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By E-Mail

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Re: Assessment of Thesis Gold Inc. Lawyers-Ranch Project

I am writing to you today to provide Liard First Nation Lands' ("**LFN Lands**") initial response to your letter of January 8, 2026, where you asked for our views on the BC Environmental Assessment Office's ("**EAO**") request for substitution, and any information about the potential direct or indirect effects of the Lawyers-Ranch Project ("**Project**") on Liard First Nation and its citizens.

We have carried out a preliminary review of the Initial Project Description ("**IPD**") and Engagement Plan ("**EP**") and also considered the EAO's request to substitute its own assessment for any assessment required under the federal *Impact Assessment Act*. LFN Lands wants the EAO and the IAAC to know that review of the IPD and EP highlighted ongoing concerns about BC's approach to Kaska claims in the Toodoggone, and raised serious questions about the information available to assessors who will be making determinations about (and affecting) Kaska rights.

LFN Participation

LFN Lands confirms that it intends to participate in the assessment of the Project. Director Travis Stewart (Travis.Stewart@liardfirstnation.ca) will be the primary contact.

Substitution

LFN Lands has unresolved concerns about the request to substitute the BC EAO process for any assessment required by the federal *Impact Assessment Act*. Substitution could limit LFN's ability to meaningfully participate in the assessment as a participating Indigenous nation ("**PIN**") and make it harder for assessors and decision-makers to properly consider Kaska rights and the Project's potential impacts on them.

As detailed in later sections of this letter, our relationship with the Province remains troubled by disputes about LFN's status in Crown consultations and BC's assessment of the Kaska strength of claim in various parts of Kaska territory, including the Toodoggone. Despite LFN's nine reserves in BC, the Province continues to take the prejudicial and unfounded position that LFN is not a BC First Nation – an approach that continues to limit

our ability to protect the rights and well-being of our citizens. LFN was not included in routine or even strategic consultations in BC for many, many years. And despite the Toadoggone area's inclusion in a federally accepted Kaska comprehensive claim *and* a BC Treaty claim, the Province has specifically told LFN Lands that Kaska rights and title claims in the area are weak, and that the Toadoggone is entirely outside Kaska territory.

Because the Province has already made up its mind about Kaska claims in the area, and because Thesis has advanced the project to this stage without ever engaging with LFN – or to our knowledge, any Indigenous government currently identifying as a Kaska rights-holder – a substituted assessment could treat BC's strength of claim analysis as authoritative and deny LFN status as a PIN. **This would leave the Kaska with no meaningful representation in the assessment, and far fewer opportunities to correct the story that BC, the proponent, and neighbouring First Nations are telling about the Kaska relationship to the Toadoggone.** Denial of PIN status would also mean that LFN would have no access to the dispute resolution procedures of the *Environmental Assessment Act*, except to dispute a finding under section 14(2) that “there is no reasonable possibility the Indigenous nation or its rights... will be adversely affected by the Project.” Given the number of mineral exploration projects all around Lawyers-Ranch, that could set a harmful precedent for future assessments in the area. We do not think this concern is unfounded; LFN's exclusion with respect to this project is likely grounded in both federal and agency reliance on BC's assessment of Kaska rights and title claims.

During our meeting with EAO and IAAC representatives in mid-February, the IAAC representative confirmed that federal participant funding would not be affected by a First Nation's PIN status or a substitution, but we would also note that the IAAC's obligation to establish a participant funding program does not apply to projects where the federal minister has approved substitution.¹ Regardless of the availability of federal funding, LFN will undoubtedly have to find some other source of money to fund the work of collecting, organizing and interpreting the information. Substitution could make it more difficult to secure that funding.

Under section 33(1) of the *Impact Assessment Act*, the federal Minister may only approve a substitution if satisfied that (d) “the process to be substituted will include consultations with any Indigenous group that may be affected by the carrying out of the designated project or the consultations will be undertaken under an agreement or arrangement referred to in paragraph 114(1)(f).” For the reasons outlined above and explained in more detail in the following sections, LFN is deeply worried that consultations under a substituted process will be a box-checking exercise, and that the consideration of Kaska Indigenous knowledge required under subsection 22(1)(g) of the *Impact Assessment Act* will be similarly superficial.

Accordingly, we cannot support substitution at this time.

¹ *Impact Assessment Act*, SC 2019, c 28, s 75(2).

Challenges to Kaska participation in the Lawyers-Ranch assessment

This section of the letter outlines some of the challenges to LFN participation in this assessment – challenges that would affect any other Kaska rights-holders who decide to get involved. LFN Lands is providing this information in response to the queries of the assessors and our distinct impression that neither the EAO nor the IAAC believes this project is likely to have effects on Kaska rights and title exercised and enjoyed by LFN citizens.

Your January 8 letter states at page 3 that:

From the available information, it is not clear to IAAC and the EAO if there would be a potential impact from this project on Liard First Nation. At this time, we welcome any information that may help inform IAAC and the EAO's understanding of the project area in relation to Liard First Nation. As IAAC and the EAO gain a clearer understanding of the potential direct or indirect effects from this project, we would gain a better understanding of our consultation obligations.

From LFN Lands' perspective, this paragraph raises some immediate red flags.

LFN is an *Indian Act* band and one of the rights-holding First Nations that make up the Kaska Nation.² We operate under the principle of “one land, one people”; there is no such thing as *LFN* rights and title. Our citizens exercise Kaska rights throughout Kaska territory, and so do the citizens of every other Kaska rights-holder. Accordingly, Kaska claims to the Toodoggone region cannot be downgraded on the basis that impacts on LFN are unlikely. In this context, the assessors should consider the trial decision in the *Tsilhqot'in* title case, where Justice Vickers noted that:

The setting aside of reserves and the establishment of bands was a convenience to government at both levels. The creation of bands did not alter the true identity of the people. Their true identity lies in their *Tsilhqot'in* lineage, their shared language, customs, traditions and historical experiences. While band level organization may have meaning to a Canadian federal bureaucracy, it is without any meaning in the resolution of Aboriginal title and rights for *Tsilhqot'in* people.

I conclude that the proper rights holder, whether for Aboriginal title or Aboriginal rights, is the community of *Tsilhqot'in* people. *Tsilhqot'in* people were the historic community of people sharing language, customs, traditions, historical experience, territory and resources at the time of first contact and at sovereignty assertion. The Aboriginal rights of individual *Tsilhqot'in* people or any other sub-group in within the

² Dease River First Nation, the Ross River Dena Council, and Kwadacha Nation are the other three rights-holders making up the Kaska Nation. As we discuss in later sections of these comments, Kwadacha has very recently begun to pursue a political and economic agenda separate from the Kaska, and now identifies itself as Tsek'ene in many contexts – a fact with serious implications for this assessment.

Tsilhqot'in Nation are derived from the collective actions, shared language, traditions and shared historical experience of the members of the Tsilhqot'in Nation.³

Justice Vickers' understanding of Tsilhqot'in rights and title is equally applicable to the Kaska. Accordingly, the assessors' apparent focus on the Project's potential impacts on individual bands misses the mark.

Also, the assessors' interpretation of the available information – and the available information itself – is likely being distorted by the Province's posture towards LFN, and by the very recent political realignment of Kwadacha First Nation.

The following sections address these issues in more detail.

BC's posture towards LFN

Before we can outline BC's attitude towards LFN and LFN's advocacy of Kaska rights and title claims in BC, we want to ensure that the EAO and IAAC understand both LFN's history and its governance structure, as both are very relevant to our concerns about the conduct of the assessment.

In the early 1960s, Indian Affairs oversaw the amalgamation of what were then the Frances Lake, Watson Lake, Casca, Nelson River and Liard/Frances Lake bands into the Liard River Indian Band, now known as Liard First Nation.⁴ In contemplating the amalgamation of those bands, Indian Affairs noted that, "[a]s they live along the Highway which re-crosses the B.C.-Yukon boundary at several points they should not be divided merely to satisfy Provincial and Territorial boundaries. They are the same tribe of Indians and want to belong to the same Band."⁵ The bands that were combined to create LFN were on both sides of the BC-Yukon border, making LFN a true transboundary First Nation within the broader Kaska Nation.

LFN's transboundary character is reflected in its custom governance structure. Since 1992, LFN has operated under a system created under a *Simpson Lake Accord* ratified by LFN citizens in both BC and the Yukon. In this system, citizens resident in Kaska territory in the Yukon elect the Chief and four councillors, and citizens resident in Kaska territory in BC elect a Deputy Chief and two councillors. The Deputy Chief and councillors elected in BC are also known as the Daylu Dena Council ("**DDC**"). The *Simpson Lake Accord* provides that:

9. The Deputy Chief and two Councillors of Liard Indian Reserve #3 [the Daylu Dena Council at Lower Post] shall administer the funds and programs for the Liard Indian Reserve #3.

³ *Tsilhqot'in Nation v British Columbia*, 2007 BCSC 1700, paras 469-470.

⁴ W.E. Grant, Superintendent Yukon Agency, to Members of the Liard River Band, 4 May 1961.

⁵ W.E. Grant, Superintendent Yukon Agency, to Indian Commissioner for BC, 22 March 1961.

10. The Liard First Nation Government shall decide issues relating to Land Claims, policy matters and by-laws.⁶

Under the terms of the *Simpson Lake Accord*, LFN as a whole speaks to matters regarding Kaska rights and title. This fact is critical to understanding why LFN's exclusion from project consultations in the BC part of Kaska territory was so inappropriate.

BC has long taken the position that because LFN's central seat of government is in the Yukon, the Province did not have to consult directly with LFN. BC preferred instead to consult with BC-based Kaska bands and a BC-incorporated society, the now-defunct Kaska Dena Council ("**KDC**"), which was incorporated in the early 1980s to prosecute BC land claims and transboundary claims related to the Yukon rights of Kaska citizens resident in BC. BC's approach ignored LFN's transboundary character and made the same band-Nation category error that Justice Vickers recognized in the context of the Tsilhqot'in title claim.

In 2009, LFN's General Assembly, representing LFN citizens in both BC and the Yukon, passed a resolution withdrawing KDC's mandate to negotiate a BC treaty on LFN's behalf. LFN's Council followed this with a resolution later that year where it made clear that KDC had no authority to make any treaty or other agreement binding on LFN citizens, or to engage in consultation or accommodation discussions with any Crown government on LFN's behalf.⁷ Two years later in 2011, LFN wrote to Mary Polak, then the Minister of Aboriginal Relations and Reconciliation, to advise her that BC could not consult with LFN by going through KDC.⁸

Despite these clear and binding decisions, BC continued to treat KDC and DDC as the appropriate entities to consult on matters where the rights of LFN citizens in BC were at issue. Between 2012 and 2018, the Province signed a series of Strategic Engagement Agreements and renewals ("**SEAs**") with the KDC, where KDC purported to represent itself, DDC, DRFN and Kwadacha within the SEA's government-to-government framework for consultation.⁹

That pattern continued when the Province [signed a new interim SEA in June 2022](#) with DDC, DRFN and Kwadacha. The KDC was not a party to this agreement, but continued to receive significant funding, to facilitate consultation with BC, and to act as a clearinghouse for projects referred to the Kaska. Under the SEA, BC consulted on exploration permits in the Toodoggone region, but never even notified LFN that these consultations were occurring. The impact on LFN was significant, as we never had the opportunity to comment on earlier iterations of the project.

⁶ Liard River Indian Band and Kaska Unity Society, *Simpson Lake Accord* at ss 9-10 (21 August 1992).

⁷ *Ibid*, paras 51-52.

⁸ LFN letter to Minister Polak, "Ongoing failure to consult with Liard First Nation respecting activities in Kaska territory in British Columbia" (11 March 2011).

⁹ Copies of these agreements are available on the KDC website under the [Resources](#) tab.

Realignment and shifting identities

Within a few months of the signing of the 2022 interim SEA, however, the landscape began to shift. That November, KDC's board of directors voted to dissolve the society. In May 2023, a [members' resolution confirmed this](#), and the dissolution was [finalized](#) on August 15, 2024. Most relevant to this assessment, however, was the signing of a new interim SEA in 2023 that added LFN as a party and removed Kwadacha. The 2023 SEA was in place until it expired on March 31, 2025. While it was in force, BC's mine regulator consulted LFN on Lawyers-Ranch exploration permits and other Toodoggone-area projects for the first time.

Kwadacha's departure from the Kaska SEA framework was also significant. Kwadacha was a founding member of KDC back in the early 1980s, and one of the Kaska rights-holders named in a comprehensive claim that was submitted to Canada in 1982 and [accepted in 1983](#). It was a party to or participant in all Kaska SEAs and interim SEAs between 2012 and 2023, and was routinely characterized as one of the four Kaska rights-holders alongside LFN, DRFN and the Ross River Dena Council. In 2017, it completed a [land use plan](#) in collaboration with a Kaska society, the Lower Post-based Dena Kayeh Institute. That plan does not include planning units in the Toodoggone, but it clearly identifies the area as Kaska territory, and states explicitly that the plan itself is a "Kaska Dena plan."¹⁰ Even now, Kwadacha is participating in a BC-Kaska land use planning process under a [2023 agreement](#) that defines it as one of the "Kaska First Nations." The Common Ground Principles of that agreement include the following section 2.2:

Kwadacha Nation has ancestral ties to both the broader Kaska Nation and the Tsek'ene Nation, and thereby asserts both Kaska and Tsek'ene-related Aboriginal Rights and Title within its traditional territory. The Parties acknowledge that this dual ancestry will guide Kwadacha Nation's activities and decision-making pursuant to this Agreement.

Since its departure from the Kaska SEA framework, Kwadacha has been treated as a Tsek'ene First Nation in at least some of its dealings with the Province. Just this week, BC's mine regulator replied to LFN Lands comments on Hi-View Resources' Golden Stranger exploration project, which covers several claim blocks bordering Lawyers-Ranch. When Mining and Critical Minerals ("**MCM**") referred the project for consultation in late January, it assessed the Kaska strength of claim to rights in the area as weak-to-moderate for rights, and weak for title. On title, the reason MCM gave was that "the areas are not within the traditional territory of the Kaska as described by ethnographers, but rather the Tseloni Sekani."¹¹ LFN Lands challenged this conclusion in our comments, raising many of the points discussed in the Basis for Kaska claims in the Toodoggone section of this document. MCM dismissed our arguments without engaging with them. It did confirm, however, that it

¹⁰ Kwadacha First Nation & Dena Kayeh Institute, "[Kwadacha Nation Land Use Plan: Khununé' Ghàghinda / "Look After Our Land"](#)" (2017) at 8.

¹¹ Ministry of Mines and Critical Minerals, North Central/Northeast Region (Rachel Wallis), "Notice of Work 0200018-2026-01 Hi-View resources Inc. – Golden Stranger" (23 January 2026) at 2.

now considers Kwadacha and the Kaska to be “different rights-holding groups,” and that Kwadacha’s strength of claim is being assessed based on Sekani ethnohistory.

When Kwadacha decided to go its own way, BC could have acknowledged Kwadacha *and* Kaska claims to the Toodoggone. Instead, it assumed that Kwadacha’s choice fundamentally undermined Kaska claims to the southern part of Kaska territory. In response to LFN comments on Lawyers-Ranch referrals received while LFN was a signatory to an SEA, BC wrote the following in a June 6, 2024 letter:

The Province acknowledges that Liard First Nation is a rights-holding member of the Kaska Nation, and is committed to building lasting and collaborative relationships with your Nation. As Liard First Nation is aware, Kwadacha Nation was a party to the former Kaska Dena Council (KDC) and the Kaska Strategic Engagement Agreement (SEA) for many years. When the Kaska territory map was first implemented in the Kaska SEA, it included Kwadacha Nation’s territory, which reflects the geographic extent of Kaska’s map as far southwest as Tatlatui Lake and as far south as the Akie-Finlay River confluence.

Kwadacha Nation withdrew from KDC, before it dissolved, and the Kaska SEA, in 2023. Though Kwadacha Nation is no longer a party to the current Interim Kaska SEA, the original territory map remains in the agreement.

In addition to Kwadacha’s once involvement in the SEA and recent withdrawal, Liard First Nation was not a party to the SEA until 2023. As such, the Province did not consult Liard First Nation on the NOW applications in the Toodoggone region, as the information we have suggests that impacts to Liard First Nation’s Aboriginal Rights and Title are unlikely. Operationally, this remains our view, however the agreement requires us to refer these for consultation. (Emphasis added)

That passage indicates that, in BC’s view, Kwadacha alone anchored Kaska claims to the southern part of Kaska territory in BC, and if the Province consults LFN on referrals in the Toodoggone, it essentially does so as a courtesy rather than in fulfillment of a legal obligation.

The Province’s understanding of Kaska rights is profoundly incorrect. Kaska people travel freely throughout Kaska territory to exercise their collective rights and enjoy the many opportunities, resources, cultural gatherings and ceremonies connected to those rights. LFN represents and protects the Kaska rights of over half of all Kaska people. Many LFN citizens have deep roots in the southern part of Kaska territory, maintaining the cultural, economic, familial and political links that extended the length of what is now known as the Atse Davie trail. Our familial, cultural, and collective political relationships with those who occupy the southern part of Kaska territory are as alive and meaningful as ever. We are gravely concerned that the assessment of this Project will not recognize this reality and will instead rely on the Province’s skewed understanding of the Kaska strength of claim. As the next section explains, LFN and other Kaska-rights holders have already missed out on

valuable opportunities because the proponent did exactly that in the years leading up to the assessment.

LFN and Kaska exclusion from Project planning and engagement

Thesis' EP (p. 3-2) says that it will "engage with Indigenous Nations with Aboriginal Rights or interests that may be adversely impacted by the Project." We do not know if BC told the company directly that it did not need to engage with LFN or the Kaska more broadly, but Thesis' EP (p. 3-7) and IPD (p. 3-8) mention the Kaska only in connection with the ongoing BC-Kaska land use planning process – and only because Kwadacha is involved in that planning.

LFN and the Kaska were not left out by accident. Both the Description (p. 6-1) and the Plan (p. 3-2) say that Thesis identified Nations for early engagement in part by identifying those "that the Crown considers as potentially holding relevant rights or interests." Unsurprisingly given BC's lack of consultation with LFN on pre-2023 Tooodoggone referrals, LFN was not identified that way.

Thesis also used BC's Consultation Areas Spatial Tool for the same purpose. According to both the EP and IPD (p. 3-27 in each), the tool

identified five additional Indigenous Nations with Consultation Areas overlapping the Project and areas of potential direct and indirect effects: Binche Whut'en, Daylu Dena, Dease River First Nation, Liard First Nation, and West Moberly First Nations.

However, based on the inaccurate information available to it, Thesis concluded it did not need to talk to any self-identifying Kaska rights-holders:

Thesis understands the Project to be at the periphery of the Consultation Areas of these Indigenous Nations, and it is not anticipated that the Project will adversely impact the exercise of Aboriginal rights or interests of these Indigenous Nations.

In addition to BC's views on strength of claim and the Spatial Tool, Thesis now relies on a June 2025 report completed by A. Clark, which "assess[ed] which Indigenous Nations identified by the Consultation Areas Spatial Tool have a documented historical presence in the vicinity of the Project..." (EOP, p. 3-2). That report was not provided to LFN or the Kaska for review and possible correction. **In light of its importance to the Kaska role in this assessment, we reiterate the request for a copy that we made in our February 19 meeting with EAO and IAAC officials.**

Relying largely on provincial information sources – the Clark report was not produced until 2025 – Thesis decided not to engage with LFN or others who still identify as Kaska rights-holders. It did, however, start working with Kwadacha, Tsay Keh Dene, Takla and Tahltan Nations as early as 2018, and those engagements were substantial. As the EP shows, Thesis negotiated exploration agreements, held in-person meetings and community workshops, funded participation, provided information updates, involved the First Nations in project and mitigation design, co-developed monitoring strategies with them, and provided

preferential contracting opportunities. LFN and the other Kaska were never even informed that this was happening.

To this day, LFN has not heard from the company directly.

Impacts on LFN and Kaska arising from BC consultation practices and Kwadacha political realignment

The previous sections outlined the broader context in which the Lawyers-Ranch assessment will occur. To summarize:

- LFN is the largest Kaska rights-holder by population, representing around 50 percent of all Kaska. We were completely excluded from consultations on Lawyers-Ranch before 2023.
- KDC, which had the most comprehensive information about Kaska claims in BC, no longer exists and cannot provide input to the assessment.
- Kwadacha had previously engaged with Thesis on behalf of the Kaska and contributed to Kaska consultation with BC. When it began making agreements without involving the other Kaska rights-holders, those rights-holders lost access to Kwadacha's knowledge about Toodoggone-area projects and proponents.
- The assessment of a major mine is about to start and no self-identified Kaska rights-holder has any meaningful relationship with the proponent, or had any input into project and mitigation design.

This is all happening even though the boundaries of Kaska territorial claims did not change, and Kaska connections to the project area persist. Because BC excluded LFN from earlier consultation and unilaterally decided that Kaska claims to the Toodoggone area are now Kwadacha claims, this assessment has a problem. That problem is further compounded by the proponent's decision to follow the Province's lead.

Regardless of who assesses the Project and how, the assessors will need to make decisions based on their understanding of the Kaska strength of claim. Under the *Environmental Assessment Act* process, the Chief Executive Assessment Officer's decision under section 14(2) is not far off. There, a flawed assessment of the Kaska strength of claim could undermine LFN's ability to participate before the assessment even starts. Both the federal and provincial assessment laws require decisions in later stages that involve similar considerations. It is critical to resolve uncertainties about the Kaska strength of claim *before* taking irreversible procedural steps that will compromise the assessment or the ultimate approval decisions if Kaska rights impacts are not properly considered.

Basis for Kaska claims in the Toodoggone

BC's denial of Kaska rights and title in the area is likely based on a 2013 report of the BC Attorney General ("**BC AG Report**"). That report relies heavily on the work of anthropologist

John Honigmann, whose ethnographic study of the Kaska consisted of 13 weeks in Lower Post in 1944, followed by another five weeks in 1945. The Kaska chapter of the *Handbook of North American Indians* – which Honigmann wrote and which drew on work he published in the late 1940s and 1954 – is one of the main sources for the report. The chapter begins with the following statement:

The accounts on which this chapter is based... largely pertain to two Kaska divisions, the Upper Liard Indians living northwest of Lower Post and, in less detail, the Dease River people who are adjacent to the Tahltan Indians (fig. 1). Little ethnographic information is available concerning the Frances Lake Indians on the upper reaches of the Frances River and around Frances Lake and the Nelson Indians (Tselona), east of Lower Post on the Liard and Kechika rivers, who sometimes crossed the Rocky Mountains to trade at Fort Nelson, where they are known as “Grand Lakers” (Honigmann 1946:72, 1954:19).¹²

In Honigmann’s 1954 book, *The Kaska Indians: An Ethnographic Reconstruction* – easily the main source for the *Handbook* chapter – he admits that the traditional ethnographic methods he used during his study of the Kaska resulted in “sampling deficiencies,” specifically a “disproportionate amount of information being secured from informants belonging to the Upper Liard region.”¹³

Right away then, Honigmann acknowledges the relative lack of information about Kaska groups occupying the southern part of Kaska territory in BC, particularly the group variously identified as the Nelson Indians/Tselona/Grand Lakers/Fort Grahame Nomads. Citing anthropologist Diamond Jenness’ work with the Sekani, Honigmann notes that this Kaska group “have a name resembling that of a Sekani band, the Tseloni.”¹⁴ Following Honigmann, the BC AG Report notes that “the Nelson band also traded at Fort Ware [now Kwadacha] and Fort Grahame in Sekani territory, and intermarried with the Bear Lake Sekani.”¹⁵ Neither Honigmann nor the BC AG Report explore these connections, but in LFN Lands’ view, they are significant.

The *Handbook of North American Indians* also contains a separate chapter on the Sekani authored by anthropologist Glenda Denniston, the main source for information about

¹² J.J. Honigmann, “Kaska,” *Handbook of North American Indians, Vol. 6: Subarctic*, J. Helm, ed (Washington, DC: Smithsonian Institution, 1981) at 442. (“**Honigmann 1981**”)

¹³ J.J. Honigmann, *The Kaska Indians: An Ethnographic Reconstruction* (New Haven: Yale University Press, 1954) at 6.

¹⁴ Honigmann 1981 at 450.

¹⁵ British Columbia Ministry of Attorney General (Aboriginal Research Division), “Kaska Dena Nation: A Review of Anthropological and Historical Sources Relating to the Use and Occupation of Land” (9 June 2009; revised 13 August 2013) at 23, citing J.J. Honigmann, *The Kaska Indians: An Ethnographic Reconstruction* (New Haven: Yale University Press, 1954) at 19-20.

Kaska-Tsek'ene territorial overlap in the BC AG Report. Denniston's *Handbook* chapter begins with the following observation:

The probable limits of the territories of the Athapaskan bands that can be classed as Sekani are shown in figure 1. As cultural markers these boundaries are quite arbitrary, especially on the east and north; eastern Sekani could almost as easily be called western Beaver, and northern Sekani could be called Kaska.¹⁶

She goes on to write that “[r]elations in the early times between the northern Sekani and the Kaska further to the north and northwest are unclear, due to uncertainty as to the boundary between the groups and the problems of distinguishing Kaska from other peoples designated Nahani.”¹⁷

Most significantly from a Kaska perspective, Denniston also describes the arrival on the scene of “Davie’s band” (a.k.a “Otzane”) around the Fox and Kechika Rivers

About 1917, Davie’s band or Otzane, as they were called, moved into the Fox and Kechika area from Lower Post, in Kaska territory (Jenness 1937:14; Lamers 1976:18). This group, of mixed background and complicated history, became the Fort Ware band.¹⁸

There is some ambiguity about the ancestry of the leader of this group, often called “Old Davie.” Diamond Jenness described him as “the son of a French-Canadian trapper and a *Sasuchan* mother,” referring to a Tsek'ene group that he later refers to as the “Bear Lake band.”¹⁹ A draft management plan produced for the Kaska Dena Council in late 2000 described him as an “individual of Kaska-French heritage who is purported to have cleared... the trail in its entirety from Fort Ware to Lower Post.”²⁰

The trail referred to above is *Atse Dena Tunna*, known as the Davie Trail, whose history runs very deep in Kaska lore. Any assessment of the Kaska connection to the Toodoggone must also consider the trail, which runs from Lower Post in the north to Kwadacha in the south.²¹

¹⁶ G. Denniston, “Sekani,” *Handbook of North American Indians*, Vol. 6: Subarctic, J. Helm, ed (Washington, DC: Smithsonian Institution, 1981) at 433. (Emphasis added). Note that the figure 1 Denniston refers to is identical to the Figure 5 map of Sekani territory in the early 19th century that appears in the BC AG Report.

¹⁷ *Ibid* at 436.

¹⁸ *Ibid* at 440.

¹⁹ D. Jenness, “The Sekani Indians of British Columbia,” *Anthropological Series No. 20*, National Museum of Canada Bulletin No. 84 (Ottawa: National Museum of Canada, 1937) at 14.

²⁰ E. Gunderson & North West Environmental Group Ltd., “Kaska Dena Heritage Trails Project Volume Two: Management Plan Continuation for the Southern Davie Trail with Historical Background” (draft dated 19 November 2000) at 49. Appendix 2 to the report (Figure 5) lists contributors to the report and trail development in 1999-2000. Most of the participants

²¹ *Ibid* at 1.

LFN citizens and citizens of other Kaska rights-holders have family connections to that area, and all Kaska exercise rights throughout Kaska territory

As we explained in our comments on substitution, much of the information needed to effectively describe the Project's potential impacts on Kaska rights is in the hands of BC-based Kaska First Nations and organizations, so the above information is very preliminary and limited to existing archaeological materials. We have not yet turned to the Kaska oral history of the area, but look forward to doing so when we have obtained sufficient capacity funding to do so. In this context, it is important to note that past funding for traditional use and occupancy research was directed towards KDC, not LFN, so in addition to acquiring KDC's work, LFN may also need to do some of its own. We think that context shows the biased approach BC continues to take to the assessment of Kaska constitutional interests in the Toodoggone area – and indeed, throughout Kaska territory in BC.

During LFN's February 19 meeting with EAO and IAAC officials, we asked both agencies to share their strength of claim analyses with LFN. The EAO committed to doing so, a promise reiterated in Amy Thede's email on February 25. We look forward to reviewing that information. Based on the comments of the IAAC representative Stephen McCarthy, it does not appear that agency has done any strength-of-claim work in relation to this project, but **we strongly urge the IAAC to do that analysis sooner rather than later because of the role that strength of claim is likely to play in weighting First Nations input later in the process. And again, we also request a copy of the June 2025 Clark report that Thesis is using to explain its decision not to engage with the Kaska.**

Conclusion

LFN does not and cannot consent to any activities, developments, determinations, decisions or authorizations which potentially infringe Kaska Aboriginal rights and title without appropriate assurances that the exercises of Kaska rights and title will remain meaningful over time. It is our position that BC's failure to earn or hold Kaska trust makes that assurance very difficult to come by unless Canada is and remains an active and properly represented party in the assessment of the Project, in part to ensure that the lands subject to the comprehensive claim Canada once agreed to negotiate are not converted to purposes that would permanently damage Kaska rights and title.

Yours sincerely,
Liard First Nation Lands

<Original signed by>

Travis Stewart, Director