



KWANLIN DÜN FIRST NATION  
Heritage, Lands and Resources  
Department  
35 McIntyre Drive  
Whitehorse, Yukon  
Y1A 5A5  
Phone: (867) 633-7800  
Fax: (867) 668-5057

May 17, 2024

YESAB Whitehorse Designated Office  
Suite 203-309 Strickland Street  
Whitehorse, YT, Y1A 2J9

Dear Assessors,

**RE: YESAB Project #2023-0167 – Whitehorse Rapids Hydroelectric Generating Station**

Attached is the Kwanlin Dün First Nation (KDFN) submission for YESAB Project #2023-0167 (“the Proposal”) submitted by Yukon Energy Corporation (YEC). The Proposal is for the continued operation of the Whitehorse Rapids Generating Station (WRGS) and Lewes Control Structure (LCS), which currently operates under Water Use Licence HY99-010 until May 31, 2025. The temporal scope of the Proposal is a 25-year assessment.

**Kwanlin Dün First Nations Acknowledgement of Lands**

Kwanlin Dün have lived in their Traditional Territory, including the Southern Lakes Region along the Yukon River corridor, the City of Whitehorse and surrounding areas, for thousands of years. Their history of living on and governing their territory, with a culture deeply rooted in connection to lands, waters and people over generations, continues to define who they are as a self-governing First Nation today. Some of their ancient histories, supported by archaeological evidence, describe the landscape of these areas, as it was, over nine thousand years ago. Many generations have lived and thrived along the Yukon River corridor from Marsh Lake to Whitehorse, due to the abundance of resources, access to important water ways, and one of the most important land and water-based transportation routes. Kwanlin Dün First Nation is a gateway into the greater Yukon and into the City of Whitehorse, and they have a sacred responsibility to uphold, preserve and realize their traditional values in these areas. Stewardship of the land, air and water is deeply engrained in the Kwanlin Dün First Nation culture, languages, heritage, economy and governance because the First Nation understands the health and wellbeing of their Citizens and Beneficiaries is interconnected with the environment they inhabit, and share.

The Kwanlin Dün First Nation humbly, respect and share their Traditional Territory with the Ta’an Kwäch’än Council and acknowledge that this land is shared with others who live, work and play here, and have built their own memories and experiences on this landscape.

## **Project Context**

The construction and operation of the WRGS and LCS has had a long standing devastating impact on the families and community of Kwanlin Dün, negatively affecting their customs, traditions and subsistent way of life. A rich Chinook salmon fishery, which is a valued source of food, and important to the culture and identity to the Kwanlin Dün for generations, was immediately and irreparably damaged. Traditional salmon and freshwater fishing and hunting camps and trails located along the Yukon River were flooded. Water fluctuations destroyed productive wetlands which supported waterfowl, fish, beaver and muskrat populations that Kwanlin people relied on for subsistence and traditional economies. Kwanlin Dün were displaced from their ancestral homes along the Yukon River waterfront and their relationship with their Traditional Territory, the Yukon River which supported their subsistent way of life was deeply disrupted. The construction and ongoing operations of the WRGS and LCS continue to affect and in some cases impair the relationship the Kwanlin Dün have with the land, salmon, fish, wildlife and water resources.

KDFN, Canada, and Yukon signed and ratified the Kwanlin Dün First Nation Final and Self-Government Agreements in 2005. This is the first opportunity for KDFN to participate in an environmental and socio-economic assessment of the WRGS and LCS within the context of the KDFN's Final and Self-Government Agreements. The comments and recommendations brought forward are informed by Kwanlin Dün's historical experiences, current interests, and future expectations that the continued operations of the WRGS and LCS are improved to avoid and reduce any further negative impacts to the traditional territory, lands, waters, fish, wildlife and resources that are important to Kwanlin Dün.

Recently, through the negotiations of a suite of Energy Agreements addressed further in this memo, the Yukon Government (YG) and YEC have acknowledged that operations of the WRGS and LCS have impacted Kwanlin Dün; however, the acknowledgements are inadequate. In particular the acknowledgments fail to recognize and take accountability for the historical impacts caused by the WRGS and LCS and the need for historical compensation. There remains a need for those responsible for the construction of the WRGS and LCS, in particular the Government of Canada, to acknowledge and address the historical impacts of the WRGS and LCS on Kwanlin Dün and to address the First Nation's interest in compensation, in the spirit of reconciliation, to address the past injustices and impacts experienced by Kwanlin Dün families and the community.

## **Governance Context**

The submission has been prepared by the KDFN Heritage, Lands and Resources Department. The content of the submission is guided by *KDFN General Assembly Resolutions*, the *KDFN Project Charter* and the multi-party *WRGS Framework Agreement*.

- In 2019, the KDFN General Assembly passed two resolutions seeking reconciliatory action for historical impacts of the dams, and compensation for past and ongoing impacts of the Dams.
- In 2022, KDFN Council approved a Project Charter to guide KDFN's participation in the WRGS Relicensing process with the following Objectives & Guiding Principles.

The Project Charter also established the KDFN Community Advisory Committee (CAC). The CAC was appointed by the KDFN Chief and Council in 2023 with a mandate to submit a community values report to YESAB on behalf of the broader KDFN community.

***Excerpt from KDFN Project Charter:***

***YEC Relicensing of the Whitehorse and Lewes Dam***

***OBJECTIVES***

KDFN's participation in the Project will:

- Ensure that KDFN's interests are represented and prioritized;
- Lead to project outcomes that preserve or enhance KDFN environmental, cultural, and heritage values in the Southern Lakes region, as well the health and well-being of the KDFN community;
- Acknowledge the historical and ongoing impacts of the Dams, and seek compensation and reconciliatory action for those impacts.

***GUIDING PRINCIPLES***

KDFN's participation in the Project will be guided by the following principles:

- **Respect for the Land & Water** – KDFN will promote decision-making that reflects a respectful relationship with the land, water and all animal life.
- **Collaboration** – KDFN will engage with other impacted First Nations and interested parties, and seek to work with them collaboratively where interests align.
- **Community Involvement** – KDFN will ensure opportunities for community involvement and engagement, and will seek the views of the community to inform its interests, with a particular focus on the views of Elders and Youth.
- **Considering Future Generations** – KDFN will provide that all decision-making will take into consideration the ability of future generations to continue to benefit from the land and water.
- **Support for Climate Change Efforts** – KDFN will endeavor to represent interests that support efforts in Yukon to mitigate and adapt to climate change.
- **Strategic Approach** – KDFN will represent interests consistent with the KDFN Strategic Plan, Traditional Territory Lands Vision and other KDFN guiding documents; and will seek to preserve its internal capacity through the contracting of additional external capacity to support its participation in the Project.

## **WRGS Framework Agreement**

In 2022, KDFN began working collaboratively with YEC, YG, the Carcross/Tagish First Nation (C/TFN) and Ta'an Kwäch'än Council (TKC) which informed the development of a multi-party Framework Agreement that came into effect on October 22, 2022.

The Framework Agreement set out to:

- *Establish structures and processes for the negotiation of four proposed Energy Agreements: Relationship Agreement (between all Parties); Reconciliation Agreement (between the Yukon Government and three Yukon First Nations); Project Agreement (between YEC and the three Yukon First Nations); and Monitoring Agreement (between YEC and the three Yukon First Nations);*
- *Promote long-term benefits and opportunities to the First Nations and their Citizens, Beneficiaries and businesses, including employment, training, and contracting opportunities, relating to the operations and maintenance of the WRGS, presenting opportunities to incorporate Kwanlin Dün culture and knowledge in the operations of the Fish Hatchery and the Fish Ladder Interpretive Center;*
- *Implement the shared commitment of the Parties to build a better future and better relationship with the three Yukon First Nations, in the spirit of partnerships, with respect to the ongoing operation of the WRGS and LCS, while recognizing the importance in meeting the Yukon's renewable energy needs and goals; and*
- *Provide for a governance model for Yukon, YEC and the three Yukon First Nations to advance their common interests in energy generation and distribution, where appropriate; and*
- *Address any other matter that the Parties have agreement to advance.*

The Framework Agreement and corresponding Energy Agreements are further described in Chapter 2 of the Proposal.

## **Energy Agreements**

KDFN has been engaged in the negotiations of four proposed Energy Agreements (“Agreements”) with Yukon and YEC since October 2022. From a KDFN perspective, these Agreements provide resources and present opportunities for collaboration between the Parties to address and improve the operations of the WRGS and LCS over time; collect archival research to support KDFN heritage interests; promote and support the recovery of salmon and freshwater fish; elevate Yukoners and visitors’ experiences in the Fish Ladder Interpretive Center through the incorporation of KDFN traditional knowledge; and advance public awareness of the KDFN’s history and relationship along the Yukon River through education and signage. These opportunities however will take considerable time, dedicated focused research and shared resources to be properly fulfilled. For these reasons, KDFN supports YEC’s submission of a long-term assessment and corresponding water use license which can help advance long term interests and objectives of the Parties as set out in the Agreements.

KDFN recognizes that many of our interests, which includes stewardship measure, community-based research, and advancing the use of traditional knowledge in the operations of the WRGS and LCS, may extend beyond regulatory jurisdictions. The value of these Agreements, including joint development and

implementation of a Monitoring and Adaptive Management Plan (“MAMP”) to improve operations of the WRGS and LCS, present the opportunity for cooperation and mutual respect which are important to strengthen relationships of those affected by the WRGS and LCS. Importantly, the Monitoring Agreement proposes a collaborative process to evaluate and recommend changes to operating conditions of the WRGS and LCS over the course of the license, based on new information, changing circumstances, trends in effects, etc. with the objective of reducing project impacts on key values. Generally, the Agreements present the potential to address and bridge KDFN concerns and uncertainties specific to the Project effects identified in the Project assessment, as will be set out in our submission, and KDFN’s other interests and values.

It is noteworthy that at the time of submission the Agreements have not been finalized or executed by the Parties. It is KDFN’s understanding that the completion of the Agreements will not be concluded until after a decision document has been issued in order to consider and be responsive to new information or regulatory requirements that may arise from the assessment process.

For this reason, the KDFN submission for this Proposal details a full range of project concerns and recommendations, including measures identified for inclusion in the Agreements, and other issues which have not been fully addressed prior to the Proposal submission.

### **WRGS Technical Working Group**

As described in the Proposal, KDFN has been participating in the WRGS Technical Working Group (TWG) established under the Framework Agreement and TWG Terms of Reference. In particular, the TWG set out to exercise shared decision-making to address a variety of KDFN interests raised during pre-submission discussions.

KDFN has participated fully in this process, investing considerable time and resources to help fulfill the TWG mandate. The degree of KDFN participation in the TWG is reflective of the importance of the WRGS Project to the KDFN Government and community.

To date, the TWG has been primarily focused on pre-submission work in support of YEC’s Proposal. This includes:

- Jointly selecting a consultant team to support the TWG and prepare YEC’s Proposal;
- Establishing communication, information sharing and decision-making processes for the TWG;
- Holding a series of workshops with relevant agencies (YEC, YG, YESAB, DFO, Yukon Water Board);
- Participating in project-related field programs;
- Reviewing and providing comment on individual project-related studies and reports;
- Reviewing and providing input on TWG deliverables (Gap Assessment & Workplan, Traditional Knowledge Approach, Limitation Statements & Success Criteria, Monitoring and Adaptive Management Plan);
- Guiding the overall drafting and development of the YEC Proposal.

The goal of the collaborative TWG process was to inform a YEC Proposal which was reflective of the interests of KDFN and other affected First Nations, and - wherever possible - address gaps, issues or questions likely to be raised during the assessment process. KDFN acknowledges the efforts and contributions of all TWG parties in working towards this objective.

## KDFN Participation in the Proposal

At the onset of the process, KDFN recognized that the timelines provided (approximately one year) were insufficient to collaboratively develop a project proposal, including scoping; identifying and addressing information gaps; undertaking community engagement; and reaching consensus on project effects, recommended mitigations, monitoring requirements, and additional studies.

As a result, KDFN TWG representatives advocated for a “realistic” approach to the Proposal which is transparent about process constraints and knowledge gaps, while still meeting legislative requirements for a YESAA assessment to be undertaken. Some of KDFN process-related recommendations included:

- Completing a **Pre-submission Adequacy Review** to proactively address issues of technical adequacy, assessment confidence, and preferred regulatory path;
- Including in the proposal clear **Limitation Statements** around existing studies and identified knowledge gaps;
- Developing measures for including **KDFN Traditional Knowledge** into the proposal in a contextually appropriate way;
- Undertaking a **Case Study Analysis** of other hydroelectric project assessments in Canadian jurisdictions and incorporating lessons learned;
- Developing appropriate **Communications Materials** to support KDFN community engagement in the regulatory process, including scoping assessment values (VSECs).

KDFN TWG representatives also identified a number of priority issues to be addressed in the content of the Proposal. These include, but are not limited to:

- **Chinook Salmon:** Short-and-long-term mitigations and stewardship actions that prioritize the health of the Yukon River and Chinook Salmon above all;
- **Legacy of Effects:** Fulfilling legislated YESAA requirements to consider cumulative effects and ongoing effects from the dam construction and operation in the project context, the characterization of existing conditions and resulting significance determinations and mitigations;
- **Alternative Operating Conditions:** Undertaking an analysis of existing operating conditions for the YEC Water Use License (water levels, minimum flow rates, gate timing) and an evaluation of alternative operating conditions to reduce environmental and socio-economic effects;
- **Community-Based Values:** Approaches to socio-economic effects assessment that emphasize community-based effects characterization, mitigations and monitoring (including health & wellness indicators to address both direct and indirect socio-economic effects of dam operations);
- **Protecting Culture & Heritage:** Recognizing and addressing the limitations of the existing *Historic Resources Act* and developing an approach to better assess potential project impacts to culture and heritage in a manner consistent with the Final Agreements and YESAA Legislation; and
- **Erosional Impacts:** Understanding and mitigating erosional effects on KDFN Settlement Lands and other areas of ecological, cultural and/or heritage significance.

In general, KDFN recommendations and priority issues were not satisfactorily addressed in the collaborative TWG process and/or the Proposal. Further, KDFN representatives raised concerns about how KDFN input was being reflected in the consultation record. These concerns led to KDFN withdrawing direct participation in collaborative TWG proposal development in fall 2023.

Despite this, many of KDFN's priority issues may be addressed through the MAMP, recommended follow-up studies, collaborative decision-making processes, and accountability measures contemplated in the Agreements, such as the proposed regulatory check in at Year 11. As such, KDFN remains an active participant in the TWG as the WRGS Project transitions from pre-submission to the permitting stage of the assessment.

### **KDFN Submission**

The KDFN submission for Project #2023-0167 broadly identifies our priority interests, concerns and questions for consideration of the YESAB Whitehorse Designated Office.

The KDFN submission is organized into a series of compiled memoranda and related appendices focusing on the following key themes:

1. *Assessment Methodology* - KDFN HLR
2. *Assessment Methods and Erosion Related Effects* - Bill Slater & Jon Tunnicliffe
3. *Aquatic Effects Review* - Nicholas de Graff
4. *Heritage Effects Review* - KDFN HLR
5. *Socio-Economic Effects Review* - KDFN HLR
6. *Community Values and Calls to Action* - KDFN Community Advisory Committee
7. *Southern Lakes First Nations Concerns and Recommendations Related to Fish Passage* - KDFN, TKC, C/TFN

In some instances, the compiled memoranda involve overlapping subject matter and analysis. In part, this is due to the interrelated values affected by the Project, and because the memoranda have been authored independently.

To provide clarity, we have included an overall **Table of KDFN Recommendations** associated with each memoranda representing our specific feedback to the YESAB Whitehorse Designated Office. Assessors should refer to the Table of KDFN Recommendations when interpreting the memorandum, the content of which is provided to substantiate our recommendations.

We are grateful to the YESAB assessment team for your contributions to this important project. Please contact our KDFN Heritage, Lands and Resources Department should you have any questions about our submission.

Shàw níthän | Másin cho | Gunatchîsh | Thank you,

*Daniel Beaudoin*

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Daniel Beaudoin, Director  
KDFN Heritage, Lands and Resources

## **Kwanlin Dün First Nation (KDFN) Table of Recommendations**

### Introduction & Explanatory Note

This Table of Recommendations is provided to the YESAB Designated Office (DO) to clarify the Kwanlin Dün First Nations (KDFN) specific recommendations associated with our submission. Assessors should refer to these recommendations when interpreting the compiled memorandum, the content of which is provided to substantiate our recommendations.

Several KDFN recommendations include requests for the YESAB DO make effects assessment determinations where consensus could not be reached through the TWG process. For example, KDFN does not support the Proposal conclusions that there are no erosion-related effects pathways.

KDFN acknowledges that some recommendations are addressed - in full or in part - by the YEC Proposal. In these cases, KDFN seeks to emphasize the importance of these measures to understand and/or address project effects and requests further explanation on how they will be implemented. For example, evaluating alternative operating conditions is listed as a mitigation for the VESEC “Access to Traditional Activities”, but not for any ecological values.

In other cases, KDFN interests deemed by YEC to be outside the regulatory scope (stewardship actions) are recommended for inclusion as project-related mitigations and/or terms and conditions. For example, interpretive activities that support “Telling the Story” of First Nation history along the Yukon River watershed.

KDFN has not limited our interests, concerns and corresponding recommendations to matters directly related to the Proposal or YEC’s responsibilities. In these cases, KDFN’s interests are provided with the purpose of establishing an accurate consultation record with the Government of Yukon and Canada. For example, reconciliatory actions for historic and ongoing impacts of the WRGS and LCS.

Memo	Recommendation
<p><b>Assessment Methodology</b></p>	<ol style="list-style-type: none"> <li>1. In conducting the effects assessment, the DO should consider relevant recommendations from the report <i>Legacy Hydro Projects &amp; Effects on Indigenous Communities</i> (Kingdon 2023).</li> <li>2. The <b>Temporal Boundary</b> of the DO assessment should be expanded to include the original construction and past operations of the WRGS.</li> <li>3. The DO assessment should establish <b>pre-project conditions as baseline</b> for the Proposal, and consider the <b>adverse residual and/or cumulative effects</b> of past and ongoing WRGS operations to characterize existing conditions and significance determinations. Where uncertainty exists, a precautionary approach to protecting or restoring values should be adopted.</li> <li>4. The DO should consider a <b>broader range of socio-economic values</b> not included in the proposal. At a minimum, the community values included in the KDFN Community Advisory Committee YESAB Submission should be adopted as VESECs.</li> <li>5. More information should be requested from YEC on <b>Project Alternatives</b>, including: <ul style="list-style-type: none"> <li>○ Evaluation of alternative operating conditions (e.g., water storage levels, water flows) and how testing will be carried out including criteria to be considered.</li> <li>○ Future YEC energy projects which may occur over the license renewal term, including those in the 10-year Renewable Electricity Plan, and how new projects may influence projected energy demand.</li> <li>○ Flood mitigation measures which will be considered over the license renewal term, and whether these measures will require an “emergency” amendment to the license conditions.</li> </ul> </li> <li>6. KDFN recommends that an <b>Adaptive Approach to Operating Conditions</b> be included as a project mitigation and/or term and condition for a broader range of impacted values, including wetlands upstream of LCS (e.g., wetland habitat, furbearers).</li> <li>7. The draft <b>MAMP</b> should: <ul style="list-style-type: none"> <li>○ Be updated to include a broader range of values, predicted effects, and recommended mitigations as determined by the DO Evaluation Report;</li> <li>○ Include Management Objectives to restore impacted values to acceptable pre-project conditions (i.e., not preserve existing conditions);</li> <li>○ Include Traditional Knowledge and culturally-relevant indicators;</li> <li>○ Incorporate future climate modelling and predicted effects.</li> </ul> </li> </ol>

	<p>8. KDFN recommends that all measures identified in the Proposal under Chapter 7 sections “Follow-Up Strategy” - including <b>follow-up work and stewardship actions</b> - should be clearly required as project mitigations and/or terms and conditions by YESAB.</p> <p>If there is uncertainty about how the identified studies and measures are linked to project effects, KDFN recommends the DO incorporate a socio-economic VESEC of “Trust and Accountability to affected First Nation Governments.”</p> <p>9. The DO should consider the Proposal in the context of relevant Chapters of the KDFN Final Agreement which have not been implemented at the time of submission. The MAMP and renewed license terms must be responsive to new management direction or information arising from Final Agreement processes.</p>
<p><b>Assessment Methods and Erosion Related Effects</b></p>	<p><b>Section 2 – Assessment Methodology</b></p> <p>10. The DO scope of assessment should consider the <b>significance of ongoing effects</b>, even if there is no change from existing conditions. The assessment must evaluate:</p> <ul style="list-style-type: none"> <li>○ If existing conditions of a VESEC have already been significantly adversely affected by WRGS operations, and if that effect will continue or increase due to the Proposal;</li> <li>○ Whether incremental, ongoing effects of the Proposal, in combination with past effects of WRGS operations, will result in significant adverse effects.</li> </ul> <p>11. The DO should consider a more <b>holistic approach to effects assessment</b>, including a broader range of VESECs, as well as cumulative, residual, interrelated, indirect and induced effects on those values. The Faro Mine Remediation project should be considered as an example of this approach.</p> <p>12. The DO should examine the <b>appropriateness of effects criteria</b> in the Proposal, in particular Geographic Extent and Direction, Frequency and Seasonality. Project effects should not be considered “low” simply because they are localized or occur only in one season, particularly when effects occur in areas and during seasons of high cultural value.</p> <p><b>Section 3 – Water Quality</b></p> <p>13. The DO should consider potential <b>effects pathways on water quality</b>, and any associated effects on other VESECs, e.g., fish habitat. Water quality data, including erosion-related parameters such as Total Suspended Solids and turbidity, should be monitored from a range of locations and conditions and be included in the MAMP.</p>

**Section 4 – Pathways to Effects on Erosion and Other Values**

14. The DO should consider **historic and contemporary water level data** which indicate WRGS infrastructure and operations influence the magnitude, frequency, duration and timing of high and moderately high water levels in the project area during both the unregulated and regulated periods.

These indicate a **pathway for erosion-related effects** on a variety of VESECs which have not been evaluated in the Proposal, including potential effects on fisheries, birds, wetlands, water, heritage resources and Settlement Lands.

15. The DO should **reject Proposal conclusions that erosion-related effects are negligible** during the regulated period (fall/winter storage) compared to the unregulated period. These conclusions are not quantified, spatially defined, or substantiated particularly over a long-term license renewal period.

16. The DO should consider how ongoing WRGS operations influence water level changes during both the regulated and unregulated periods, **adverse effects on VESECs related to both erosion and inundation**, and identify mitigation measures as needed.

17. KDFN recommends **erosion-related monitoring** as a requirement for the project, with adaptive management components to address erosion-related effects before they cause unacceptable outcomes.

Given current uncertainty around erosion effects directly associated with the WRGS operations, the DO should take a precautionary approach supported by monitoring recommendations to better understand WRGS contributions to erosion and the conditions that cause erosion.

18. KDFN recommends an **Erosion Risk and Mitigation Strategy** be considered including a term and condition for the project, to be scoped and collaboratively implemented by YEC and participating governments.

<p><b>Aquatic Effects Review</b></p>	<p>19. To characterize <b>baseline hydrological conditions</b> and better understand potential cumulative effects of past and ongoing WRGS water management operations area, the DO should consider:</p> <ul style="list-style-type: none"> <li>○ Hydrologic conditions in comparable reference lakes (regulated and unregulated);</li> <li>○ Trends in historic water elevation data demonstrating increases in the amplitude of yearly water fluctuations associated with WRGS infrastructure and operational changes.</li> </ul> <p>20. To address uncertainty in baseline data, the DO should consider <b>effects of winter drawdown on abiotic and biotic indicators as characterized in peer-reviewed scientific literature</b>, such as Carmignani and Roy (2017). Where effects are determined to be significant, mitigations including habitat restoration, stabilizing water levels, or creating artificial wetland(s) should be considered.</p> <p>21. Monitoring and adaptive management programs are required to <b>understand and mitigate the effect of winter drawdowns on upland wetland ecosystems</b>. An adaptive approach to operating conditions for the renewed water license – including reducing the magnitude of winter drawdown and overall storage range – must be included as a mitigation and/or term and condition for the project.</p> <p>22. KDFN recommends a <b>community-based monitoring program</b> be included as mitigation and/or term and condition for the project that considers key environmental components of the environment (i.e., amphibians, birds, fish, wildlife, vegetation, etc.) to further the understanding of ecological responses to winter drawdown and facilitate effective restoration through the process of adaptive management.</p>
<p><b>Heritage Effects Review</b></p>	<p>23. The DO should consider in their assessment:</p> <ul style="list-style-type: none"> <li>○ <b>Heritage-related effects</b> that are common in hydroelectric and watershed management contexts;</li> <li>○ Potential for <b>direct/indirect impacts</b> as a result of existing conditions and continued operations (temporal boundary);</li> <li>○ Re-evaluation of <b>effects pathways for heritage resources</b>, including but not limited to, inundation and erosion;</li> <li>○ <b>KDFN's lack of confidence</b> in Proposal assessment results, and suggestion for additional <b>mitigation and monitoring measures</b> to be recommended by the DO.</li> </ul>

	<p>KDFN recommends the following be included as mitigations and/or terms and conditions of the Project:</p> <p>24. A <b>Heritage Resource Overview Assessment (HROA)</b> be undertaken for the entire Project area that incorporates:</p> <ul style="list-style-type: none"> <li>○ Heritage potential for submerged sites;</li> <li>○ The traditional knowledge and land use studies recommended in KDFN’s socio-economic memo;</li> <li>○ Consultation with KDFN Heritage Unit.</li> </ul> <p>25. The development of <b>indicators</b> to describe site characteristics and environmental settings that have the potential to be more susceptible to direct and indirect impacts.</p> <p>26. A <b>geotechnical review</b> of bank stability at KDFN’s cemetery.</p> <p>27. A <b>review of the HRIA and HROA</b> results with Ta’an Kwäch’än Council (TKC), Carcross/Tagish First Nation (C/TFN), Yukon Government (YG) Archaeology and Yukon Energy Corporation (YEC) to prioritize next steps and fill gaps. Including a detailed review of, but not limited to:</p> <ul style="list-style-type: none"> <li>○ Heritage potential areas that remain unassessed;</li> <li>○ The level of assessment conducted at all recorded sites;</li> <li>○ The monitoring and mitigation recommendations;</li> <li>○ The chance find protocol to ensure legislative context is considered and roles of each party are appropriate.</li> </ul> <p>28. A <b>post-impact heritage assessment</b> at the WRGS facility, and adjacent areas as appropriate, to determine if heritage resources are currently present and develop mitigations to prevent further or continued disturbance.</p> <p>29. An exploration of the potential for a <b>culturally-respectful heritage designation applied to Kwanlin.</b></p>
<p><b>Socio-Economic Effects Review</b></p>	<p>30. KDFN recommends that mitigations, follow-up studies and stewardship actions identified in the Proposal be considered requirements included as mitigations and/or terms and conditions for the Project, including the <b>Past, Current and Future Land Use Study.</b></p> <p>31. KDFN recommends development of a <b>Traditional Knowledge (TK) Agreement</b> that includes methods to protect, share, and include TK and project-specific TK for the MAMP as a term and condition for the Project.</p> <p>32. KDFN recommends collection of primary <b>project-specific TK</b> in all future studies and the development of <b>culturally relevant indicators for the MAMP</b> as a term and condition.</p> <p>33. KDFN recommends the <b>MAMP and water use licence must be adaptive to new information</b>, integrating new mitigations, monitoring programs, and/or operating conditions based on KDFN socio-economic values and knowledge.</p>

<p><b>KDFN Community Advisory Committee Submission</b></p>	<p>34. KDFN recommends that <b>Community Values</b> identified by the Advisory Committee be included as socio-economic VESECs in the DO assessment.</p> <p>35. Based on the content of the Advisory Committee submission, the DO project effects on the Community Values to be <b>significant adverse socio-economic effects</b>.</p> <p>36. KDFN recommends that the <b>Calls to Action</b> prepared by the Community Advisory Committee be <b>incorporated as project mitigations</b> for significant adverse socio-economic effects.</p> <p>37. Where the DO determines that individual Calls to Action are outside the assessment scope, KDFN recommends further <b>consultation with municipal, territorial and federal governments to address the Calls to Action</b>.</p>
<p><b>Southern Lakes First Nations Concerns and Recommendations Related to Fish Passage</b></p>	<p>38. The DO should incorporate all recommended mitigations, terms and conditions, and additional studies identified in the submission "<b>Southern Lakes First Nation Concerns and Recommendations Related to Fish Passage</b>" into the Evaluation Report.</p>