



Liard First Nation Executive Council Office

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Watson Lake
November 19, 2021

By email

Kate White, MLA
Leader of the Yukon NDP
Box 2703, Yukon Legislative Assembly
Whitehorse, YT Y1A 2C6

Dear Ms. White:

Re: LFN Support for Amendment to Yukon Oil and Gas Act ("YOGA")

We write to express our support for the re-insertion of sub-section 13(1), requiring First Nation consent to oil and gas activities in their traditional territories, back into the YOGA. As you note, the removal of these provisions by the Yukon Party was antithetical to the spirit and intent of the UN Declaration on the Rights of Indigenous People.

The removal of those provisions created a serious ethical problem for Yukoners. YG made promises in section 5 of the 1997 Memorandum of Agreement entered into between YG, CYFN, and members of the Kaska – an agreement sought by YG to induce First Nations to support the transfer of oil and gas administration to Yukon; further such promises were made to the Kaska by YG with the intention of garnering our support for the Devolution Transfer Agreement ("DTA"). In LFN's view, the removal of that sub-section of the YOGA put the validity of YG administration of those resources in doubt and called into question the legality of YG's continued withholding of the Kaska share of revenues derived from natural resources in Kaska territory.

It has long been LFN's position that legally requiring free, prior, and informed consent for any development within unceded Kaska traditional territory, as promised to the Kaska on May 9, 2003, would provide increased certainty for all. It would drastically reduce the risk of monetary damages for infringement of Aboriginal rights and title or the failure to adequately consult and accommodate. It would clarify for industry that they must achieve meaningful benefits agreements with First Nations whose legal interests would be impacted by their proposed projects. It will protect the public purse by creating the understanding that sharing wealth and opportunities are capital cost investments of doing business fairly and progressively in a modern Yukon. Consent provisions help drive relationship building and transparency so that fully informed participants and industry proponents can know early whether projects will obtain Kaska support. Sharing information freely and prior to decision-making creates constructive, positive dialogue and saves resources.

Reinserting the need for and importance of consent puts YG, the Kaska, and Yukoners on a pathway toward reconciliation and the promotion of well-considered sustainable development and economic prosperity for all Yukoners.

LFN wishes to thank you and the NDP Party for seeking our input and for your political leadership around this important matter.

Yours sincerely,
Liard First Nation

A handwritten signature in black ink, appearing to read "Stephen Charlie". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chief Stephen Charlie

Copy: Chief Myles Manygreyhorses
Chief Jack Caesar
Chief Donny Van Somer
Deputy Chief Harlan Schilling