (DFO) launched the Aboriginal Fisheries Strategy (AFS). Through this initiative AFS enters into agreements with First Nations to establish a management framework for the management of their fisheries. The program only applies where the department manages the fishery and/or where land claims settlements have not been reached establishing its own community- fisheries management scheme.

AFS has five specific goals. They are as follows:

- ❖ To improve First Nation participation in the conservation, management and enhancement of the resource
- ❖ To contribute to the economic self-sufficiency of First Nation communities
- ❖ Provide a foundation for the development of self-government and treaties
- ❖ Improve the skills and management capacity of First Nation members through co-management projects
- ❖ To compensate fishers who retire licenses that will be reallocated under AFS

In the Yukon there are a number of First Nation communities, which qualified for funding under this partnership initiative. Kwanlin Dun First Nation is one of the participating communities.



Meet Kwanlin Dun's Land Claims staff. . .



Tom Beaudoin – Director of Land Claims

My name is Tom Beaudoin and I have been employed by Kwanlin Dun First Nation (KDFN) as the Director of Land Claims for the past 3 ½ years.

While I hold a Bachelor of Science Degree in Forestry and a diploma in Natural Resource Management, I have vast experience in a number of areas. Over the years, I have been employed as the Director of Research and Mapping for the Council

for Yukon First Nations (CYFN), formerly known as the Council for Yukon Indians; served as a consultant to the Inuvialuit during the implementation of their final agreement; and later, as a Manager and Vice President of the Inuvialuit Renewable Resource Development Corporation for 12 years. In addition, I have worked with the Dog Rib First Nation in the Northwest Territories and the Naskapi Band of Quebec in the area wildlife management and I have also worked in Russia on technology exchange missions.

As the Lands Director, I encourage all Kwanlin Dun beneficiaries and members to feel free to visit the KDFN Land Claims Department and attend community information meetings whether it to verify or make land selections, update enrolment information, or to receive current information on the status of negotiations.



Bruce Gilroy, Lands Specialist, Land Claims

My name is Bruce Gilroy and I am currently employed as the Land Specialist for the Kwanlin Dun First Nation (KDFN) Land Claims Department.

My educational background includes a Diploma in Renewable Resources with 23 years experience, primarily in land and wildlife management.

As the Land Specialist my principal job function is planning, coordinating, organizing researching and analyzing lands within the KDFN Traditional Territory. In addition, I coordinate and implement mapping and technical support for land claims.



Josh Smith, Band Resource Officer

My name is Josh Smith and I am a Kwanlin Dun First Nation beneficiary/member. I am the son of May Smith and the grandson of Kitty and Fred Smith. I am also the proud father of Synclair Smith.

I have been employed by the Kwanlin Dun First Nation Land Claims Department, for approximately two years in various capacities. Currently, I am working as the Band Resource Officer.

My educational background includes a diploma in Renewable Resource Management, through Yukon College.

As the Band Resource Officer, I deal with issues on trapping, outfitting, tourism, mining, forestry, fish and wildlife, endangered species, salmon, protected areas, environment and heritage. In addition, I am responsible for resource management issues in the Kwanlin Dun First Nation Traditional Territory. As part of this initiative, I comment and make recommendations on land applications, review and comment on amendments to resource management legislation, sit on various board and committees representing Kwanlin Dun's interest, inspect selections for beneficiaries and work with other Yukon First Nation communities on various issues and projects.

Eileen Vance-Duchesne - Communications

Eileen Vance-Duchesne has recently brought on stream as the communications coordinator for the Kwanlin Dun First Nation (*KDFN*) Land Claims Department. Eileen is the daughter of Alvin and Maryanne Vance and the proud grandmother of four grandchildren.

Eileen has been involved in the communication industry since 1984 when she started her career at Yukon Indian News. She became the executive director of the newspaper in 1986 and remained with the organization until 1991. Since that time, she has served as Legislative Assistant, in Ottawa, to the former Yukon MP Audrey McLaughlin, provided contract service in the communication field for a variety of first nation communities and organizations (including *KDFN*), is one of the co-founders of "Our Home" magazine and served on the national executive for the National Aboriginal Communication Society for three consecutive years.

Eileen has provide communications services to *KDFN* on and off since 1993.



David Sembsmoen, Renewable Resource Assistant

My name is David Sembsmoen and I am a life-long resident of the Yukon Territory. I am a Kwanlin Dun Band Member and the son of John and Eileen Sembsmoen.

Currently, I am employed by the Kwanlin Dun First Nation, as a Resource Officer Assistant.

My educational background consists of a diploma in Renewable Resources and a partial degree in Conservation Enforcement from Lethbridge Community College in Alberta. In the future, I hope to complete my degree and use this knowledge to further my technical skills.



Gillian McKee – Land Use Planning

Gillian McKee has been working with *KDFN* as the Land Use Planner since August 2000. She received a Masters of Science in Regional Planning from the University of British Columbia in 1984, and also has a B. Sc. in Biology from the University of Toronto. After moving to Yellowknife in 1988, she worked with two regional land use planning commissions in the Lancaster Sound and Mackenzie Delta Region. She then worked closely with First Nations in NWT on various community-based land and resource planning processes. After 12 years in the NWT she moved with her family to the Yukon in February 2000. She has two young daughters, so she works part time.



Patricia (Patsi) Baker, Enrolment

Hi, my name is Patricia Baker (Patsi), the great granddaughter of Sadie Jackie and James Baker, I am currently working in the Land Claims department, taking Raven Tsandaya's place while she is on maternity leave. I started on December 20, 2000, and in that time I have been to a number of negotiation meetings and taken part in various projects such as Governance. I have several years experience in the Land Claims department as far as being a Certified Indian Registry Administrator for which I received training through the Federal Government which lets me do status cards, as well as oversee the membership as pertains to registry and enrollment-for the Yukon Land Claims. You may need to get a new status card as all status cards issued will now have an expiry date. All previous versions of status cards (without expiry dates) will be considered to have expired on January 1, 2000. Members are encouraged to replace cards prior to this date. If you have any questions please do not hesitate to call me at 633-7814. Thank you for your time and consideration. I look forward to meeting you.



Land Use Planning

Land Use Planning in Kwanlin Dun First Nation (KDFN) Traditional Territory

Over the past year, both the City of Whitehorse and Yukon Territorial Government (YTG) have been carrying out land use planning within KDFN's Traditional Territory. The City is reviewing and updating its Official Community Plan for the entire City of Whitehorse as well as a plan for the Marwell industrial area. YTG, Community and Transportation Services (CTS), is working on a plan for the Hot Springs Road Area.

As the Land Use Planner, Gillian McKee's job has been to participate in planning meetings, review these plans, and identify where they affect KDFN's land selections and other rights and interests of KDFN. She has provided information to both the City and CTS on Kwanlin Dun's past, current and continuing interests in the lands being planned.

Future Kwanlin Dun First Nation (KDFN) Land Use Planning

The KDFN Land Claims Department has applied for funding to carry out its own land and resource planning. The department submitted a proposal to the Department of Indian Affairs and Northern Development (DIAND) requesting funding to work with KDFN members to identify their vision for the KDFN lands and to set up the necessary computerized information for land and resource planning and management.

Kwanlin Dun First Nation (KDFN) Land Claims Negotiations

The Land Use Planner researches background information for the land claim negotiators on the land use planning and other related provisions that will be in the Land Claim and Self-Government Agreements. Some of the issues that the planner has researched are: what is the best way for KDFN to be involved in future land use planning within its Traditional Territory; what are the important natural and cultural values to be protected in Special Management Areas, and, what economic development opportunities do these areas provide?

Development Assessment Process (DAP)

Another area that the Land Use Planner works on is the Development Assessment Process, also referred to as DAP. This is the legislation that will control how the environmental impacts, of projects, will be evaluated before they are allowed to go ahead. The Land Claims Department completed a detailed review of the proposed legislation, from a KDFN perspective, and analyzed the impacts legislation may have on the First Nation. A number of questions and problems were identified and communicated to the Department of Indian Affairs and Northern Development (DIAND). KDFN is now waiting for the legislation to go through formal public consultation, when KDFN will again have a chance to comment.

Fisheries Habitat Conservation Stewardship Program (HCSP)

The federal Department of Fisheries and Oceans (DFO) has had this program in place since 1998. It is aimed at restoring the health of the pacific salmon fishery through promoting habitat protection and community stewardship of the fishery. Kwanlin Dun is very interested in taking on this role of community steward of the fishery. The Kwanlin Dun First Nation (KDFN) Traditional Territory encompasses major areas of the Yukon River watershed, including 90 percent of the terminal Chinook spawning grounds of the upper Yukon (Lewes) River drainage area. KDFN sees HCSP as a means to assist the First Nation in reclaiming its traditional role as stewards of the fisheries. The Land Claims Department has contacted DFO to advise them of our interest and we hope to meet with them soon.



Kwanlin Dun takes on new constitutional discussions

On May 28th members and beneficiaries of the Kwanlin Dun First Nation (KDFN) attended a meeting at Nakwataku Potlatch House to discuss a new initiative dealing with the development of a community constitution and other governance issues for the First Nation.

While constitutional discussions are not foreign to KDFN, Chief Rick O'Brien believes the KDFN Land Claims Department has developed a process that will bring closure to the issues and allow the First Nation to achieve self-government status. He would not, however, venture to comment on previous processes but did stress the importance of community involvement.

"There is no doubt Kwanlin Dun has been faced with some hurdles when it comes to the constitution and there is probably a number of reasons why the previous processes never worked or could not be ratified by the people. But, that was yesterday and I believe this is a prime opportunity for the community to come together and develop a governance model that is not only acceptable but also reflective of the true desires of this community," said Chief O'Brien. "However, the onus will be on the community members and beneficiaries to attend the meetings and share in the process

and I encourage each and every member to come and be part of this exciting initiative."

Unlike other First Nation communities, in the Yukon, KDFN has been faced with some very complex issues, which have imposed significant challenges when negotiating its Final and Self-Government Agreements. Two key factors that play a significant role in this process is the fact that KDFN is the first urban land claim to be negotiated, in Canada, and there is no precedent to follow; and, its population is comprised of both members from other communities and its own beneficiaries. Both the KDFN Chief and Council and negotiators have been continuously mindful of these challenges.

The Self-Government Constitution Project will be directed by a Self-Government Advisory Group, with representation from Chief and Council, the Land Claims Caucus and the community at large. The Project Coordinator is Dr. Frank Cassidy, who has been published widely on the field of aboriginal governance and self-determination.

Nonetheless, ongoing consultation with and review by KDFN members and beneficiaries are an important element of the project and critical to achieving a workable result.

Lot 226 Receives Reserve Status

After a number of years of litigation, Kwanlin Dun First Nation (KDFN) finally receives word from the Federal Court of Canada supporting their position on Lot 226.

Specifically, on March 8, 2001, the Federal Court of Canada ordered that Lot 226 became a reserve within the meaning of the Indian Act, by Order in Council dated June 6, 1921.

The next step, for the First Nation, is to commence negotiations for compensation for portions of Lot 226 that have been divided-up or sold off. Some of the areas affected include the Takhini Trailer Court, Range Road and the hydro right-of-way areas.

WE NEED YOUR HELP!

The Kwanlin Dun First Nation Enrollment Office is updating its records.

To assist us with this process, please ensure we have your:

Name: _____

Address: _____

City: _____

Prov./Terr: _____

Telephone: _____



For more information,
please
call Patricia Baker
at (867) 633-7814

or write

Kwanlin Dun First Nation
Enrollment Office
35 McIntyre Drive
Whitehorse, Yukon
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*Keeping our
community clean. . .*

