



First Nation of Na-Cho Nyäk Dun's Approach to Mining in Our Traditional Territory

November 2025

1



Agenda

- Introduction to First Nation of Na-Cho Nyäk Dun
- Context of Mining Policy
- Principles and procedures of the Mining Policy
- Implementation of the Mining Policy
- Q&A

2

2

First Nation of Na-Cho Nyäk Dun



- The First Nation of Na-Cho Nyäk Dun (FNNND) is a self-governing First Nation
- In the Northern Tutchone language, Na Cho Nyäk Dun means the people from where the big waters converge
- FNNND has depended on, learned from, and stewarded our Traditional Territory since time immemorial
- FNNND's inherent right to self-governance has been recognized through modern treaties with the Governments of Yukon and Canada:
 - *FNNND Final Agreement* (May 1993)
 - *FNNND Self-Government Agreement* (May 1993)

3

3

First Nation of Na-Cho Nyäk Dun



- FNNND'S Traditional Territory covers over 160,000 km². Approximately 130,000 km² lies within the Yukon Territory. The rest lies in the Northwest Territories
- Within the Yukon, FNNND's Traditional Territory stretches from near Fort McPherson in the north to the South MacMillan River and Pelly River in the south, and from the Dempster Highway in the west all the way to the border with the Northwest Territories and beyond



4

4

Mining in FNNND Traditional Territory



- FNNND's Traditional Territory is a focal point for Yukon mineral development:
 - There are 82,000 quartz and placer claims in FNNND's Traditional Territory
 - Approximately 43% of all quartz mining claims in the Yukon are in FNNND's Traditional Territory
- FNNND has been uniquely impacted by the mining industry
- FNNND has clear treaty entitlements to advance resource governance within FNNND's Traditional Territory in a way that honors our rights, practices, and values:
 - This is especially true now that the Chapter 11 planning process has begun

5

5

Eagle Gold Disaster & the Future of Mining



- On June 24, 2024, the heap leach facility at Victoria Gold's Eagle Gold Mine collapsed:
 - 4 million tons of cyanide-laden ore were released in the heart of our Traditional Territory, soaking bare earth in cyanide solution
 - These toxins have infiltrated groundwater and led to deaths of almost 100 fish
- FNNND's Mining Policy was adopted by Chief and Council on the same day as the Eagle Gold disaster
- FNNND is grieving yet working diligently to mitigate the impacts of the Eagle Gold disaster, which will continue for generations
- The Mining Policy and the Eagle Gold disaster will guide FNNND's engagement with mining proponents moving forward

6

6

Land Use Planning & Mining



- FNNND has recently begun a Chapter 11 land use planning process with Yukon Government:
 - Yukon courts have recognized that authorizing development during the pendency of a land use plan may impact the eventual plan, planning process, and FNNND's treaty rights
- FNNND issued a notice to industry and investors that our Chapter 11 land use planning has begun, and proponents must engage FNNND in accordance with our Mining Policy

7

7

The Mining Policy



- For FNNND to consider a proposed project, the proponent must confirm in writing that the project will only proceed with FNNND consent
- FNNND supports sustainable development in FNNND's Traditional Territory when it is:
 - founded in FNNND's ancient principles of reciprocity;
 - respectful of FNNND's rights and interests; and
 - consistent with FNNND's traditional use and ways of living in FNNND's Traditional Territory.
- The Mining Policy (the "Policy") sets clear terms to ensure this balance is achieved and maintained, while accommodating development
- The Policy creates a potential pathway to obtain FNNND's consent & support for mineral activity

8

8

Overview of the Policy



- Purpose & Scope of Application
- Guiding Principles
- Procedure for Engagement with Proponents
- Framework for FNNND Decision-making

9

9

Purpose & Scope of Application



- Purpose:
 - Communicate FNNND's approach to mining;
 - Provide clarity and transparency to proponents through all project stages;
 - Ensure proponents understand FNNND's principles and procedures for Mineral Activity; and
 - Reflect best industry practices.
- The Policy applies to all proponents and all existing or new Mineral Activity in FNNND Traditional Territory – including staking, exploration, and mineral development
- The Policy is a living document and may be revised by FNNND

10

10

Guiding Principles



- Four principles of Dän Ki (“Our Way”):
 - Nátats’int’ra – Respect
 - Łek’ats’ete – Caring
 - Łeyáts’ele – Sharing
 - Häts’edän – Teaching
- FNNND’s rights and obligation to govern our Traditional Territory:
 - Inherent and inalienable right to govern FNNND’s Traditional Territory since time immemorial
 - UNDRIP requirement for free, prior, and informed consent before projects undertaken on FNNND’s Traditional Territory
 - Constitutionally protected Aboriginal and treaty rights, including those enshrined in the *FNNND Final Agreement*

11

11

The Policy & FNNND Rights



- The Policy upholds FNNND’s:
 - Aboriginal and treaty rights under s. 35 of the *Constitution Act*;
 - rights protected by UNDRIP; and
 - right to advocate before regulatory, courts, or Crown bodies regarding any Aboriginal, treaty, or inherent right of FNNND or any fiduciary or other duty owed by the Crown to FNNND.

12

12

Core Principles for Mineral Activity



- FNNND will exercise our rights to ensure all Mineral Activity in FNNND's Traditional Territory is consistent with FNNND's Core Principles:
 - Protecting and advancing FNNND's Aboriginal and treaty rights, UNDRIP, and inherent rights, title, interests, and ways of living
 - Ensure sustainable development of FNNND's Traditional Territory with a holistic view of cumulative effects and socio-cultural and socioeconomic impacts
 - Advance FNNND self-governance and self-determination, including by providing meaningful economic benefits to FNNND and our Nation
- FNNND will consider working with proponents who seek a relationship with FNNND based on these Core Principles

13

13

Procedure for Mineral Activity Decisions



- Foundational Aspects:
 - **Early Engagement:** FNNND expects proponents to engage prior to submitting any proposal to assessment or regulatory bodies
 - **Formal Agreements:** Relationships with proponents will be framed by one or more written agreements
 - **Foundation for Actions:** FNNND's actions, perspectives, and decisions will be based on the best available Traditional Knowledge, scientific information, and expert opinion. Proponents will be transparent, accountable, and forthcoming
 - **Traditional Knowledge:** Sharing and use of Traditional Knowledge shall be subject to a written agreement consistent with principles of ownership, control, access, and possession (OCAP)
 - **Financial Support:** Proponents will generally be required to support FNNND's costs for sharing Traditional Knowledge, overall engagement, consultation, and participation in regulatory processes

14

14

Procedure for Mineral Activity Decisions



- Step 1: Memorandum of Understanding (MOU) with FNNND:
 - Proponent submits written request for FNNND Consent & Support to Lands & Resources Department (Lands)
 - The Policy specifies information to be included in Request for Consent & Support—roughly comparable to a typical project proposal—including details about the type of Mineral Activity, baseline sampling or studies, and types of anticipated impacts
 - **Request must include confirmation that the proposed activity will not move forward without Consent from FNNND**
 - Lands will invite proponents to enter an MOU with FNNND, setting out fundamental aspects of relationship
 - Lands shall respond within 20 days to confirm receipt of signed MOU and provide next steps and provide further information

15

15

Procedure for Mineral Activity Decisions



- Step 2: Lands' Assessment of Proposed Mineral Activity:
 - **Receipt:** Upon receipt of signed MOU, Lands will begin the Assessment—a full and fair consideration of the information received from the proponent
 - **Further Information:** Lands may make requests for additional information to complete the Assessment
 - **Criteria:** The Policy specifies criteria Lands will consider in completing the Assessment, including:
 - potential impacts on FNNND's Traditional Territory, including lands, waters, and wildlife, combined with cumulative impacts of development;
 - potential impacts on the exercise of FNNND's Aboriginal and treaty rights and ways of living; and
 - whether the proposed activity is consistent with FNNND's Core Principles

16

16

Procedure for Mineral Activity Decisions



- Step 3: Lands' Determination on Proposed Mineral Activity:
 - **Consent & Support:** Following the Assessment, Lands will determine whether FNNND could give Consent & Support to the proposed activity based on consistency with the Core Principles and relevant guidance for land and resource management in FNNND's Traditional Territory
 - **Do Not Proceed:** Lands may determine the proposed activity is inconsistent with the Core Principles and FNNND's approach to Mineral Activity and issue a "Do Not Proceed Notice":
 - Where the proponent complies with a Do Not Proceed Notice, FNNND may issue a press release in support of the proponent. Failure to comply may be met with legal action
 - **Council Review:** Lands may also refer the proposed activity to Council for their review

17

17

Procedure for Mineral Activity Decisions



- Potential Next Step: Council and/or Citizen Review:
 - Lands may refer proposed Mineral Activity to Council, providing information to facilitate review and consideration
 - Council may determine negotiation of an Exploration Agreement or Impact Benefits Agreement (IBA) is required
 - Any agreement shall advance FNNND's Core Principles
 - The Policy contains standard agreement provisions and potential areas for negotiation
 - A proponent with an Exploration Agreement will be subject to a new Assessment if it seeks to develop minerals
 - Following conclusion of any agreement, FNNND may review and ratify it

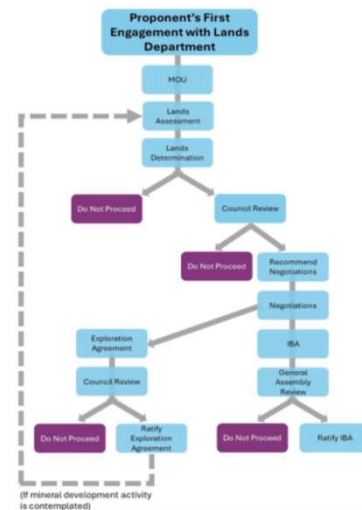
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Engagement & Assessment Pathway



1. Request for Consent & Support
2. MOU with FNNND
3. Lands Assessment
4. Lands Determination
5. Potential Council Review & Execution of Agreement



19

19

Assessments by Yukon Environment & Socio-economic Assessment Board (YESAB)



- YESAB applications should only proceed with FNNND's Consent & Support
- FNNND will determine the scope and nature of its participation in YESAB or regulatory proceedings
- FNNND shall seek to ensure its participation in YESAB assessments is adequately funded by the proponent or Crown

20

20

Reclamation & Ecological Restoration



- Proponents are expected to carry out state-of-the-art progressive reclamation and ecological restoration through detailed Reclamation & Restoration Plans, which Lands will review and approve
- The Policy contains specific requirements for Reclamation & Restoration Plans, including:
 - objectives, baseline data, methods, and timelines;
 - measurable indicators of progress and completion;
 - annual reporting; and
 - responsibilities for legacy infrastructure and disturbances.
- Reclamation & Restoration Plans must seek the highest level of ecosystem recovery attainable
- Must integrate community and FNNND guidance in articulating objectives and create and prioritize opportunities for FNNND businesses

21

21

Benefits to Proponents for Abiding by the Policy



- Commitment to FNNND and the Policy comes with clear benefits to proponents:
 - a smoother, more defined engagement process;
 - less combative assessment and regulatory process;
 - working in partnership toward a mutually beneficial understanding of the proposed activity; and
 - obtaining clear social licence for the proposed project.

22

22

Implementation of the Policy



- Developing an MOU to guide FNNND's engagement with proponents:
 - Creating a mutually beneficial and productive working relationship;
 - Commitment to consent-based engagement;
 - Financial support for FNNND's engagement with proponents; and
 - Other matters.

23

23



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Questions & Discussion
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