

Tr'ondëk Hwëch'in Best Practices for Heritage Resources



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Scope

This manual provides the First Nation perspective on working with heritage resources in Tr'ondëk Hwëch'in Traditional Territory. It is not intended as a legal document or to supplant any regulatory frameworks within the Yukon. This is not a comprehensive guide nor is it intended to be static. These best practices represent the best information and resources currently available.

The Tr'ondëk Hwëch'in Heritage Department consists of specialists in heritage sites, land-based heritage resources, language, traditional knowledge, and collections management. We are both capable and enthusiastic to work with industry to protect First Nation cultural heritage. It is the role of this department to represent and safeguard the heritage and culture of the Tr'ondëk Hwëch'in.

The Tr'ondëk Hwëch'in Heritage Department has proven that working cooperatively with proponents of the mining, development, resource, and industrial sectors is mutually beneficial and assists everyone in meeting their goals.

We welcome inquiries from all project proponents. Early collaboration facilitates proper management and protection of our heritage resources.

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Cover Photo: Tro'chëk, 2004.



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Cut stump recorded during a 2005 heritage inventory around the Ogilvie and Miner rivers.



Julia Morberg harvesting blueberries.

Objectives

- Protect cultural, heritage, and archaeological resources in Tr'ondëk Hwëch'in Traditional Territory.
- Protect First Nation burial sites in Tr'ondëk Hwëch'in Traditional Territory.
- Provide insight into First Nation concepts and values pertaining to heritage and culture.
- Share information with industries working within Tr'ondëk Hwëch'in Traditional Territory to ensure heritage and cultural resources, as understood by First Nation people, are protected.



A hide flesher found during excavations at Black City, 2004.



A stone point found at the Forty Mile heritage site during excavations, 2003.

Legislative Framework

Under Chapter 13 of the *Tr'ondëk Hwëch'in Final Agreement*, the First Nation manages all heritage resources that reside on settlement land. The *Tr'ondëk Hwëch'in Land and Resources Act* protects heritage resources from disturbance on settlement land. On non-settlement land, the Tr'ondëk Hwëch'in Government manages the protection of ethnographic moveable heritage resources within the traditional territory.

Within the Yukon, historic resources are protected from disturbance under the *Yukon Historic Resources Act* and *Yukon Archaeological Sites Regulations*. In the Yukon it is unlawful to actively search for, excavate, disturb, or alter a historic site without a permit under the *Yukon Archaeological Sites Regulation*.

The *Yukon Environmental and Socio-economic Assessment Act* (YESAA) reviews a broad number of activities within the Yukon. A YESAA assessment determines any potential impact risks to heritage resources in a project area and provides recommendations to mitigate these impacts. The project proponent may be required to provide information to assist this evaluation. The YESAA *Assessable Activities, Exceptions and Executive Committee Projects Regulations* and the *Decision Body Time Periods and Consultation Regulations* provide a comprehensive list of activities which will trigger a YESAA review.



A stone and wood hunting blind in the Seela Pass, 2007.



Historic cabin remains documented during a 2002 heritage survey. Remains such as these are common in the Yukon backcountry.

Cultural Context

For thousands of years, the Yukon has been home to First Nation people. They have lived off the land, practiced their own traditional laws, developed economic links with newcomers, and nurtured enriching family lives. This traditional way of life is entrenched in oral histories handed down through generations, as well as the physical remains that today scatter the landscape.

The Hän linguistic group, which includes the Tr'ondëk Hwëch'in, traditionally used an area centred in the Yukon River drainage in western Yukon and eastern Alaska. In the late 19th century, three main groups of Hän speakers were identified. Two were in Alaska, mostly living in Johnny's Village (about five kilometres above the present site of Eagle) and Charley's Village (near the mouth of the Kandik River). The third group, the Tr'ondëk Hwëch'in, were based at the mouth of the Klondike River, where they remain to this day (Mishler & Simeone, 1997).

The Tr'ondëk Hwëch'in established a seasonal round based on animal and plant cycles, which they relied on for food, clothing, shelter, tools, and trade goods. This seasonal round utilized all areas of the traditional territory. Since the land's resources varied from place to place and from season to season, people travelled constantly, adjusting the size of their group according to their ability to feed its members. They travelled lightly, carrying only the basic materials for shelter, clothing, hunting, and trapping. Social organization in such a harsh environment meant small, highly mobile groups. The most important resources were the traditional knowledge of the Elders and the practical abilities that allowed the Tr'ondëk Hwëch'in to survive wherever they went.



Archie Roberts (left) and Joe Joseph Sr. (right) on a Forty Mile caribou hunting trip west of Dawson. [2007.7.33a Grace Haldenby Collection, Tr'ondëk Hwëch'in Archives]

This seasonal round involved the amalgamation of smaller family groups into larger groups, approximately 20-50 people, in late spring and early summer, as people moved to fish camps along the Yukon River to harvest migrating salmon. Typical camps included several families who used the same fishing spot each year (Mishler & Simeone, 1997; Osgood, 1971).



Jack Lasky standing beside a fish wheel adjacent to the Yukon River. [2008.240.9 Grace Haldenby Collection, Tr'ondëk Hwëch'in Archives]

While waiting for the salmon, camp life included such tasks as rebuilding canoes, fish traps, nets, drying racks, and shelters, as well as tanning caribou and moose hides for clothing and trade.

The chinook salmon run in late-June to early-July and the chum salmon run in August to early-September provided the Hän with an important food source and trade item. Large quantities of salmon were caught, processed, and stored in preparation for the winter months. Later in the summer and during the fall, a number of berries and other plants were harvested to both supplement diet and preserve for winter stores (Osgood, 1971).

The fall time was used for hunting, preparing for winter, and repairing gear. As the weather turned cold and food became more difficult to find, people would disperse into smaller family units. The Tr'ondëk Hwëch'in would move into the highlands along tributaries of the Yukon River to hunt caribou, moose, and Dall sheep. They relied on these animals not only for food, but for clothing and numerous different tools and implements. As winter set in, some families would move back to semi-permanent fish camps along the Yukon River. Usually two families would live in a pole-framed, moss-covered house, living on salmon, berries, and game harvested during the summer and fall. The family groups would once again disperse as winter food stores were depleted and needed replenishment, at which time lone game were hunted (Mishler & Simeone, 1997; Osgood, 1971).

In early spring, people would harvest freshwater fish, such as Arctic grayling, at nearby lakes and streams and would hunt small game in the surrounding forests. Returning waterfowl, beaver, and muskrat were among the animals that supplemented the diet at this time. By late spring, the Tr'ondëk Hwëch'in were back along the Yukon River and preparing canoes, fish weirs, and nets for the fishing season (Mishler & Simeone, 1997).

Heritage

The land has always been home to us and this is where we intend to stay.

Together today for our Children Tomorrow, 1973

Heritage is all that we gain from our ancestors, it is our cultural identity. Our cultural identity is made up of many things: language, creation stories, associations with place, and that connection with our ancestors made by accepting their gifts to us. Heritage is those values and attitudes that our families try to instill in us as children so that we can grow up to be decent and respectful members of our community.

David Neufeld, 2000

For the Tr'ondëk Hwëch'in, heritage is rooted in the landscape. Taking care of the land is critical as all the land's resources are a valuable part of this heritage. Tr'ondëk Hwëch'in heritage is kept alive and protected when we hunt, fish, and harvest. This stewardship protects the land and its resources.

The Tr'ondëk Hwëch'in have a broad definition and perception of what heritage is and what it includes. Heritage is not something from the past, but a way of life reflected in the beliefs, values, knowledge, and practices passed from generation to generation. Heritage permeates all aspects of First Nation lives, communities, and governance. It includes much more than the material remains that are left behind. These heritage resources are understood as physical reminders of what is truly important.



Caribou harvest during the First Hunt culture camp, 2008.



Madeline deRepentigny harvesting birch bark to construct a canoe, 2008.

The Tr'ondëk Hwëch'in Heritage Department uses the term *land-based heritage resources* (LBHR) as an overarching classification for heritage resources in the traditional territory that warrant protection, preservation, and management. LBHR are defined as areas of particular heritage interest or value stemming from the traditional, cultural, or historic relationships to the land. These are usually non-moveable objects and can be either material or non-material in nature. LBHR also include the moveable heritage resources connected to, and in situ with, the non-moveable components. LBHR resources can include, but are not limited to, the following:

- Harvestable Resources (e.g., wildlife, fish, and plants, and their habitats)
- Migration routes, waterways, salt licks, calving areas, and traplines
- Medicines
- Raw materials (e.g., bark, wood, stone, bone, fibres, and dyes)
- Place names
- Camps, trails, and caches
- Burial sites
- Sacred sites
- Traditional knowledge
- Archaeological and historic sites



A stone knife found in a lithic quarry during an archaeology survey, 2005.



Fence post marking a burial site in the Seela Pass, 2007.

Protecting Heritage Resources

Heritage Resources can be adequately protected with properly implemented precautionary measures and processes. Note that these resources include not only archaeological and historic resources as defined in the *Yukon Historic Resources Act*, but also resources such as traditional plants, wildlife, medicines, and current activities on the land that are rooted in ancestral family practices. (e.g., hunting and subsistence living)

Early initial contact with the First Nation and the Heritage Resource Branch

Early contact with the First Nation and the appropriate Yukon Government department is the best way to ensure proper protection of cultural or heritage resources in a project area. Contact with the First Nation should be made regardless of whether the project is on settlement or non-settlement land. The Tr'ondëk Hwëch'in Heritage Department can provide information on known heritage sites and resources so their location can be buffered immediately. Traditional knowledge can determine whether there are important spiritual, traditional-use, or heritage resources in the area that may not be recognized by the Yukon Government Heritage Resources Branch. Early contact also helps determine if any Tr'ondëk Hwëch'in land users will be impacted and allows for an early decision regarding the need for a heritage assessment in the project area.

Follow the recommended actions set out in the *Yukon Government Best Management Practices for Heritage Resources*

The Yukon Government Heritage Resources Branch has released several best-management practices for heritage resources publications targeting numerous industries, including gas and oil, placer mining, mineral exploration, and wilderness tourism.

These publications provide recommendations to mitigate the impact of industry-specific activities on heritage resources. A significant amount of protection can be achieved by following the recommended actions for each specific project activity.

Heritage Resource Assessments

Heritage resource assessments are a standard tool for determining the heritage potential and the extent of heritage resources in a project area, assessing the impact a project will have on heritage resources, and recommending mitigations for the protection of identified resources.

There are three types of assessments that may be requested. The first, a **heritage resource overview assessment (HROA)**, identifies and assesses heritage resource potential in a proposed development area. These assessments often include background research, estimation of heritage potential in a study area, an assessment of possible impacts to heritage sites by a proposed development, and recommendations for project alternatives as well as further heritage impact assessment studies.

Overview studies are particularly important with respect to large-scale development such as hydroelectric projects, transmission-line corridors, pipeline rights-of-way, mine facilities, and large mineral exploration projects.

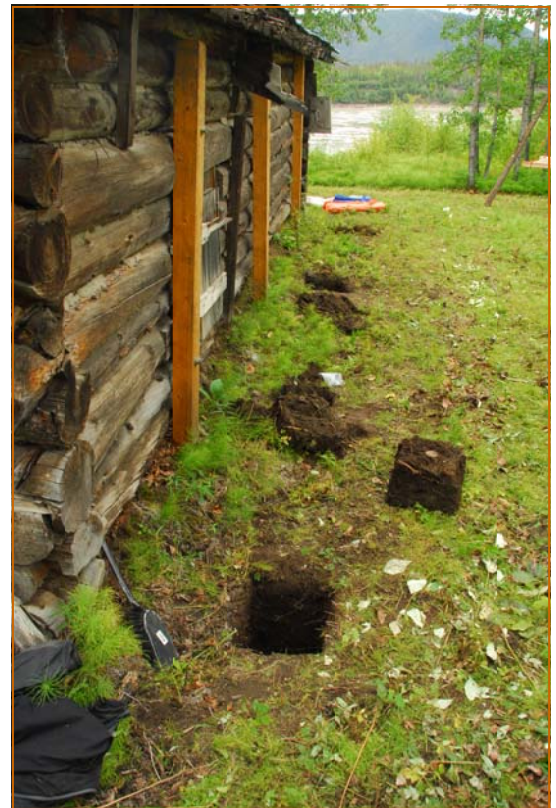
An HROA may be recommended for any proposed land-use or development project. The factors for determining whether an HROA is required include the following:

- The presence of previously recorded heritage sites
- The heritage resource potential as determined by certain terrain types, localities, and landscape features
- The nature and extent of previous land disturbance
- The nature and scope of new land alteration
- High-impact activities, including significant access development, camp construction, or large trenching, drilling, and stripping activities



Ridge in the Ogilvie River area with surface lithic scatters.

The second common assessment tool is the heritage resource impact assessment (HRIA). An HRIA determines whether a proposed development project will adversely impact historical, archaeological, or paleontological resources. Generally, an HRIA utilizes shovel testing and larger-scale excavations for in-field identification and recording of resources within a proposed project area. The nature and scope of an HRIA is determined by the results and recommendations from an HROA. The HRIA is a more specific study intended to inventory areas identified in the HROA that will be adversely affected by the proposed project. Subsequent mitigations for these areas will be determined by the extent and significance of the heritage resources.



Test pits excavated during a heritage impact assessment at the Forty Mile heritage site.

There are a number of different methodologies which may be utilized in conducting impact studies. The proponent's archaeological consultant must develop an appropriate study plan for the proposed assessment. There are a number of archaeological consultants working in the Yukon that are accredited to conduct these types of assessments.



Tr'ondëk Hwëch'in Heritage Department staff documenting heritage resources at Cache Creek, 2010.

The third assessment tool, a **cultural values impact assessment**, may be requested in highly valued areas. This assessment considers impacts to cultural resources and values which may not be considered in an HROA or HRIA, including traditional knowledge, traditional use (e.g., harvestable resources, important raw materials, and medicines), traditional place names, spiritual use, and the overall value of place.

Standard Mitigations

Avoidance: Complete avoidance of an area is often the most favourable mitigation if possible. This mitigation is recommended not only for heritage artifact sites, but also for places with spiritual importance, important harvest and wildlife areas, or areas identified as having heritage importance to the First Nation.

Buffering: This mitigation protects known heritage resources with a minimum 30-metre buffer. This is also the case for any found heritage resources.

Mitigation study: This mitigation involves the collection and analysis of a systematic sample of the site prior to its partial or total destruction. Significant heritage sites located either in unavoidable conflict with a proposed development or exposed during construction will require an appropriate level of impact mitigation study.



Human remains found at the Dawson City sewage-treatment plant, 2010.



Human remains were removed with the expertise of archaeologists and Tr'ondëk Hwëch'in Heritage staff, and help from volunteers.

Reporting

If a heritage or archaeological resource is discovered, work at the location must immediately cease and the site marked and buffered from further activity by 30 metres.

Documentation of the site is encouraged. General information should include the following:

- GPS Location
- Estimated size or area of the site or feature
- Description of setting and access to area
- Brief description of the actual features
- Photographs

Reporting directly to the First Nation is only legally required for projects on settlement land, but as a best practice we request the Tr'ondëk Hwëch'in Heritage Department be contacted in the event of any find within our traditional territory.

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Recording a lithic scatter in the Seela Pass area.

References: Useful Resources, Legislation, Policy, and Best Practices

Tr'ondëk Hwëch'in Heritage

- ◆ Tr'ondëk Hwëch'in Heritage
<http://www.trondekheritage.com>
- ◆ *The Archaeology of the Hän Traditional Territory*, T.J. Hammer (2001)
- ◆ *Hammerstones: A History of the Tr'ondëk Hwëch'in*, Helene Dobrowolsky (2003)
- ◆ *Hän: People of the River*, Craig Mishler and William Simeone (2004)
- ◆ *The Hän Indians: A Compilation of Ethnographic and Historical Data on Alaska*, Cornelius Osgood (1971)

Government Links

- ◆ Tr'ondëk Hwëch'in Government
<http://www.trondek.ca>
- ◆ Yukon Government Heritage Resources Unit
<http://www.tc.gov.yk.ca>

Supplementary Guidelines and Legislation

- ◆ *Tr'ondëk Hwëch'in Land and Resources Act, 2007*
- ◆ *Yukon Government Yukon Mineral Exploration Best Management Practices for Heritage Resources*
http://www.tc.gov.yk.ca/pdf/Mineral_Exploration_BMP_for_Heritage_Resources.pdf
- ◆ *Yukon Government Guidelines Respecting the Discovery of Human Remains and First Nation Burial Sites in the Yukon*
http://www.tc.gov.yk.ca/pdf/respecting_guidelines.pdf
- ◆ *Yukon Government Handbook for the Identification of Heritage Sites and Features*
http://www.tc.gov.yk.ca/pdf/publications_heritagehandbook.pdf
- ◆ *Government of British Columbia Archaeological Impact Assessment Guidelines*
http://www.tsa.gov.bc.ca/archaeology/docs/impact_assessment_guidelines/index.htm
- ◆ *Yukon Historic Resources Act*
http://www.tc.gov.yk.ca/pdf/historic_resources_act.pdf
- ◆ *Yukon Archaeological Sites Regulation*
http://www.tc.gov.yk.ca/pdf/oic2003_073.pdf
- ◆ *Yukon Environment and Socio-economic Assessment Act*
<http://www.yesab.ca>



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