

**First Nation of Na-Cho Nyak Dun**

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February 18, 2011

Peel Watershed Planning Commission  
201 – 307 Jarvis Street  
Whitehorse, Yukon  
Y1A 2H3

**RE: Response to Recommended Peel Watershed Land Use Plan**

Dear Peel Watershed Planning Commission,

We are writing to provide our individual First Nation response to the recommended Peel Watershed Regional Land Use Plan. This response supplements the joint response provided by the Parties.

First of all we want to thank you for bringing forward an excellent recommendation for the Parties' consideration. In our view your recommendation to protect the Peel watershed respects the values of the region and appropriately reflects a cautious approach to any future development.

As we have emphasized throughout the planning process, the lands and waters of the Peel have unparalleled cultural and ecological significance for our peoples. They have sustained us in body and spirit for thousands of years. The Peel Watershed comprises one of largest, undeveloped mountain watersheds in North America that provides critical habitat for a variety of fish and wildlife.

In the public consultation process we heard that this area holds similar values for the vast majority of Yukoners who support withdrawing this area from industrial development. This is an incredible region that deserves to be protected for the benefit of future generations. This truly is a place of global conservation importance and we must work together to ensure that we conserve the watershed for all peoples now and into the future.

We know that section 11.6.4 of the Umbrella Final Agreement directs affected Yukon First Nations to,

“approve, reject or propose modifications to that part of the recommended regional land use plan applying to the Settlement Land of that Yukon First Nation”

However, in the spirit of Consultation and collaboration, and in accordance with the Joint Letter of Understanding signed by all Parties to Peel Watershed planning process, we are commenting upon the entire Plan, as it relates to both Settlement Land and Non-Settlement Land.

Though generally excellent, we believe your recommendation could be improved in a few areas. We believe that the entire region deserves the very highest level of protection. In our view none of the land within the watershed should be open to potential industrial development, as might occur in the areas designated as Integrated Management Areas. In short, we encourage you to modify your recommendation so as to provide Special Management Area designation to 100% of the region. The protection we envision is equally applicable to both Settlement Land and Non-Settlement Land throughout the planning region.

We agree that the Dempster Highway Corridor should be further planned through a sub-regional planning process, with the objective that activities in the corridor not detract from the environmental quality of the Peel drainage as a whole.

We believe that you got it basically right with respect to providing access to existing mining claims. We recognize that the people holding those claims have certain rights of access, but we do not believe those rights extend to industrial access over the surface of the land. In our view, industrial access is any mechanized access by a machine larger than a standard recreational snow-machine. Affected governments need to explore creative solutions to address the interests of mining claim holders. We are prepared to engage mineral claimholders directly in these discussions.

It is important to note that we are not generally opposed to industrial development. We do in fact support sustainable development in much of our traditional territory. We have entered into mutually beneficial Agreements with mining companies.

But we do not support these activities in the Peel it should not be subject to hasty exploitation with no thought for the future generations, we must ensure they have options available to them.

This area is sacred to our peoples and we have constitutionally protected rights that flow throughout the whole Peel watershed, those rights must be upheld and respected as they are expressed throughout the Na Cho Nyak Dun Final and Self Government Agreements. We are prepared to manage our Settlement Land to ensure that there is maximum protection provided.

We would also note that the curtailment of industrial activities in the Peel is not depressing economic and industrial activity in the Yukon generally. In spite of the mineral withdrawal in the Peel, the Yukon is experiencing a huge economic boom, especially in the mining sector.

In reality, protection of the Peel watershed will help to establish and enhance a variety of economic opportunities into the future.

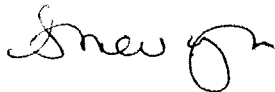
In closing, we once again commend you for bringing forward a recommendation that captures the essence of this special region and its irreplaceable value to the Na Cho Nyak Dun and all people of the Yukon.

As you complete your work, we urge you to continue to advocate a conservative approach that preserve's society's options. As you stated in your December 2009 recommendation,

“We can always decide to develop in the future, but once this decision is made, we cannot return to a pristine ecosystem and landscape – not in our lifetime, and not in the lifetimes of our great grandchildren.”

In that spirit, we look forward to receiving your final recommendation.

Yours Truly,

A handwritten signature in black ink, appearing to read "Simon Mervyn". The signature is fluid and cursive, with a large loop at the end.

Simon Mervyn  
Chief, First Nation of Nacho Nyak Dun