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Tr'ondëk Hwëch'in Challenges Government of Yukon's Misguided Amendments to Placer and Quartz Regulations

Dawson City – Tr'ondëk Hwëch'in (TH) had no choice but to file a lawsuit against the Government of Yukon (YG) today in the Yukon Supreme Court, to address YG's decision to amend – without any prior consultation – the *Placer Mining Land Use Regulation*, the *Quartz Mining Land Use Regulation* and the *Waters Regulation* (the Regulatory Amendments) to extend approvals for eligible operators to address purported regulatory backlogs YG has been facing since last year.

YG made the decision to enact the Regulatory Amendments without any consultation with TH; we learned of YG's action on the same day the amendments were made on May 29, 2025. Since then, YG has continued to ignore our repeated calls – and those from other Yukon First Nations – to repeal these amendments and work with us to find a solution to the so-called regulatory backlog.

The Regulatory Amendments have allowed projects to extend their operations within TH Traditional Territory, including on Settlement Land, beyond the original scope of the assessment under YESAA and their operating approvals. The effects from the activities that have been, and are eligible to be, extended were reviewed by TH and YG over 10 years ago through YESAA, consultation and other regulatory processes. No extension of those activities was contemplated at that time. While the activities may remain the same, environmental, and socio-economic conditions have substantially changed in the last decade.

The situation that YG found itself in 2024/2025, and currently finds itself in, regarding the so-called “regulatory backlog” could have been entirely avoided or addressed. Due to the cyclical nature of these permits, YG should have expected that a higher-than-normal volume of renewal applications would be coming and could have planned accordingly by increasing regulatory

capacity. In fact, YG experienced the same surge 10 years ago. However, despite knowing this would happen again, YG failed or refused to have adequate resources in place to deal with this foreseeable event and, instead, elected to adopt a blunt regulatory band-aid that puts the risk on the environment and our treaty rights and interests. The Regulatory Amendments are not the solution, and this “backlog” will happen again without proper attention.

As a result of the Regulatory Amendments, YG has allowed and continues to allow effects on the environment and our treaty rights from the activities, as extended, that are either not predicted or assessed at this time to occur. Some of the projects that were extended, or have been deemed eligible for an extension, are also located on Settlement Land, where TH is a decision-body under YESAA and has law-making authority under its Self-Government Agreement.

YG knew that the mining industry supported the Regulatory Amendment and also knew – or should have known – that these amendments could adversely affect the environment and TH’s rights and interests under the Final Agreement and Self-Government Agreement. Instead, by notifying TH of the Regulatory Amendments *after* they were enacted and known to industry, YG forced TH into the position of either having to accept the Regulatory Amendments and their adverse effects or take a position that was oppositional to the mining industry.

“Placer mining is an important part of the Dawson City economy and many of our citizens work in the industry. But mineral activities within our Traditional Territory cannot come at the expense of our treaty rights and interests,” said Hähkè Darren Taylor. “YG’s conduct is dishonourable and unbecoming of our treaty partner. It also pits First Nations and industry against each other, which harms, rather than advances, the process of reconciliation. YG’s decision fails the public, industry, and First Nations, and ignores the real problem – YG’s failure to adequately resource its system – entirely.”

TH filed a statement of claim in the Yukon Supreme Court on January 28, 2026, which seeks to address YG’s unlawful enactment of the Regulatory Amendments and seeks significant damages from YG to address the harm that TH and TH citizens have suffered as a result.

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