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Supreme Court of Yukon Accepts Tr'ondëk Hwëch'in Argument and Rejects Government of Yukon's Attempt to Undermine Land Use Planning

Dawson City – Tr'ondëk Hwëch'in (TH) welcomes yesterday's ruling by the Supreme Court of Yukon dismissing the Government of Yukon's (YG) attempt to challenge a recommendation by the Designated Office (DO) of the Yukon Environmental and Socio-Economic Assessment Board (YESAB). The DO's recommendation supported an honourable interpretation of the *Tr'ondëk Hwëch'in Final Agreement* and land use planning, and the Court rejected YG's effort to have the recommendation set aside. This is a positive step for thoughtful land use planning in the Yukon and TH Traditional Territory.

The litigation concerned Silver47 Exploration Corp.'s (Silver47) proposed Michelle Creek mineral exploration program. After a thorough assessment, the DO recommended to YG that the proposed project – located within an area covered by the Peel Watershed Regional Land Use Plan (Peel Plan) – not be allowed to proceed because of the significant adverse effects to wildlife and First Nation wellness. Of importance, the DO required compliance with the Peel Plan and noted that, despite numerous requests by the DO, Silver47 refused to provide baseline data as required under the Peel Plan.

YG ignored its obligations to consult and did not make a decision about the DO's recommendation, as required by law, but instead commenced its legal challenge. TH, the First Nation of Na-Cho Nyäk Dun (FNNND), YESAB and the Attorney General of Canada all opposed YG's challenge. The Court agreed with TH, FNNND and others by ruling that YG acted prematurely in starting the litigation, and the Court rejected all of YG's arguments for hearing the matter and setting the DO's recommendation aside.

"TH wholeheartedly agrees with the DO's recommendation in upholding and supporting the Peel and is pleased with the Court's decision to dismiss YG's challenge," says Tr'ondëk Hwëch'in Deputy Chief Erin McQuaig. "It took many years of work and many court challenges before the Peel Plan was finally approved, and yesterday's Court decision builds on the significant effort of Yukon First Nations and all Yukoners to ensure that the Peel Plan is properly and honourably implemented. This is a win for TH and for land use planning under our treaty."

The result of the Court's ruling is that YG must now make a decision on whether to accept the DO's recommendation that Silver47's project does not proceed. TH anticipates that YG will



support the DO's thoughtful recommendation, uphold the Peel Plan, and looks forward to working with YG on this important matter.

The Court's decision can be accessed here:

https://www.yukoncourts.ca/sites/default/files/2025-03/2025_yksc_14_Yukon%20%28Government%20of%29%20v%20YESAB.pdf

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