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Media Statement: First Nation of Na-Cho Nyäk Dun files intervention on Yukon Energy’s emergency application for Wareham Dam Spillway

Mayo, Yukon - On May 19, the First Nation of Na-Cho Nyäk Dun (FNNND) filed an intervention with the Yukon Water Board raising serious concerns with Yukon Energy Corporation’s (YEC) application for an emergency amendment to its water use licence to authorize the reconstruction of the Wareham Dam Spillway at the Mayo Generating Station (MGS). YEC renewed its water use licence in February but excluded the Wareham Dam Spillway project that process. YEC’s tactic of “project splitting” prevented a comprehensive review of the Wareham Dam Spillway project. FNNND warns that the proposed approach risks undermining treaty rights, meaningful consultation, and longstanding efforts to secure safe upstream and downstream fish passage at the Mayo Generating Station.

Our Final Agreement and UNDRIP promise a relationship of co-management and meaningful consultation. We have consistently shared our concerns surrounding the MGS and Wareham Dam Spillway, which have either been ignored or deemed “out of scope” by Yukon Government and YEC. For decades, our Elders and our leadership have expressed concerns about the safety and maintenance of the Wareham Dam and the risk that it poses to our Citizens, and for years, our safety has not been a priority for Yukon Government’s or YEC’s budgets. Now, under a completely avoidable and self-created emergency, Yukon Government and YEC are leveraging the emergency status of this infrastructure to bypass their Nation-to-Nation obligations.

FNNND remains pro-development. However, like with the Eagle Gold Mine, that development must be sustainable, accountable, responsible, and guided by the principles of co-management. In the absence of a true co-management relationship with FNNND, and without upholding the well-being of the salmon, YEC’s proposed work on the Wareham Dam undermines our Final Agreement and cannot be sustainable development.

When the Wareham Dam was built in the 1950s, there was no consideration for safe upstream and downstream passage for salmon. Today, as salmon face insurmountable pressures on their well-being they do not have access to Mayo Lake as they have since time immemorial. As we, along with our Northern Tutchone neighbours, have committed to a 7-year moratorium on salmon, we have an opportunity to do

right by the harms of the past and approach sustainable energy development in a way that holistically upholds the well-being of the land, water, and all Yukoners. The inclusion of safe upstream and downstream fish passage, in addition to dedicated flow rates, is what would make this work truly “green energy.”

Like many Yukoners, we are deeply proud to be Treaty holders. We take our commitment to work in a good-faith Nation-to-Nation relationship seriously. We cannot stand by while Yukon Government and YEC continue to bypass their Treaty obligations and ignore the salmon—a species at risk, and the cornerstone of our culture, rights, and identity. We cannot allow a system in which Yukon Government and YEC ignore infrastructure maintenance obligations for decades, putting NND Citizens and Yukoners at risk, and then leveraging those failures to ignore their Treaty obligations.

It is our intention that through filing an intervention with the Yukon Water Board, YEC’s inappropriate project splitting will end, and this emergency work can move forward in an environmentally sustainable way that respects treaty-mandated assessment processes and our right to co-management of our territory.

No interviews will be given at this time. For clarifying questions, please contact:

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