

CHAPTER 13 - HERITAGE

13.1.0 Objectives

13.1.1 The objectives of this chapter are as follows:

- 13.1.1.1 to promote public awareness, appreciation and understanding of all aspects of culture and heritage in the Yukon and, in particular, to respect and foster the culture and heritage of Yukon Indian People;
- 13.1.1.2 to promote the recording and preservation of traditional languages, beliefs, oral histories including legends, and cultural knowledge of Yukon Indian People for the benefit of future generations;
- 13.1.1.3 to involve equitably Yukon First Nations and Government, in the manner set out in this chapter, in the management of the Heritage Resources of the Yukon, consistent with a respect for Yukon Indian values and culture;
- 13.1.1.4 to promote the use of generally accepted standards of Heritage Resources management, in order to ensure the protection and conservation of Heritage Resources;
- 13.1.1.5 to manage Heritage Resources owned by, or in the custody of, Yukon First Nations and related to the culture and history of Yukon Indian People in a manner consistent with the values of Yukon Indian People, and, where appropriate, to adopt the standards of international, national and territorial Heritage Resources collections and programs;
- 13.1.1.6 to manage Heritage Resources owned by, or in the custody of, Government and related to the culture and history of Yukon Indian People, with respect for Yukon Indian values and culture and the maintenance of the integrity of national and territorial Heritage Resources collections and programs;
- 13.1.1.7 to facilitate reasonable public access, except where the nature of the Heritage Resource or other special circumstances warrant otherwise;
- 13.1.1.8 to identify and mitigate the impact of development upon Heritage Resources through integrated resource management including land use planning and development assessment processes;
- 13.1.1.9 to facilitate research into, and the management of, Heritage Resources of special interest to Yukon First Nations;

- 13.1.1.10 to incorporate, where practicable, the related traditional knowledge of a Yukon First Nation in Government research reports and displays which concern Heritage Resources of that Yukon First Nation;
- 13.1.1.11 to recognize that oral history is a valid and relevant form of research for establishing the historical significance of Heritage Sites and Moveable Heritage Resources directly related to the history of Yukon Indian People; and
- 13.1.1.12 to recognize the interest of Yukon Indian People in the interpretation of aboriginal Place Names and Heritage Resources directly related to the culture of Yukon Indian People.

13.2.0 Definitions

In this chapter, the following definitions shall apply.

"Non-Public Records" means all Documentary Heritage Resources other than Public Records.

"Place Names" includes Yukon Indian place names.

"Public Records" means records held by any department or agency or public office of any level of Government, and records which were formerly held by any such department, agency or public office.

13.3.0 Ownership and Management

- 13.3.1 Each Yukon First Nation shall own and manage Moveable Heritage Resources and non-Moveable Heritage Resources and Non-Public Records, other than records which are the private property of any Person, found on its Settlement Land and on those Beds of waterbodies owned by that Yukon First Nation.
- 13.3.2 Subject to 13.3.5 to 13.3.7, each Yukon First Nation shall own and manage ethnographic Moveable Heritage Resources and Documentary Heritage Resources that are not Public Records and that are not the private property of any Person, that are found in its respective Traditional Territory and that are directly related to the culture and history of Yukon Indian People.
 - 13.3.2.1 If more than one Yukon First Nation asserts ownership of a Heritage Resource pursuant to 13.3.2, they shall attempt to resolve the matter among themselves, and, failing resolution, any one of them may refer the matter to the Yukon Heritage Resources Board which shall determine ownership of the Heritage Resource in dispute.

- 13.3.3 Subject to 13.3.5 to 13.3.7, Moveable Heritage Resources and Documentary Heritage Resources which are not ethnographic resources directly related to the culture and history of Yukon Indian People and which are found on Non-Settlement Land shall be owned by Government.
- 13.3.4 Public Records, wherever they are found, shall be owned and managed by the Government by which they were created or held.
- 13.3.5 In the event that a Moveable Heritage Resource found on Non-Settlement Land in a Traditional Territory cannot be readily identified as an ethnographic object directly related to the culture and history of Yukon Indian People, that object shall be held in custody by Government until the nature of the object has been determined.
- 13.3.6 If the object in 13.3.5 is determined by the Yukon Heritage Resources Board to be:
- 13.3.6.1 an ethnographic object directly related to the culture and history of Yukon Indian People, it shall be owned and managed by the Yukon First Nation in whose Traditional Territory it was found; or
 - 13.3.6.2 an ethnographic object not directly related to the culture and history of Yukon Indian People, or to be a palaeontological or an archaeological object, it shall be owned and managed by Government.
- 13.3.7 Where the Board is unable to reach a majority decision under 13.3.6, the issue of whether the ethnographic object is directly related to the culture and history of the Yukon Indian People shall be referred to the dispute resolution process under 26.3.0.
- 13.3.8 Agreements may be entered into by Government and Yukon First Nations with respect to the ownership, custody or management of Heritage Resources.

13.4.0 General

- 13.4.1 As the Heritage Resources of Yukon Indian People are underdeveloped relative to non-Indian Heritage Resources, priority in the allocation of Government program resources available from time to time for Yukon Heritage Resources development and management shall, where practicable, be given to the development and management of Heritage Resources of Yukon Indian People, until an equitable distribution of program resources is achieved.

- 13.4.2 Once an equitable distribution of program resources is achieved, Heritage Resources of Yukon Indian People shall continue to be allocated an equitable portion of Government program resources allocated from time to time for Yukon Heritage Resources development and management.
- 13.4.3 Government, where practicable, shall assist Yukon First Nations to develop programs, staff and facilities to enable the repatriation of Moveable and Documentary Heritage Resources relating to the culture and history of Yukon Indian People which have been removed from the Yukon, or are retained at present in the Yukon, where this is consistent with the maintenance of the integrity of national or territorial collections.
- 13.4.4 A Yukon First Nation or a Yukon Indian Person who is an owner of a Heritage Resource may transfer the ownership or custody of the Heritage Resource to another Yukon First Nation or to another aboriginal person.
- 13.4.5 Government shall Consult Yukon First Nations in the formulation of Legislation and related Government policies on Heritage Resources in the Yukon.
- 13.4.6 Yukon First Nation Final Agreements may include provisions in respect of territorial heritage parks or sites, heritage rivers, heritage routes, heritage buildings, special management areas for Heritage Resources, for other sites or areas of unique cultural or heritage significance, or for other such heritage matters.

Specific Provision

- 13.4.6.1 The Tagish North West Mounted Police Historic Site shall be established as a Designated Heritage Site, and the specific provisions in respect thereof are set out in Schedule A - Tagish North West Mounted Police Historic Site, attached to this chapter.
- 13.4.6.2 The Conrad Heritage Site shall be established as a Designated Heritage Site, and the specific provisions in respect thereof are set out in Schedule B - Conrad Heritage Site, attached to this chapter.
- 13.4.6.3 The heritage routes and sites identified in Schedule C - Heritage Routes and Sites, attached to this chapter, are recognized as having cultural and heritage significance to the Carcross/Tagish People and the Carcross/Tagish First Nation.

13.4.6.4 In developing a land use plan which includes all or part of the Traditional Territory of the Carcross/Tagish First Nation, a Regional Land Use Planning Commission shall take into account the cultural and heritage significance of the heritage routes and sites identified in Schedule C - Heritage Routes and Sites, attached to this chapter.

13.4.6.5 In carrying out their functions under Chapter 12 - Development Assessment, the Yukon Development Assessment Board and Designated Offices and panels shall consider any significant adverse effect, and possible mitigative measures, on the heritage routes and sites identified in Schedule C - Heritage Routes and Sites, attached to this chapter.

13.4.6.6 Nothing in 13.4.6.3, 13.4.6.4 or 13.4.6.5 shall be construed as an obligation or commitment by Government or the Carcross/Tagish First Nation to maintain the identified heritage routes or sites or to guarantee that the heritage routes or sites will continue to exist in their current state.

13.4.6.7 Government shall Consult with the Carcross/Tagish First Nation when establishing or designating, as the case may be, territorial heritage parks or sites, heritage rivers, heritage routes, heritage buildings and special management areas for Heritage Resources directly related to the culture and heritage of the Carcross/Tagish People within the Traditional Territory of the Carcross/Tagish First Nation.

(a) If the parties are unable to reach consensus as to whether a Heritage Resource is directly related to the culture and heritage of the Carcross/Tagish People, the matter shall be referred to the dispute resolution process under 26.4.0.

13.4.7 Any granting of access to the public, third parties or Government to Settlement Land shall not divest the Yukon First Nation of the ownership or management of Heritage Resources on Settlement Land.

13.4.8 In accordance with Government procedures on access to and duplication of records, and subject to access to information, protection of privacy and copyright Legislation and to any agreements respecting records or the information contained in them, Government, within existing budgets, shall facilitate the preparation of an inventory of Moveable Heritage Resources and Heritage Sites which relate to Yukon First Nations.

Specific Provision

- 13.4.8.1 Government shall provide the Carcross/Tagish First Nation with a written inventory of the Moveable Heritage Resources which are identified by Government as directly related to the culture and heritage of Carcross/Tagish People which have been documented by Government at the Effective Date of this Agreement.

13.5.0 Yukon Heritage Resources Board

- 13.5.1 A Yukon Heritage Resources Board, comprised of 10 members and composed of equal numbers of appointees nominated by the Council for Yukon Indians, and of appointees nominated by Government, shall be established to make recommendations respecting the management of Moveable Heritage Resources and Heritage Sites to the Minister and to Yukon First Nations.
- 13.5.2 The Board shall operate in the public interest.
- 13.5.3 The Board may make recommendations to the Minister and to Yukon First Nations on:
- 13.5.3.1 the management of non-documentary Heritage Resources;
 - 13.5.3.2 means by which the traditional knowledge of Yukon Indian Elders may be considered in the management of Moveable Heritage Resources and Heritage Sites in the Yukon;
 - 13.5.3.3 means by which the traditional languages of Yukon First Nations can be recorded and preserved;
 - 13.5.3.4 the review, approval, amendment or repeal of regulations pursuant to heritage Legislation pertaining to Moveable Heritage Resources and Heritage Sites in the Yukon;
 - 13.5.3.5 the development and revision of a strategic plan for the preservation and management of Moveable Heritage Resources and Heritage Sites in the Yukon;
 - 13.5.3.6 the development, revision and updating of a manual including definitions of ethnographic, archaeological, palaeontological and historic resources, to facilitate the management and interpretation of these resources by Government and Yukon First Nations, such manual to be developed by Yukon First Nations and Government;

- 13.5.3.7 the development, revision and updating of the inventory of Yukon Indian Heritage Resources provided for in 13.4.8;
- 13.5.3.8 means by which public awareness and appreciation of Moveable Heritage Resources and Heritage Sites may be fostered;
- 13.5.3.9 designation of Heritage Sites as Designated Heritage Sites; and
- 13.5.3.10 any other matter related to Heritage Resources of the Yukon.

13.5.4 In modifying or rejecting recommendations of the Board, Government or Yukon First Nations shall provide the Board with one opportunity to resubmit recommendations for the approval of Government or Yukon First Nations.

13.6.0 National Parks and National Historic Sites

13.6.1 The management of Heritage Resources in National Parks, in Kluane National Park Reserve and in national historic sites administered by the Canadian Parks Service shall be as set out in the relevant Yukon First Nation Final Agreement.

13.7.0 Research

13.7.1 Research or interpretative reports produced by Government or its agents regarding Yukon Heritage Resources shall be made available to the affected Yukon First Nation.

13.7.2 Where feasible, research reports in 13.7.1 or portions thereof, shall be made available to the public, recognizing that some reports may be restricted due to the sensitive nature of the information contained therein.

13.8.0 Heritage Sites

13.8.1 Ownership and management of Heritage Sites in a Yukon First Nation's Traditional Territory shall be addressed in that Yukon First Nation Final Agreement.

Specific Provision

13.8.1.1 The ownership of land in the Traditional Territory of the Carcross/Tagish First Nation is not affected by reason of that land being a Heritage Site or a Designated Heritage Site.

- 13.8.1.2 Government shall provide the Carcross/Tagish First Nation with a written inventory of the sites within the Traditional Territory of the Carcross/Tagish First Nation which are identified by Government as Heritage Sites directly related to the culture and heritage of Carcross/Tagish People, including information on their location and character, which have been documented by Government at the Effective Date of this Agreement.
- 13.8.1.3 Government shall inform the Carcross/Tagish First Nation when land within the Traditional Territory of the Carcross/Tagish First Nation is identified by Government as a proposed Designated Heritage Site or as a Heritage Site directly related to the culture and heritage of Carcross/Tagish People.
- 13.8.1.4 When requested by the Carcross/Tagish First Nation, Government shall consider protection within existing Legislation, for a period of time, of a Heritage Site directly related to the culture and heritage of Carcross/Tagish People which is Non-Settlement Land, Category B Settlement Land or Fee Simple Settlement Land within the Traditional Territory of the Carcross/Tagish First Nation, pending a decision by the Minister whether to designate the Heritage Site as a Designated Heritage Site.
- 13.8.1.5 Government shall Consult with the Carcross/Tagish First Nation regarding the terms and conditions of the temporary protection which might apply to the Heritage Site pursuant to 13.8.1.4.
- 13.8.1.6 Management plans for Designated Heritage Sites directly related to the culture and heritage of Carcross/Tagish People may provide for the use of Tlingit, Tagish or other aboriginal languages of Carcross/Tagish People in interpretive displays and signage.
- 13.8.1.7 Government and the Carcross/Tagish First Nation may negotiate arrangements for the ownership, management and protection of a Heritage Site on Non-Settlement Land within the Traditional Territory of the Carcross/Tagish First Nation which is directly related to the culture and heritage of Carcross/Tagish People.

- 13.8.2 Government and the affected Yukon First Nation shall consider the land use activities of other resource users in the management of interpretive and research activities at Heritage Sites.

13.8.3 Government and the affected Yukon First Nation shall institute a permit system for research at any site which may contain Moveable Heritage Resources.

Specific Provision

13.8.3.1 Government and the Carcross/Tagish First Nation shall Consult each other during the development and drafting of the permit system referred to in 13.8.3.

13.8.3.2 Without limiting any authority which Government or the Carcross/Tagish First Nation may otherwise have to establish a permit system, the system may include provisions in respect of:

- (a) notification of an application for a permit and any permit issued;
- (b) requirements that research be conducted in a manner which maximizes the preservation of Moveable Heritage Resources;
- (c) involvement of Carcross/Tagish People in research at sites which contain Moveable Heritage Resources directly related to the culture and heritage of Yukon Indian People;
- (d) the sharing of information between Government and the Carcross/Tagish First Nation relating to the nature and scope of research for which a permit application has been made; and
- (e) requirements for the provision to Government and the Carcross/Tagish First Nation by a permittee of non-technical summaries of the results of research conducted pursuant to a permit.

13.8.3.3 Government shall Consult with the Carcross/Tagish First Nation before issuing a permit for research at a Heritage Site which is directly related to the culture and heritage of Carcross/Tagish People in the Traditional Territory of the Carcross/Tagish First Nation.

- (a) If the parties are unable to reach consensus as to whether a Heritage Site is directly related to the culture and heritage of the Carcross/Tagish People, the matter shall be referred to the dispute resolution process under 26.4.0.

- 13.8.4 Access to Designated Heritage Sites shall be controlled in accordance with the terms of site management plans which have been reviewed by the Board, and approved and implemented by Government or the affected Yukon First Nation.
- 13.8.5 Government and the affected Yukon First Nation, when controlling access to Designated Heritage Sites, shall consider:
- 13.8.5.1 the interests of permitted researchers;
 - 13.8.5.2 the interest of the general public; and
 - 13.8.5.3 the requirements of special events and traditional activities.
- 13.8.6 Except as otherwise provided in this chapter, the protection of Heritage Resources in or discovered on Non-Settlement Land, either by accident or otherwise, during construction or excavation shall be provided for in Laws of General Application.
- 13.8.7 Procedures to deal with the accidental discovery of Heritage Resources on Settlement Land shall be provided in each Yukon First Nation's Final Agreement.

Specific Provision

- 13.8.7.1 A Person who accidentally discovers a Heritage Resource on Carcross/Tagish First Nation Settlement Land shall take such steps as are reasonable in all the circumstances to safeguard the Heritage Resource and shall report as soon as practicable that discovery to the Carcross/Tagish First Nation.
- 13.8.7.2 A Person described in 13.8.7.1 who is not exercising a right of access or a right to use Carcross/Tagish First Nation Settlement Land provided for in this Agreement may only continue to disturb a Heritage Site or Moveable Heritage Resource with the consent of the Carcross/Tagish First Nation.
- 13.8.7.3 A Person described in 13.8.7.1 who is exercising a right of access or a right to use Carcross/Tagish First Nation Settlement Land provided for in this Agreement shall not further disturb a Heritage Site or a Moveable Heritage Resource unless permitted by Laws of General Application, and that Person obtains:
- (a) the consent of the Carcross/Tagish First Nation; or

(b) failing consent, an order of the Surface Rights Board setting out the terms and conditions of further disturbing the Heritage Site or Moveable Heritage Resource.

13.8.7.4 The Carcross/Tagish First Nation shall report to Government, as soon as practicable, the discovery on Carcross/Tagish First Nation Settlement Land of any Documentary Heritage Resource reported to it under 13.8.7.1.

13.8.7.5 Government and the Carcross/Tagish First Nation shall attempt to agree whether a Documentary Heritage Resource described in 13.8.7.4 is a Public Record or a Non-Public Record and, failing agreement, either may refer the matter to the dispute resolution process under 26.3.0.

13.8.7.6 If a Documentary Heritage Resource is a Non-Public Record, the Carcross/Tagish First Nation shall make reasonable efforts to determine if it is privately owned.

13.9.0 Yukon First Nation Burial Sites

13.9.1 Government and Yukon First Nations shall each establish procedures to manage and protect Yukon First Nation Burial Sites which shall:

13.9.1.1 restrict access to Yukon First Nation Burial Sites to preserve the dignity of the Yukon First Nation Burial Sites;

13.9.1.2 where the Yukon First Nation Burial Site is on Non-Settlement Land, require the joint approval of Government and the Yukon First Nation in whose Traditional Territory the Yukon First Nation Burial Site is located for any management plans for the Yukon First Nation Burial Site; and

13.9.1.3 provide that, subject to 13.9.2, where a Yukon First Nation Burial Site is discovered, the Yukon First Nation in whose Traditional Territory the Yukon First Nation Burial Site is located shall be informed, and the Yukon First Nation Burial Site shall not be further disturbed.

13.9.2 Where a Person discovers a Yukon First Nation Burial Site in the course of carrying on an activity authorized by Government or a Yukon First Nation, as the case may be, that Person may carry on the activity with the agreement of the Yukon First Nation in whose Traditional Territory the Yukon First Nation Burial Site is located.

- 13.9.3 In the absence of agreement under 13.9.2, the Person may refer the dispute to arbitration under 26.7.0 for a determination of the terms and conditions upon which the Yukon First Nation Burial Site may be further disturbed.
- 13.9.4 Any exhumation, examination, and reburial of human remains from a Yukon First Nation Burial Site ordered by an arbitrator under 13.9.3 shall be done by, or under the supervision of, that Yukon First Nation.
- 13.9.5 Except as provided in 13.9.2 to 13.9.4, any exhumation, scientific examination and reburial of remains from Yukon First Nation Burial Sites shall be at the discretion of the affected Yukon First Nation.
- 13.9.6 The management of burial sites of a transboundary claimant group in the Yukon shall be addressed in that Transboundary Agreement.

Specific Provision

- 13.9.7 For greater certainty, where the Carcross/Tagish First Nation provides the mining recorder with precise information, by map coordinates or otherwise, locating a Carcross/Tagish cemetery or burial ground, the reference to a cemetery or burial ground in section 17(2) of the Placer Mining Act, S.Y. 2003, c. 13 and the reference to a cemetery in section 14(1) of the Quartz Mining Act, S.Y. 2003, c. 14 shall apply to that Carcross/Tagish cemetery or burial ground.

13.10.0 Documentary Heritage Resources

- 13.10.1 Public Records shall be managed in accordance with Laws of General Application.
- 13.10.2 In accordance with Government policies and procedures on access to and duplication of records, and subject to access to information, protection of privacy and copyright Legislation and to agreements respecting the records, Government shall make available to a Yukon First Nation, for copying, Documentary Heritage Resources in Government custody relating to that Yukon First Nation.
- 13.10.3 Yukon First Nations shall be Consulted in the formulation of any Legislation and related Government policy on Documentary Heritage Resources in the Yukon relating to Yukon Indian People.
- 13.10.4 Government shall, where practicable, Consult and cooperate with the affected Yukon First Nations on the management of Documentary Heritage Resources in the Yukon relating to Yukon Indian People.

- 13.10.5 Government shall Consult and cooperate with Yukon First Nations in the preparation of displays and inventories of Documentary Heritage Resources in the Yukon relating to the Yukon Indian People.
- 13.10.6 Provisions for Consultation and cooperation between Government and Yukon First Nations on the management of Documentary Heritage Resources by Yukon First Nations may be included in a Yukon First Nation Final Agreement.
- 13.10.7 Government and Yukon First Nations may work cooperatively with Yukon Indian Elders on the interpretation of Documentary Heritage Resources relating to Yukon Indian People.
- 13.10.8 Yukon First Nations shall own all Documentary Heritage Resources found on Settlement Land other than Public Records or records which are the private property of any Person.

13.11.0 Place Names

- 13.11.1 There shall be a Yukon Geographical Place Names Board consisting of six people and composed of equal numbers of appointees nominated by the Council for Yukon Indians and appointees nominated by Government.
- 13.11.2 When considering the naming or renaming of places or features located within the Traditional Territory of a Yukon First Nation, or when acting with a federal agency where joint jurisdiction over the naming of the place or feature exists, the Yukon Geographical Place Names Board shall Consult with that Yukon First Nation.
- 13.11.3 A Yukon First Nation may name or rename places or geographical features on Settlement Land and such place names shall be deemed to be approved by the Yukon Geographical Place Names Board.
- 13.11.4 Traditional aboriginal place names shall be included, to the extent practicable and in accordance with map production specifications of Canada, on revised maps of the National Topographic Series.

13.12.0 Economic Opportunities

- 13.12.1 Economic opportunities, including training, employment and contract opportunities for Yukon Indian People at Designated Heritage Sites and other facilities related to Heritage Resources, shall be considered in Yukon First Nation Final Agreements.

Specific Provision

- 13.12.1.1 Government shall provide written notice to the Carcross/Tagish First Nation of any public tender for contracts associated with a Designated Heritage Site directly related to the history or culture of Carcross/Tagish People within the Traditional Territory of the Carcross/Tagish First Nation.
- 13.12.1.2 Government shall include the Carcross/Tagish First Nation in any invitational tender for contracts associated with a Designated Heritage Site directly related to the history or culture of Carcross/Tagish People within the Traditional Territory of the Carcross/Tagish First Nation.
- 13.12.1.3 The Carcross/Tagish First Nation shall have the first opportunity to accept any contract offered by Government, other than by public or invitational tender, associated with a Designated Heritage Site directly related to the history or culture of Carcross/Tagish People within the Traditional Territory of the Carcross/Tagish First Nation upon the same terms and conditions as would be offered to others.
- 13.12.1.4 Any failure to provide written notice pursuant to 13.12.1.1 shall not affect the public tender process or the contract awards resulting therefrom.
- 13.12.1.5 Any failure to include the Carcross/Tagish First Nation in any invitational tender for contracts pursuant to 13.12.1.2 shall not affect the invitational tender process, or the contract awards resulting therefrom.
- 13.12.1.6 Any failure to provide a first opportunity pursuant to 13.12.1.3 shall not affect any contract entered into associated with a Designated Heritage Site directly related to the history or culture of Carcross/Tagish People within the Traditional Territory of the Carcross/Tagish First Nation.
- 13.12.1.7 Government shall include in any contract opportunities associated with a Designated Heritage Site directly related to the history or culture of Carcross/Tagish People within the Traditional Territory of the Carcross/Tagish First Nation:
- (a) a criterion for the employment of Carcross/Tagish People or engagement of Carcross/Tagish Firms; and
 - (b) a criterion for special knowledge or experience of Carcross/Tagish People related to the Designated Heritage Site.

13.12.1.8 Nothing in 13.12.1.7 shall be construed to mean that a criterion for employment of Carcross/Tagish People or engagement of Carcross/Tagish Firms or special knowledge or experience of Carcross/Tagish People shall be the determining criterion in awarding any contract.

13.13.0 Exclusive Right of Access to Bennett Lake Trail for Commercial Purposes

13.13.1 If the Yukon enacts Legislation which provides for exclusive rights of access on trails for commercial purposes, the Carcross/Tagish First Nation shall have a right of first refusal for the exclusive right of access for commercial purposes on that portion of the route locally known as Bennett Lake Trail identified as "Future Exclusive Right of Access for Commercial Purposes" on Map Sheet Carcross/Tagish First Nation Heritage Routes and Sites in Appendix B - Maps, which forms a separate volume to this Agreement.

13.13.2 The right of first refusal referred to in 13.13.1 shall be provided as follows:

13.13.2.1 the Carcross/Tagish First Nation shall apply to the Yukon within one year of the coming into force of the Legislation referred to in 13.13.1 for a licence or permit for the exclusive right of access for commercial purposes on the portion of the Bennett Lake Trail identified in 13.13.1, failing which the right of first refusal for the exclusive right of access for commercial purposes on that portion of the Bennett Lake Trail shall lapse; and

13.13.2.2 if the Carcross/Tagish First Nation applies for a licence or permit in accordance with 13.13.2.1 and satisfies the requirements that otherwise apply to obtaining such a licence or permit, the Yukon shall issue that licence or permit to the Carcross/Tagish First Nation.

13.13.3 The right of first refusal provided in 13.13.1 shall be in addition to any rights of first refusal provided in Part II of Schedule A to Chapter 22 - Economic Development Measures.

13.14.0 Historic Trails

13.14.1 The Carcross/Tagish First Nation has provided a map of trails identified by the Elders Council of the Carcross/Tagish First Nation as of importance to the Carcross/Tagish First Nation. The map is attached to Appendix B - Maps, but does not form part of this Agreement and the attachment of the map is not an acknowledgement by Government that the trails are Heritage Resources.

SCHEDULE A

TAGISH NORTH WEST MOUNTED POLICE HISTORIC SITE

1.0 Definitions

1.1 In this schedule, the following definitions shall apply.

"Area" means the area shown as Sketch 3 and identified as Tagish North West Mounted Police Historic Site on Map Sheet 105 D/8 - Tagish Area in Appendix B - Maps, which forms a separate volume to this Agreement.

"Tagish North West Mounted Police Historic Site" means the historic site established by the Yukon under the Historic Resources Act, R.S.Y. 2002, c. 109, in respect of a portion of the Area in accordance with 2.2 of this schedule.

1.2 In this schedule, "mines and minerals" and the "right to work" the mines and minerals shall have their meanings according to Laws of General Application and not as defined in Chapter 1 - Definitions.

2.0 Establishment

2.1 As soon as practicable after the Effective Date of this Agreement, the Yukon shall transfer the Area, excluding the mines and minerals in, on or under the Area, to the Commissioner of the Yukon Territory and the Carcross/Tagish First Nation, as tenants in common with an undivided one-half interest each.

2.2 As soon as practicable after the Effective Date of this Agreement, and following the transfer referred to in 2.1, the Yukon shall designate the Area excluding the mines and minerals in, on or under the Area as an historic site under the Historic Resources Act, R.S.Y. 2002, c. 109.

2.3 Historic site designation under the Historic Resources Act, R.S.Y. 2002, c. 109, shall not be removed from any lands forming part of the Tagish North West Mounted Police Historic Site, without the consent of the Carcross/Tagish First Nation and the Yukon.

3.0 Steering Committee

- 3.1 A steering committee shall be established as soon as practicable after the Effective Date of this Agreement to prepare and recommend the management plan for the Tagish North West Mounted Police Historic Site.
- 3.2 The steering committee shall be comprised of six members, of whom three shall be designated by the Carcross/Tagish First Nation and three designated by the Yukon.

4.0 Management Plan

- 4.1 The steering committee shall make best efforts to recommend the management plan to the Carcross/Tagish First Nation and the Yukon within five years of the Effective Date of this Agreement.
- 4.2 In preparing a management plan to recommend pursuant to 4.1, if the members of the steering committee are unable to reach a consensus as to the matters to be included in a management plan, any member of the steering committee may, upon direction from the body that designated them, refer the matter to dispute resolution under 26.4.0.
- 4.3 The steering committee shall forward a proposed management plan to the Yukon and the Carcross/Tagish First Nation indicating what matters, if any, remain outstanding.
- 4.4 The preparation of the management plan shall include a process for public consultation.
- 4.5 Preparation of the management plan shall be guided by the following principles:
 - 4.5.1 recognition and protection of the traditional and current use of the Area by Carcross/Tagish People and the past and current use by other Yukon residents;
 - 4.5.2 recognition of the historical use of the Area by the North West Mounted Police;

4.5.3 encouragement of and public awareness of and appreciation for the natural, historical and cultural resources of the Tagish North West Mounted Police Historic Site; and

4.5.4 provision of reasonable opportunity to the public to visit and appreciate the Tagish North West Mounted Police Historic Site.

4.6 The management plan shall address all matters pertaining to the management of the Tagish North West Mounted Police Historic Site, including:

4.6.1 its traditional and current use by the Carcross/Tagish People and past and current use by other Yukon residents;

4.6.2 its historical use by the North West Mounted Police;

4.6.3 historic buildings and artifacts;

4.6.4 archaeological resources;

4.6.5 burial sites;

4.6.6 land use impact;

4.6.7 the conditions of third-party use;

4.6.8 research in respect of the Heritage Resources;

4.6.9 economic opportunities;

4.6.10 the manner in which the Approved Management Plan would be implemented; and

4.6.11 other matters to which the Carcross/Tagish First Nation and the Yukon agree.

5.0 Approval and Review of the Management Plan

5.1 The Carcross/Tagish First Nation and the Yukon may refer any proposed management plan to the Yukon Heritage Resources Board for its review and recommendations.

- 5.2 The Carcross/Tagish First Nation and the Yukon shall jointly review any proposed management plan and shall make reasonable attempts to reach consensus on whether to accept, vary or set aside the provisions set out in the management plan and shall consider any recommendations of the Yukon Heritage Resources Board.
- 5.3 If the Carcross/Tagish First Nation and the Yukon are unable to reach a consensus as to the provisions to be included in the management plan, either may refer the matter to dispute resolution under 26.3.0.
- 5.4 Nothing in this schedule shall be construed to confer upon an arbitrator appointed pursuant to 5.3 any power to determine financial or other resources to be provided in connection with the Tagish North West Mounted Police Historic Site by either the Carcross/Tagish First Nation or the Yukon.
- 5.5 The Carcross/Tagish First Nation and the Yukon shall jointly review the management plan no later than ten years after its initial approval and no later than every ten years thereafter.
- 5.6 The Carcross/Tagish First Nation and the Yukon may refer any proposed amendment to the management plan to the Yukon Heritage Resources Board for its review and recommendations and shall consider any of its recommendations.

6.0 Implementation

- 6.1 The Carcross/Tagish First Nation and the Yukon shall manage the Tagish North West Mounted Police Historic Site in accordance with the Historic Resources Act, R.S.Y. 2002, c. 109, and the management plan.
- 6.2 Prior to approval of the management plan pursuant to 5.0, the Carcross/Tagish First Nation and the Yukon shall manage the Tagish North West Mounted Police Historic Site in a manner consistent with the principles set out in 4.5.

7.0 Restriction on Dispositions

- 7.1 Neither the Commissioner of the Yukon Territory nor the Carcross/Tagish First Nation shall transfer, assign, lease, encumber or otherwise dispose of its interest in the Tagish North West Mounted Police Historic Site without the consent of the other in writing.

8.0 Mines and Minerals

8.1 Government shall:

8.1.1 prohibit entry on the Area for the purpose of locating, prospecting or mining under the Quartz Mining Act, S.Y. 2003, c. 14, and the Placer Mining Act, S.Y. 2003, c. 13; and

8.1.2 withdraw the mines and minerals in, on or under the Area from disposal under the Territorial Lands (Yukon) Act, S.Y. 2003, c. 17.

8.2 The Yukon shall withdraw the Area from disposition under the Oil and Gas Act, R.S.Y. 2002, c. 162.

8.3 Subject to 8.4, no one may explore for coal or stake for coal in, on or under the Area.

8.4 For greater certainty, the provisions of 8.1, 8.2 and 8.3 shall not apply in respect of:

8.4.1 mineral claims and leases recorded or continued under the Quartz Mining Act, S.Y. 2003, c. 14, and placer mining claims and leases to prospect recorded or continued under the Placer Mining Act, S.Y. 2003, c. 13, existing on the Effective Date;

8.4.2 oil and gas dispositions under the Oil and Gas Act, R.S.Y. 2002, c. 162 existing on the Effective Date, which for greater certainty, include federal dispositions;

8.4.3 rights granted or continued under section 6 of the Territorial Lands (Yukon) Act, S.Y. 2003, c. 17, existing on the Effective Date; and

8.4.4 any successor or replacement rights and any new leases, licenses, permits or other rights which may be granted in respect of an interest described in 8.4.1, 8.4.2 or 8.4.3.

9.0 Property Taxation

9.1 The Tagish North West Mounted Police Historic Site and the improvements thereon shall not be subject to Property Taxes provided that:

9.1.1 the Commissioner in Executive Council is the taxing authority in respect of the Tagish North West Mounted Police Historic Site;

9.1.2 the Tagish North West Mounted Police Historic Site is designated as an historic site pursuant to the Historic Resources Act, R.S.Y. 2002, c. 109; and

9.1.3 the Commissioner of the Yukon Territory and the Carcross/Tagish First Nation own the Tagish North West Mounted Police Historic Site as tenants in common.

10.0 Fish and Wildlife

10.1 Carcross/Tagish People shall have the same right to harvest Fish and Wildlife within the Tagish North West Mounted Police Historic Site as they do on Crown Land within their Traditional Territory pursuant to Chapter 16 - Fish and Wildlife of this Agreement, subject to the same limitations.

SCHEDULE B

CONRAD HISTORIC SITE

1.0 Definitions

1.1 In this schedule, the following definitions shall apply.

"Area" means the area shown as Conrad Historic Site on Map Sheet 105 D/2 in Appendix B - Maps, which forms a separate volume to this Agreement.

"Conrad Historic Site" means the historic site established by the Yukon under the Historic Resources Act, R.S.Y. 2002, c. 109, in respect of a portion of the Area in accordance with 2.2 of this schedule.

1.2 In this schedule, "mines and minerals" and the "right to work" the mines and minerals shall have their meanings according to Laws of General Application and not as defined in Chapter 1 - Definitions.

2.0 Establishment

2.1 As soon as practicable after the Effective Date of this Agreement the Yukon shall transfer the Area, excluding the mines and minerals in, on or under the Area to the Commissioner of the Yukon Territory and the Carcross/Tagish First Nation, as tenants in common with an undivided one-half interest each.

2.2 As soon as practicable after the Effective Date of this Agreement, and following the transfer referred to in 2.1, the Yukon shall designate the Area, excluding the mines and minerals in, on or under the Area, as an historic site under the Historic Resources Act, R.S.Y. 2002, c. 109.

2.3 Historic site designation under the Historic Resources Act, R.S.Y. 2002, c. 109, shall not be removed from any lands forming part of the Conrad Historic Site, without the consent of the Carcross/Tagish First Nation and the Yukon.

3.0 Steering Committee

- 3.1 A steering committee shall be established as soon as practicable after the Effective Date of this Agreement to prepare and recommend the management plan for the Conrad Historic Site.
- 3.2 The steering committee shall be comprised of six members, of whom three shall be designated by the Carcross/Tagish First Nation and three designated by the Yukon.

4.0 Management Plan

- 4.1 The steering committee shall make best efforts to recommend the management plan to the Carcross/Tagish First Nation and the Yukon within five years of the Effective Date of this Agreement.
- 4.2 In preparing a management plan to recommend pursuant to 4.1, if the members of the steering committee are unable to reach a consensus as to the matters to be included in a management plan, any member of the steering committee may, upon direction from the body that designated them, refer the matter to dispute resolution under 26.4.0.
- 4.3 The steering committee shall forward a proposed management plan to the Yukon and the Carcross/Tagish First Nation indicating what matters, if any, remain outstanding.
- 4.4 The preparation of the management plan shall include a process for public consultation.
- 4.5 Preparation of the management plan shall be guided by the following principles:
 - 4.5.1 protection, conservation and interpretation of the historical use of the Conrad Historic Site;
 - 4.5.2 recognition and protection of the traditional and current use of the Area by Carcross/Tagish People and the past and current use by other Yukon residents;

4.5.3 encouragement of and public awareness of and appreciation for the natural, historical and cultural resources of the Conrad Historic Site; and

4.5.4 provision of reasonable opportunity to the public to visit and appreciate the Conrad Historic Site.

4.6 The management plan shall address all matters pertaining to the management of the Conrad Historic Site, including:

4.6.1 its traditional and current use by the Carcross/Tagish People and past and current use by other Yukon residents;

4.6.2 historic buildings and artifacts;

4.6.3 archaeological resources;

4.6.4 burial sites;

4.6.5 land use impact;

4.6.6 the conditions of third-party use;

4.6.7 research in respect of the Heritage Resources;

4.6.8 economic opportunities;

4.6.9 the manner in which the management plan would be implemented; and

4.6.10 other matters to which the Carcross/Tagish First Nation and the Yukon agree.

5.0 Approval and Review of the Management Plan

5.1 The Carcross/Tagish First Nation and the Yukon may refer any proposed management plan to the Yukon Heritage Resources Board for its review and recommendations.

- 5.2 The Carcross/Tagish First Nation and the Yukon shall jointly review any proposed management plan and shall make reasonable attempts to reach consensus on whether to accept, vary or set aside the provisions set out in the management plan and shall consider any recommendations of the Yukon Heritage Resources Board.
- 5.3 If the Carcross/Tagish First Nation and the Yukon are unable to reach a consensus as to the provisions to be included in the management plan under 5.2, either may refer the matter to dispute resolution under 26.3.0.
- 5.4 Nothing in this schedule shall be construed to confer upon an arbitrator appointed pursuant to 5.3 any power to determine financial or other resources to be provided in connection with the Conrad Historic Site by either the Carcross/Tagish First Nation or the Yukon.
- 5.5 The Carcross/Tagish First Nation and the Yukon shall jointly review the management plan no later than ten years after its initial approval and no later than every ten years thereafter.
- 5.6 The Carcross/Tagish First Nation and the Yukon may refer any proposed amendment to the management plan to the Yukon Heritage Resources Board for its review and recommendations and shall consider any of its recommendations.

6.0 Implementation

- 6.1 The Carcross/Tagish First Nation and the Yukon shall manage the Conrad Historic Site in accordance with the Historic Resources Act, R.S.Y. 2002, c. 109, and the management plan.
- 6.2 Prior to approval of the management plan pursuant to 5.0, the Carcross/Tagish First Nation and the Yukon shall manage the Conrad Historic Site in a manner consistent with the principles set out in 4.5.

7.0 Restriction on Dispositions

- 7.1 Neither the Commissioner of the Yukon Territory nor the Carcross/Tagish First Nation shall transfer, assign, lease, encumber or otherwise dispose of its interest in the Conrad Historic Site without the consent of the other in writing.

8.0 Mines and Minerals

8.1 Subject to 8.4, the Yukon shall:

8.1.1 prohibit entry on the Area for the purpose of locating, prospecting and mining under the Quartz Mining Act, S.Y. 2003, c. 14, and the Placer Mining Act, S.Y. 2003, c. 13; and

8.1.2 withdraw the mines and minerals in, on or under the Area from disposal under the Territorial Lands (Yukon) Act, S.Y. 2003, c. 17.

8.2 Subject to 8.4, no one may carry out any activities related to the exploration or production of oil and gas in the Area.

8.3 Subject to 8.4, no one may explore for coal or stake for coal in the Area.

8.4 For greater certainty, the provisions of 8.1, 8.2 and 8.3 shall not apply in respect of:

8.4.1 mineral claims and leases recorded or continued under the Quartz Mining Act, S.Y. 2003, c. 14, and placer mining claims and leases to prospect recorded or continued under the Placer Mining Act, S.Y. 2003, c. 13, existing on the Effective Date;

8.4.2 oil and gas dispositions under the Oil and Gas Act, R.S.Y. 2002, c. 162, existing on the Effective Date, which for greater certainty include federal dispositions;

8.4.3 rights granted or continued under Section 6 of the Territorial Lands (Yukon) Act, S.Y. 2003, c. 17, existing on the Effective Date; and

8.4.4 any successor or replacement rights and any new leases, licenses, permits or other rights which may be granted in respect of an interest described in 8.4.1, 8.4.2 or 8.4.3.

9.0 Property Taxation

9.1 The Conrad Historic Site and the improvements thereon shall not be subject to Property Taxes provided that:

9.1.1 the Commissioner in Executive Council is the taxing authority in respect of the Conrad Historic Site;

9.1.2 the Conrad Historic Site is designated as an historic site pursuant to the Historic Resources Act, R.S.Y. 2002, c. 109; and

9.1.3 the Commissioner of the Yukon Territory and the Carcross/Tagish First Nation own the Conrad Historic Site as tenants in common.

10.0 Fish and Wildlife

10.1 Carcross/Tagish People shall have the same right to harvest Fish and Wildlife within the Conrad Historic Site as they do on Crown Land within their Traditional Territory pursuant to Chapter 16 - Fish and Wildlife of this Agreement, subject to the same limitations.

SCHEDULE C

HERITAGE ROUTES AND SITES

Heritage Routes

1. Except as provided in 2, the routes listed below and identified on Map Sheet Carcross/Tagish First Nation Heritage Routes and Sites in Appendix B - Maps, which forms a separate volume to this Agreement are the routes identified pursuant to 13.4.6.3 that are recognized as having cultural and heritage significance to the Carcross/Tagish First Nation.
2. 13.4.6.4 to 13.4.6.6 inclusive shall not apply to any portion of any route identified below which is located on land which is, from time to time, privately owned, subject to an agreement for sale, subject to a lease containing a purchase option, reserved for use by any department of Government or a highway or a highway right-of-way as defined in the Highways Act, R.S.Y. 2002, c. 108.

Route No.	Route Name	Description
1	Chilkat	West fork follows Takhini River valley from BC/Yukon border to Rose Lake. East fork follows Primrose valley from BC/Yukon border to Rose Lake
1a	Chilkat - Kusawa	Rose Lake to Kusawa Lake
1b	Chilkat - Tagish	Rose Lake to Tagish
1c	Chilkat - Carcross	Primrose Lake along north shore of Bennett Lake to Carcross
2	Striker Pass	Striker Pass, Windy Arm to BC/Yukon border
3	Carcross - Tagish	Carcross to Tagish
4	Partridge - Chilkoot	BC/Yukon border along Partridge Creek to West Arm, Bennett Lake
5	Atlin - Tagish	BC/Yukon border near Atlin Lake to north end of Little Atlin Lake
6	McClintock - Teslin	McClintock Lake to Sterlin Lake
8	Taku Arm - Teslin	Taku Arm, Atlin Lake to Bryde Lake

9	Little Atlin - Frying Pan Island	Taku Arm to Little Atlin Lake
11	Reed Good Bay - Ike Brook	West shore Marsh Lake, along Judas Creek to Ike Brook
12	Marsh Lake - Fox Lake	West shore Marsh Lake to Michie Valley
13	Jakes Corner - Teslin River	Jakes Corner, Squanga Lake to Hall Creek
14	Squanga	Dalayee Lake to Squanga Lake
15	Primrose - Fish Lake	Primrose River to Fish Lake
16	Fish Lake - Rose Creek	Rose Creek to Mud Lake
17	Fish Lake - Two Horse Creek	Coal Lake to Lewes Lake
19	Homan River - West Arm	BC/Yukon border to West Arm, Bennett Lake
21	Taku Arm - Little Atlin Road	West shore Taku Arm to south end Little Atlin Lake
22	Naystayo Lake - Pike Lake	Naystayo Lake to Sterlin Lake
23	Snafu Lake	Snafu Lake to Teenah Lake
24	Laidlaw Lake - Teslin Lake	BC/Yukon border near Laidlaw Lake to Bryde Lake
25	McClintock - Marsh Lake	West shore Marsh Lake to McClintock Valley
30	Trapping/Hunting Trail	Lewes Lake to Crag Lake
30A	Trapping/Hunting Trail	Twelve Mile Creek, north of Crag Lake
30B	Trapping/Hunting Trail	North of Crag Lake

Heritage Sites

1. Except as provided in 2, the sites listed below and identified on Map Sheet Carcross/ Tagish First Nation Heritage Routes and Sites in Appendix B - Maps, which forms a separate volume to this Agreement are the sites identified in 13.4.6.3 that are recognized as having cultural and heritage significance to the Carcross/Tagish First Nation.
2. 13.4.6.4 to 13.4.6.6 inclusive shall not apply to any portion of any site identified below which is located on land which is, from time to time, privately owned, subject to an agreement for sale, subject to a lease containing a purchase option, reserved for use by any department of Government or a highway or a highway right-of-way as defined in the Highways Act, R.S.Y. 2002, c. 108.

Site No.	Site	Description/Location	Size
1	White Rock	California Beach, west shore of Tagish Lake, Map Sheet 105 D/1	7.9 ha.
2	Alligator Lake	North end of Alligator Lake, Map Sheet 105 D/6	36.5 ha.
3	Taku Arm	East shore of Taku Arm, Map Sheet 105 D/1	30.7 ha.
4	North McClintock	West shore of McClintock Bay, Map Sheet 105 D/9	7.4 ha.
5	Annie Lake	East shore of Annie Lake, Map Sheet 105 D/7	8.3 ha.
6	Skookum Jim Dream Site	South shore of Crag Lake, Map Sheet 105 D/2	11.2 ha.
7	Red Rock	West shore of Little Atlin Lake, Map Sheet 105 D/1	20.9 ha.
8	Jericho Lake	East side Teenah Creek, Map Sheet 105 C/6	7.3 ha.
9	Grayling Creek	South of Spirit Lake, Map Sheet 105 D/1	16.4 ha.
10	Skookum Jim Hunting Camp	Southeast of Pyramid Mountain, Map Sheet 105 D/2	49.8 ha.

11	Nuskahadi Lake	West shore Nuska Lake, Map Sheet 105 C/3	11.2 ha.
12	Fish Mother	West shore near south end of Little Atlin Lake, Map Sheet 105 C/4	13.8 ha.
13	Millhaven Bay	East of Millhaven Bay near Wheaton River, Map Sheet 105 D/2	52.5 ha.
14	Caribou Fence	South slope of Caribou Mountain, Map Sheet 105 D/2	98.5 ha.
15	Smith Lake	West of Little Atlin Lake, Map Sheet 105 D/1	27.4 ha.
16	Wolf Den	Northwest of Squanga Lake, Map Sheet 105 C/12	121.0 ha.