

MEMORANDUM OF UNDERSTANDING
RESPECTING WHITEHORSE AND SOUTHERN LAKES FOREST RESOURCES MANAGEMENT PLAN

(THE "MOU")
Made this 8 day of March, 2020 2021

BETWEEN:

GOVERNMENT OF CARCROSS/TAGISH FIRST NATION

("GC/TFN")

As represented by

Haa Shaa du Hen Lynda Dickson

AND

GOVERNMENT OF YUKON

("Yukon")

As represented by the Minister of Energy, Mines and Resources

(collectively, the "Parties")

WHEREAS:

- A. The Whitehorse and Southern Lakes Forest Resource Management Plan ("the Plan") was developed by a Joint Planning Committee with representation by the governments of Kwanlin Dün First Nation, Ta'an Kwäch'än Council, Carcross/Tagish First Nation (GC/TFN) and the Government of Yukon, with the assistance of the Carcross Tagish Renewable Resources Council and the Laberge Renewable Resources Council.
- B. Yukon proposed approval of the Plan by all participating governments in February 2020. Approval has now been received from three of four participating governments including Kwanlin Dün First Nation, Ta'an Kwäch'än Council, and the Government of Yukon.
- C. Forest stewardship requires a holistic approach to planning, management, policy and tenure development, and the Parties agree that the Plan, as proposed, provides an important foundation to providing said approach.
- D. One of GC/TFN's main considerations for the development of the Plan is the ongoing restorative protection of caribou habitat in the Southern Lakes region.
- E. GC/TFN identified in their review of the Final Plan that it misses several essential plan components listed in Section 2 of the *Forest Resources Regulation* and concluded that those missing components can lead to the diminishing of caribou habitat, in particular caribou migration corridors. In November 2020, GC/TFN raised questions regarding the missing plan

components with Yukon. Yukon appreciates GC/TFN's concerns and believes discussing the items raised will contribute to the continued advance of forest management practices.

THEREFORE the Parties hereto agree as follows:

1.0 OBJECTIVES OF THIS MOU

- 1.1 The Parties, through this MOU, commit to their common intention to collaborate to address the issues raised by GC/TFN, in particular developing and incorporating the missing components of forest resources management plans listed in section 2 of the *Forest Resources Regulation*.
- 1.2 The Parties agree that once the outstanding components of the Plan are developed by the Implementation Team, Government of Carcross/Tagish First Nation will be given an opportunity to revise the zones of the Plan within GC/TFN Traditional Territory in accordance with the findings of the outstanding components. For overlap areas, GC/TFN will seek agreement from the other First Nation(s) as required.
- 1.3 The Parties agree that the implementation of the Plan within GC/TFN Traditional Territory will be delayed until the outstanding components have been developed and the zones within GC/TFN have been revised as necessary.
- 1.4 The Parties agree that existing timber harvest plans and established forest resource harvesting areas in the area depicted in Appendix A will be reviewed by the Implementation Team to determine their consistency with the plan and will be amended, replaced, or terminated as deemed necessary by the Implementation Team.
- 1.5 Irrespective of point 1.4, the personal use fuel wood areas at Jakes Corner and the 10-Mile area will be assessed and replaced with areas that provide similar opportunities for harvesting but are not within important caribou habitat (as determined by Government of Carcross/Tagish First Nation and Environment Yukon).
- 1.6 Prior to consideration of permits for the cutting of wood for biomass projects in GC/TFN Traditional Territory, GC/TFN requests the completion of a study demonstrating the efficacy and sustainability of biomass projects for the heating purposes in comparison to other non-carbon-based fuel sources.
- 1.7 Yukon will sign and implement this MOU with the expectation that GC/TFN will approve the 2020 Recommended Plan. A joint signing ceremony will then take place in March 2021 between all participating governments.

2.0 WORK PLAN

The Parties will jointly develop a work plan to address, and, if necessary, make changes to the Plan at the next available opportunity. GC/TFN requests the following matters be addressed:

1. The Plan is inconsistent with the "shall" provisions outlined in section 2 of the *Forest Resources Regulation* regarding necessary components for forest management plans. As such, the Plan does not meet the requirements set in section 6 (2) of the *Forest Resources Act*. GC/TFN identified in particular the following plan shortcomings:

- a. The Plan does not describe the heritage resources in the planning area;
 - b. The Plan names management zones, but provides no rationale about how they have been derived and how they will be applied;
 - c. The Plan does not contain (a) map(s) identifying existing land uses;
 - d. In contradiction to the Terms of Reference, the Plan:
 - i. does not facilitate a review of the Plan every 10 years; and
 - ii. is missing the mapped information that may be associated with key issues to be addressed in the Plan, including critical habitat such as for caribou, linear corridors, fire history, etc.
2. The *Key Values and Concerns* described in *Appendix C. Landscape units* of the Plan are underdeveloped/lacking to a point that they are unreliable for the application of the management zones or the evaluation of timber harvest applications or plans.
 3. Given the lack of critical information in the Plan, GC/TFN request the deletion of p.12, last sentence.
 4. GC/TFN does not agree with a statement on page 27 which describes biomass energy as a means to reduce the carbon footprint of society. If the amount of trees growing matches the amount of wood burned, biomass might, at best, be described as carbon-neutral. It cannot reduce the carbon footprint as the burning of wood releases the carbon that has been stored during the growing cycle of a tree.
 5. Using the results of a study undertaken by Teslin Tlingit Council in early 2020 to review the heating cost for their biomass burners, GC/TFN requests the evaluation of the efficacy and sustainability of fuelwood as heating source in comparison to other energy sources, in particular hydro-energy. Based on that evaluation, the Implementation Committee will review any reference to biomass projects in the 2020 Plan.

IN WITNESS WHEREOF the Parties have executed this MOU by their duly authorized representatives on the date first written.

Government of Yukon
as represented by the Minister,
Department of Energy, Mines and Resources

In the presence of:

Kim Stavert
Name


Signature


Ranj Pillai

Carcross/Tagish First Nation
as represented by Haa Shaa du Hen

In the presence of:

Sheena Johns
Name


Signature


Lynda Dickson