

COUNCIL OF YUKON FIRST NATIONS

April 8, 2013

Office of the Grand Chief

The Honourable Bernard Valcourt
Minister of Aboriginal Affairs and Northern
Development Canada
Government of Canada
10 Wellington Street
Ottawa, ON
K1A 0H4

Dear Minister Valcourt,

Re: Yukon Environmental and Socio-economic Assessment Act Working Group

The Council of Yukon First Nations (the "CYFN") is in receipt of the February 21, 2013, letter from Michael Wernick, Deputy Minister for Aboriginal Affairs and Northern Development Canada ("AANDC"), which proposes to establish a Working Group whose charge will be to steer proposed legislative and regulatory changes to the *Yukon Environmental and Socio-economic Assessment Act* (the "YESAA").

I am pleased to confirm that the CYFN is interested in participating in this Working Group and to that end we are amenable to discussing a terms of reference, membership and funding for the proposed working group. It is our expectation that AANDC will address CYFN's and First Nations' costs for participating meaningfully in this Working Group. To address the need for meaningful participation in the Working Group process, the CYFN proposes to establish a caucus of Yukon First Nations in the same manner as was done during the YESAA Five-year Review and consistent with recommendations 56 and 57 of the YESAA Five-year Review Draft Review Report – Interim (the "Draft Interim Report"). That caucus would provide a forum for First Nations and the CYFN to discuss the proposed YESAA changes and allow the CYFN to provide updates, exchange information and receive direction. As has been done in the past, the CYFN would invite all Yukon First Nations to participate in the caucus.

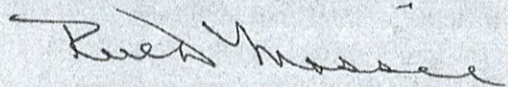
I see this Working Group beginning its work as soon as possible and am directing my officials to immediately liaise with your Regional Director General Kerry Newkirk, Yukon Region, and your Senior Advisor of Resource Policies and Programs Gilles Binda, who I understand is the lead on proposed amendments to the YESAA regime. In addition, I propose that an official from the Yukon Environmental and Socio-economic Assessment Board (the "YESAB") be invited to join the Working Group since the YESAB has intimate operational knowledge in respect of the YESAA regime for it is primarily responsible for the YESAA's ongoing implementation.

From the presentation by your officials in December 2012, it is my understanding, notwithstanding the submission made by Yukon Government on December 12, 2012, that Canada is only proposing changes to the YESAA regime that flow from the Draft Interim Report. If that is the case, I confirm that the CYFN is prepared to move forward with the recommendations outlined in the Draft Interim Report and discuss the specific legislative and regulatory amendments. If, however, the scope of the amendments under consideration exceeds those agreed-to in the Draft Interim Report, then the CYFN is not currently prepared to move forward until we have a firm and complete understanding of the proposals under review, and have an opportunity to identify and propose additional amendments for consideration during the Working Group discussions. For greater certainty, it is not acceptable for AANDC and Yukon Government to hold bilateral discussions without the CYFN or Yukon First Nations. As I relayed to you in my letter of January 9, 2013, the CYFN and Yukon First Nations need to be involved, at the drafting stage and all reasonable subsequent stages, of any proposed amendment to YESAA.

Please be advised that the CYFN is preparing its own views and interests in relation to amendments to the legislative and regulatory framework of the YESAA. We hope to have these completed and relayed to you by April 30, 2013. This work is the result of the CYFN undertaking due diligence to ensure the YESAA regime remains consistent with Yukon First Nation Final Agreements, and reflects Yukon First Nations Rights, views, interests and concerns, for it is essential that any amendments or new regulations flowing from the Draft Interim Report honour the objectives of Yukon First Nation Final Agreements and reflect respectful collaboration with Yukon First Nations.

With that in mind, I look forward to working with Yukon Government and the Government of Canada on a trilateral level in discussing and developing proposed amendments in accordance with the agreed-upon recommendations from the Draft Interim Report.

Sincerely,



Ruth Massie
Grand Chief

- cc. Chief Brian Ladue, Ross River Dena Council
Chief Carl Sidney, Teslin Tlingit Council
Chief Charles Eikland Jr., White River First Nation
Khà Shàde Héni Danny Cresswell, Carcross/Tagish First Nation
Premier Darrell Pasloski, Yukon Government
Chief Ed Champion, First Nation of Na-Cho Nyäk Dun
Hähké Ed Taylor, Tr'ondëk Hwëch'in
Chief Eric Fairclough, Little Salmon/Carmacks First Nation
Chief James Allen, Champagne and Aishihik First Nations

Chief Joe Linklater, Vuntut Gwichin First Nation
Chief Kevin McGinty, Selkirk First Nation
Chief Kristina Kane, Ta'an Kwäch'än Council
Chief Liard McMillan, Liard First Nation
Chief Mathieya Alatini, Kluane First Nation
Deputy Minister Michael Wernick, Aboriginal Affairs and Northern Development
Canada
Chief Rick O'Brien, Kwanlin Dün First Nation
Member of Parliament Ryan Leef, Government of Canada
Chairman Stephen Mills, Yukon Environmental and Socio-Economic Assessment
Board