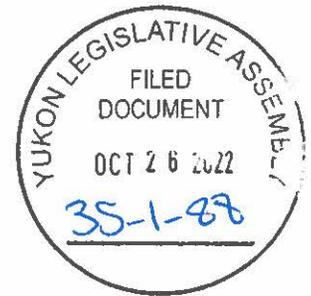




ROSS RIVER DENA  
COUNCIL ROSS RIVER,  
YUKON YOB 150

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October 25<sup>th</sup>, 2022  
Kate White  
Leader of the Yukon NDP  
Yukon Legislative Assembly  
Box 2703  
Whitehorse, YT Y1A 2C6

[kate.white@yfa.gov.yk.ca](mailto:kate.white@yfa.gov.yk.ca)

Dear Honourable Ms. White

We are in support of your proposed amendment to the Yukon Oil and Gas Act to reinstate section 13(1) of the original Yukon Oil and Gas Act, which states that *prior to the effective date of a Yukon First Nation's Final Agreement, the minister shall not issue new dispositions having locations within the Traditional Territory of the Yukon First Nation, or subject to subsection (2), issue licenses authorizing any oil and gas activity in the traditional territory of the Yukon First Nation.*

The reinstating of this clause is important to redress the contentious decision by the Yukon Government (YG) in 2012 to rescind Section 13, despite the objections of the Kaska chiefs. Also, it is a demonstration that YG is committed to advancing reconciliation and the principles of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP). UNDRIP is considered to be the requisite framework for advancing reconciliation, and its implementation can contribute to supporting sustainable development and responding to growing concerns relating to climate change and its impacts on Indigenous peoples.

Section 13 was an important, perhaps essential, piece in allowing the Devolution Transfer Agreement (DTA), that transferred administrative powers over land and resources from Canada to the YG, to proceed. The Premier at the time acknowledged that the devolution of oil and gas was not achievable without the formal support of the affected First Nations. To this end, YG negotiated and signed a Memorandum Of Agreement (MOA) with the Kaska in January 1997, in which they agreed not to issue any new dispositions for oil and gas lands in the Kaska traditional territory without the consent of the Kaska. YG met this obligation through section 13 of the Yukon Oil and Gas Act, and moved ahead with the DTA.

YG signed a number of Agreements with the Kaska in addition to the MOA - the Bilateral Agreement, the Agreement In Principle on Forest Stewardship, and the Integrated Resource Management Plan. These were concluded in recognition of the Kaska unsurrendered Title and

Rights, and to help YG advance the DTA. All of these Agreements have been terminated by YG. The termination of these agreements leaves aboriginal rights unprotected, contrary to the protection due to us under Section 35 of the Constitution Act, and further, sends a message that YG is mistrustful of collaboration.

Reinstating section 13 of the Yukon Oil and Gas Act is the right decision and a positive step in demonstrating good faith and YG's genuine commitment to reconciliation, while reassuring the Kaska that YG is in support of the principles of human rights within the UNDRIP, and mindful of Kaska's constitutionally protected Aboriginal rights.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dylan Loblaw', written in a cursive style.

Dylan Loblaw  
Chief, Ross River Dena Council