

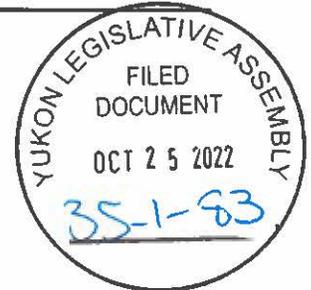


Council of Yukon First Nations

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October 18, 2022

Honourable Kate White
Leader Yukon NDP
PO Box 2703 (A-10)
Whitehorse, Yukon Y1A 2C6



Dear Ms. White:

Re: Proposed amendments to the *Oil and Gas Act* (Yukon)

The Council of Yukon First Nations (the "CYFN") is pleased to be advised that you considering to propose an amendment to the *Oil and Gas Act* (the "Act") that would effectively repeal the amendment made in 2012 that deleted section 13.1 of the Act. The CYFN expressed strong opposition to the Yukon government's action to delete section 13.

As you know, the CYFN and Yukon First Nations agreed in 1997 to support the transfer of oil and gas responsibilities and powers from the federal government to the Yukon government under the Memorandum of Agreement (the "MOA"), subject to a number of conditions, including measures to protect the rights and interests of Yukon First Nations. In particular, the MOA confirmed that the Yukon government agreed that it would "not, in respect of a Traditional Territory for which the Effective Date of a Yukon First Nation's Settlement Agreement has not occurred, issue any new disposition in respect of Yukon oil and gas lands in the Yukon Territory, without the consent of that Yukon First Nation." To that end, the Yukon government agreed that the Act would be amended to incorporate that undertaking and it was ultimately set out in section 13 of the Act. See sections 5.1 and 5.2 of the Act.

The deletion of section 13 constituted a substantive breach of the Yukon government's commitments under the MOA. At that time, the Yukon government was unable to obtain the consent of the Kaska for oil and gas development in the southeastern area of the Yukon Territory and, as a result, the Act was amended, over the objections of the other parties to the MOU, to delete section 13. The territorial officials stated that the deletion of section 13 was made to align the Act with the common law provisions for consultations with Yukon First Nations. We found this justification for the deletion of section 13 to be dubious at best.

In our view, the Yukon government acted in bad faith when it refused to respect and adhere to its commitments under the MOA. Unfortunately, this adversely impacted the relationship between the CYFN and Yukon First Nations and the Yukon government for years since the CYFN and Yukon First Nations had little faith that the Yukon government could be trusted to keep its word in any agreement.

In closing, the CYFN confirms its full support for the reinstatement of the principle that no new oil and gas disposition would be issued with respect to the traditional territory of a Yukon First Nation that has not entered into a settlement agreement, without its consent.

Gunalchish,

A handwritten signature in black ink, appearing to read 'PJ', is written over the printed name.

Peter Johnston
Grand Chief