

FROM CRITICAL MINERALS TO CRITICAL RECLAMATION:

Implementing an Anticolonial Ethics of Reclamation for the Faro Mine,
in Tsē Zūl, Dena Kēyeh (unceded Kaska Lands, Yukon, Canada)

By © Caitlynn Beckett (Dissertation)
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ABSTRACT

As the Canadian government renews promotions for so-called ‘critical minerals’ extraction across Northern Canada, local communities are grappling with both the legacies of abandoned sites and new articulations (or co-optations) of sustainability in the context of green energy. With this drive for increased mining, the need for nuanced discussions about reclamation are critical. The Faro Mine, a lead-zinc mine that operated from 1969-1999, is one of the largest reclamation sites in Canada. Located in Tsē Zūl, on unceded Tū Łídlīni (Ross River) Kaska Dena Land, the mine inflicted countless harms on the community and Dena Kēyeh (Dena Land). For decades Tū Łídlīni Dena have been demanding that both mining and reclamation be done differently, in a way that respects Kaska stewardship and governance. Through participatory action and place-based research, in partnership with Ross River Dena Council (RRDC), this PhD aims to re-think reclamation and unearth possibilities for ethical, community-driven approaches to repairing contaminated landscapes.

Grounded in the direction and priorities of Tū Łídlīni Dena Elders, this research focuses first on analyzing the ‘infrastructures of theft’ at Faro, including the mineral permitting, welfare state policies, and water licensing that facilitated the theft of unceded Kaska Land and Water. I then trace how these historic mechanisms of theft have morphed into the contemporary impact assessment and regulatory processes guiding reclamation work at Faro. A second key priority for this community-based research was to build reclamation alternatives based in Kaska knowledge, drawing on the long history of Tū Łídlīni Dena resistance to the Faro Mine. Therefore, part of my work included supporting and documenting the implementation of a community-based revegetation program, centered in healing. While pointing to the root causes of violence and contamination at Faro, this research simultaneously celebrates all the relationships that have persisted, that are hard fought for in the face of pervasive racism, colonialism, and extractivism. This resistance is exemplified in the stories, experiences, community planning, and alternatives that have been articulated by Tū Łídlīni Dena for decades. These alternatives are what form the very basis of anti-colonial reclamation, and the imagining of future human-environment relationships based in Indigenous lands, community, and governance.

GENERAL SUMMARY

The Faro Mine, a lead-zinc mine that operated from 1969-1999, is one of the largest reclamation sites in Canada. It is in the Tsē Zūl region of Tū Łídlīni (Ross River) Kaska Dena Land in southeast Yukon, Canada. The Tū Łídlīni Dena have never signed a treaty or land claim. Therefore, the Faro Mine was developed illegally, on unceded Kaska Land (Dena Kēyeh), without their consent. The mine inflicted many harms on the community and Dena Kēyeh, including racism, gendered violence, wealth inequality, and environmental contamination. Today, there are 70 million tonnes of acidic tailings (a kind of dusty paste left over after ore processing) and 320 million tonnes of acid-generating waste rock on the site. Reclamation planning has been ongoing for the past two decades, but final licenses and designs have yet to be approved by regulators. There are no walk-away solutions for reclamation at the Faro Mine; it is a perpetual care project.

For decades Tū Łídlīni Dena have been demanding that both mining and reclamation be done differently, in a way that respects Kaska stewardship and governance. Through community-directed research, in partnership with Ross River Dena Council (RRDC), this PhD research aims to first detail why and how Tsē Zūl was contaminated and to then build alternative methods for healing contaminated places. To do this, I analyze the history of the Faro Mine, focusing on identifying ‘infrastructures of theft’, or in other words, the mechanisms used by settler governments to steal Kaska Land for mining and water use. This historical work also contributes to RRDC’s priority of telling the story of the Faro Mine on their own terms. I then trace how these histories influence reclamation planning and impact assessment for the current Faro Mine Remediation Project. While pointing to the root causes of violence and contamination at Faro, this research simultaneously celebrates all the relationships that have persisted, that are hard fought for in the face of pervasive racism, colonialism, and extractivism. This resistance is exemplified in the stories, experiences, community planning, and alternatives that have been articulated by Tū Łídlīni Dena for decades. These alternatives are what form the very basis of healing for lands and communities harmed by extraction.

CO-AUTHORSHIP STATEMENT

I hereby declare that this dissertation incorporates material that is result of joint research, as follows:

- Chapter 7 of this dissertation is the result of collaborative research and co-authorship with: Jody Inkster, Cassia Jakesta, Krystal Isbister, and Justin Straker. Jody, Cassia, Krystal and Justin all contributed reflections on the community-based revegetation project and reviewed and edited drafts of the paper. I lead the writing of the paper, including initial composition and completion of edits.
- Brittany Tuffs was employed as a research assistant for various parts of this research, including assistance with community meetings, archival review, and writing the community reports. Brittany provided the material for the Kaska Dena Worldview sections of the community research reports, assisted with writing the community reports and provided feedback and edits on those reports.

I am aware of Memorial University's guidelines on (co)authorship, and I certify that I have properly acknowledged the contribution of other researchers to my thesis, and have obtained permission from each of the co-authors and collaborators to include the above materials in my thesis. I certify that, with the above qualification, this dissertation, and the research to which it refers, is the product of my own work.

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As I write these acknowledgements, in a mad scramble to just get this thing submitted, I'm sitting in a truck on my way from Whitehorse to Ross River. Next to me are my colleagues and friends, Jody Inkster, Camille Jakesta, and Shelley Inkster. While it is somewhat stressful and uncomfortable to be finishing up this PhD while on the road, it also feels fitting. Driving down the Robert Campbell highway, the soft pink glow of winter surrounds us as we pass by Tsē Zūl on our way to Tū Łídlíni, and I feel incredibly lucky to have been welcomed to this place eight years ago and to have had the amazing opportunity to work for this community. So, my first (and last) thanks are to Dena Kēyeh, Tū Łídlíni and the truly inspiring, comedic, and generous people who steward this place and this community.

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LIST OF ABBREVIATIONS

ARD – Acid rock drainage
BC – British Columbia
CIRNAC – Crown Indigenous and Northern Affairs Canada
CYFN (1995 – present) – Council of Yukon First Nations
CYI (until 1995) – Council of Yukon Indians
DFO – Department of Fisheries and Oceans
DIAND – Department of Indian and Northern Development
DIAND – Department of Indigenous and Northern Development
EC – Environment Canada
FMRP – Faro Mine Remediation Project
FMRPT – Faro Mine Remediation Project Team
INAC – Indigenous and Northern Affairs Canada
LFN – Liard First Nation
NWT – Northwest Territories
PMA – *Placer Mining Act*
RCMP – Royal Canadian Mounted Police
RRIB (1966-1983) – Ross River Indian Band
RRDC (1983 - present) – Ross River Dena Council
SFN – Selkirk First Nation
YCS – Yukon Conservation Society
YESAA – *Yukon Environmental and Socio-Economic Assessment Act*
YESAB – Yukon Environmental and Socio-Economic Assessment Board
YG (2003-present) – Yukon Government
YTG (until 2003) – Yukon Territorial Government
YWA – *Yukon Waters Act*
YWB (2003-present) – Yukon Water Board
YTWB (1972-2003) – Yukon Territorial Water Board
QMA – *Quartz Mining Act*

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CHAPTER 1: INTRODUCTION

1.1 Three images of Tsē Zūl: aquifers, trust (funds), and anti-colonial healing

On the days when the waterways of the Tsē Zūl region aren't frozen, thousands of litres of contaminated water are collected and pumped around the abandoned Faro lead-zinc mine. Located on unceded Kaska Dena land, in so-called Yukon, Canada, the Faro Mine opened in 1969 and operated on and off for thirty years (Figure 1.4). During these decades, the sulphide-rich mountains of Tsē Zūl, Dzel Jedé, and K'esba Tsel were blasted and ground down in an extractive process that separated lead and zinc ores from surrounding rock. Tailings – the slurried remains of ore processing – accumulated in the Rose Creek Valley at the foot of Tsē Zūl, slowly climbing up the valley walls. The shattered edges of sulphide waste rock and tailings were exposed to air, resulting in the acidification of surrounding waterways and underground aquifers. Acidification at Faro was, and is, a slow, creeping environmental violence:

We have a massive, four-by-one kilometer tailings impoundment... that has been leaching terrible water into the groundwater for years... for decades. One of the engineers I've worked for always referred to the attenuation of that aquifer as a trust fund - and if you keep drawing on it, eventually you're just gonna go broke, and you're not gonna have any more money in your trust fund and then you're gonna be in trouble. And the delay, I mean, the reality of how long that mine operated and added the tailings... you know, kept putting the [contaminant] loading on that aquifer. You know, you're just leaching more and more water, all the snow, all the rain. And that plume just slowly migrates down [valley].¹

Today, pumps are strategically positioned around known seeps to collect contaminated groundwater percolating up from the underground aquifer. Countless ditches sprawl across the

¹ Cam Malloch, interview with author, April 20, 2021.

mine site, collecting runoff and surface water, and redirecting these flows towards a maze of pipes, pumps, and pits. Contaminated water is stored in the Faro pit, once the largest open pit lead-zinc in the world, until it can be treated and discharged back into the environment (Figure 1.6 and Figure 4.4). All this infrastructure is aimed at slowing the acidification of Tsē Zūl's trust-fund-aquifer and its downstream waterways.

But Tsē Zūl's water isn't the only thing that has soured because of the Faro Mine. Intertwined with the acidification and environmental contamination of Tsē Zūl is the theft of Dena Kēyeh (Kaska Dena Land), and the extractive violence experienced by the Tū Łídlīni Kaska Dena. Elder Grady Sterriah, daughter of Dena Cho (one of the Kaska founders of the Faro mineral claims), recounted a story of theft and betrayal. According to Grady, Al Kulan, the settler-pro prospector wrongly credited with founding the Faro Mine,

would sleep in the corner of [our] tent... Mom would patch him up and give him moccasins and everything – he never turned around and looked at us or gave us anything... You can't trust anybody. Al Kulan teach all the people *not to trust*.²

The consequences of this theft, betrayal, and violence – deemed the 'Faro Curse' – have reverberated across decades. Even after the Faro Mine closed in 1998 and the federal government assumed the liability for clean-up, the Faro Curse continued to haunt the site. Over 25 years after closure, remediation planning is still ongoing, and the site is in a seemingly perpetual state of 'emergency.' And yet, while the aquifer of relational ties and networks between Kaska Dena, Tsē Zūl, and Dena Kēyeh were depleted, they were never destroyed. And it is this aquifer of knowledge and relationality that Tū Łídlīni Dena now draw on to both direct the healing of Faro and demand compensation for past harms.

² Grady Sterriah in Caitlynn Beckett and Brittany Tuffs, "Ross River Elder's Council Workshop on the Faro Remediation Project," prepared for Ross River Dena Council (June 2019), 29.

Rebuilding healthy aquifers of water and trust at Faro – lifting the Faro Curse – requires an anticolonial approach to mine reclamation that weaves chemical water treatment with justice, wildlife stewardship, waste rock sloping, reparations, and a resurgence of Kaska governance.³ Such an approach is far from new. The Tū Łídlīni (Ross River) Kaska Dena, represented by the Ross River Dena Council (RRDC), have been maintaining their own stewardship and governance structures for time immemorial. And more recently, Tū Łídlīni Dena have been fighting for justice and equity at Faro, alongside demands for environmental protections, economic inclusion, and reclamation of other extractive sites across their territory. To that end, in the summer of 2020, amidst the COVID-19 pandemic and after a year of working for RRDC in various capacities, I joined in ongoing plans to set up a community-based revegetation program.

In June 2021, Dena Cho Environmental and Remediation Ltd. (Dena Cho), a company owned by RRDC, kicked off our first community-based tree planting program. Pussy willows were growing alongside the creeks of Tsē Zūl, their fuzz molting away in the late stages of spring. After getting a group of twelve Kaska youth set up with planting gear, my colleague Jody Inkster and I stuffed our planting bags with gādze (pine) and ts’ū (white spruce) seedlings and hit the dirt.⁴ We quickly got lost in the physical repetition – at first like a meditation – and then just

³ Anticolonialism is a theoretical framework, analytical tool, and place-based practice oriented towards resisting and dismantling the aims of colonial regimes, systems, and ideologies. Anticolonialism is closely aligned with decolonization but differs in that it focuses on resisting and pushing back against, rather than envisioning a society free of, colonial structures. A key challenge of anticolonial work is to “address the way that colonial systems of control attempt to justify, legitimize and obfuscate their very existence.” For example, anticolonial theorizing argues that colonialism relies on the construction of powerful narratives and mythologies (such as recognition and reconciliation) to maintain the colonial status quo. This framework arose in resistance to European colonial extraction of resources and labour and is couched within broader resistances against racism, displacement, dispossession, and the production of inequity. Anticolonial thinking has been driven by Indigenous and black geographers and theorists: Madeline Whetung and Neil Nunn, “Anticolonialism,” in *International Encyclopedia of Human Geography*, ed. by Audrey Kobayashi, 2nd Edition (Elsevier Science & Technology, 2020), 157.

⁴ See Chapter 7, Section 7.7, “Dene k’éh: A Glossary of Kaska Words.”

slow, painful work trying to match the lines of the tree planters working besides us, while swatting at the mosquitoes. The Elders supervising the project were persistent in reminding us of the importance of Kaska presence and language at the Faro Mine. Elder Dorothy Smith noted that every single person who comes on site should know that this is unceded Kaska territory. Elder Dennis Shorty told us that each tree is a Kaska tree, a relation and a being to respect – another presence to stand guard, to assert sovereignty, and to care for that land over generations.

In these Northern climates, ts'ū and gādze grow slowly – watching carefully and steadfastly over a reclamation project that will last generations. These trees, in collaboration with many other non-human beings on the Faro site - Guts'ēni (Our/Kaska Relations) – will do reclamation work that is social, cultural, spiritual, hydrological, and biological as they help to control erosion, and to re-establish the networks of soil, fungi, lichen, insects, and mammals that all belong to Dena Kēyeh.

Who does the reclaiming, and *how* reclamation is done, matters. In 2019, I moved to Whitehorse, on Kwalin Dūn and Ta'an Kwāchān Council Lands to work for RRDC. I knew I couldn't do community-based PhD research properly from afar, and as a part of a reciprocal research agreement RRDC had asked that I work for Dena Cho, so I packed up and went North. Before my work for RRDC, I grew up in Regina, Saskatchewan on Treaty 4 territory, the Land of the nēhiyawak, Anihšīnāpēk, Dakota, Lakota, and Nakoda, and the homeland of the Métis Nation. Over the last 100 years, my ancestors, from Norway, Scotland, England, and France settled across so-called Canada. On my mom's side, my French and Scottish family settled on homesteads and traplines in nēhiyawak and Dene territories in Northern Saskatchewan – moving west from Québec. My dad's side, of Norwegian descent, moved north from Minnesota, settling on farms around Regina.

My families, settler farming and trapping families, have directly benefited from both the dispossession of Indigenous territories and the destruction of vast amounts of native prairie for the purposes of agriculture. In the midst of this complicated history, my grandmothers and mom spent their lives gardening and taught me to do the same. While moving around for school and work, I had absent-mindedly tucked this skill away, but the years of family gardening quickly came back to me amidst the pandemic, new friendships in the Yukon, homesickness, and a lot of thinking about what reclamation-as-relational on Dena Kēyeh might mean for someone like me. In the depths of PhD frustration, COVID melancholy, and other stresses, the care, maintenance, beauty, faith, and failure of growing food and flowers, picking seeds on Dena Kēyeh, and planting the trees that grow from those seeds, has soothed my heart and connected me to my home(s). While researching and working for RRDC in my home-office-sometimes-greenhouse, I watched sprouts grow noticeably larger each day, at a much faster rate than my own writing; their names and care regimens circling in my head – nasturtium, Icelandic poppies, early girl tomatoes – many of them transplants like me, connected to long histories of imperial migration and movement.

Anticolonial healing comes not only from studying, revealing, and dismantling colonial structures of inequity, but from outlining settlers' obligation and accountability to transforming their own relationships with Indigenous communities and lands.⁵ Therefore, I ground my own work in my history, and my family's history, on Indigenous lands across so-called Canada, and "in the blind spots that come with walking in this world cloaked in white privilege."⁶ Most importantly, the knowledge contained within this dissertation is not 'mine,' as "research is never

⁵ Emilie Cameron, *Faro Off Metal River* (Vancouver: UBC Press, 2015); Emma Battell Lowman and Adam J. Barker, *Settler: Identity and Colonialism* (Halifax: Fernwood Publishing, 2015).

⁶ Rebecca Hall, *Refracted Economies: Diamond Mining and Social Reproduction in the North* (Toronto: University of Toronto Press, 2022), 15.

a possession.”⁷ Through working for RRDC, I got a front row seat to how colonialism is rearticulated in sneaky ways through land claims, contemporary environmental regulation, settler government funding and investments – and how colonial governments can take control of these structures in the name of reconciliation. As a part of my obligations to Ross River Dena Council, although this research tells the story of Tsē Zūl, it also points to the broader challenges, histories, and resistance represented by Faro, and how these complexities reappear in contemporary resource extraction. This research is simply one tool in realizing the goal of resurgent sovereignty for Tū Łídlīni Dena and in putting forth accountabilities for settlers and settler governments benefiting from extractivism.

1.2 Colonial theft via reclamation

Contaminated landscapes such as landfills, oil sands, mine tailings, and industrial sites represent some of the most complex, painful, and power-laden places in contemporary society. Such places are tangled in mounting concerns surrounding global climate change, biodiversity loss, energy transition, and the rush for critical minerals.⁸ Dramatic images of contaminated landscapes are fodder for critical conversations about extractivism, consumerism, capital accumulation, and waste and the ethical obligations humans have to limit, mediate, and reverse such destructive changes. Beyond harnessing remedial tools such as water treatment and revegetation, the fields of environmental restoration and reclamation offer powerful stories of healing and revitalization – narratives that transcend on-the-ground realities of ecological health

⁷ Hall, *Refracted Economies*, 15

⁸ Divya Nakade and Sharda Dhadse, “Biodiversity Loss Due to Mining Activities,” *Sustainability and Biodiversity Conservation* 3, no. 3 (2024): 49-65.

and gesture towards notions of socio-ecological care, community wellness, restitution, and accountability. Restoration, reclamation, and remediation provide hope and practical mechanisms to improve or mitigate historical and ongoing environmental destruction.⁹

Within academia and industry, reclamation and remediation processes are increasingly researched and regulated as part of ‘best practices’ and ‘corporate social responsibility’ for the development of extractive industries internationally.¹⁰ Typically, reclamation and waste management activities are dominated by technical experts and, accordingly, there has been a proliferation of research on waste containment techniques, water treatment, and remediation of contaminated soils.¹¹ However, as lamented by researchers and practitioners across the fields of restoration ecology, land reclamation, and remediation, there is “a lack of guidance on how to define achievable and measurable criteria that reflect *reclamation success*.”¹² In response, there is also a growing body of ecological and engineering research focusing on mine closure and reclamation criteria and there are now various international and local guidelines that attempt to

⁹ The terms restoration, reclamation, rehabilitation, and remediation are often used interchangeably to describe processes of managing pollution and restoring or re-creating some kind of environmental or economic ‘value’. While *restoration* projects focus on restoring as close to possible the ecosystem that existed before development, *reclamation* and *rehabilitation* refer to the creation or re-invigoration of environmental health, public infrastructure, and local economies. *Remediation* focuses specifically on the containment and management of contamination. The use of these various terms differs regionally and across disciplines. Throughout this dissertation, I use the term reclamation when referring to broader socio-political and economic processes beyond the containment of contamination on extractive sites. I use the term remediation when referring specifically to the Faro Mine Remediation Project or other Northern Canadian remediation projects, as it is the term most frequently used for mining and industrial sites in Canada: Anne Dance, “Northern Reclamation in Canada: Contemporary Policy and Practice for New and Legacy Mines,” *Northern Review* 41 (2015): 41–80; John Sandlos and Arn Keeling, “Toxic Legacies and Environmental Justice at Giant Mine, Northwest Territories,” *The Northern Review* 42 (2018): 7-21.

¹⁰ Nicholas Bainton and Sarah Holcombe, “A Critical Review of the Social Aspects of Mine Closure,” *Resources Policy* 59 (2018): 468-478; Stuart Kirsch, *Mining Capitalism: The Relationship between Corporations and their Critics* (Berkeley: University of California Press, 2014).

¹¹ Karen A. Hudson-Edwards, Heather Jamieson, and Bernd Lottermoser, “Mine Wastes: Past, Present, Future,” *Elements* 7, no. 6 (2011): 375–380; Karen A. Hudson-Edwards and Bernard Dold, “Mine Waste Characterization, Management and Remediation,” *Minerals* 5, no.1 (2015): 82–85; Bruno Bussier and Marie Guittonny, *Hard Rock Mine Reclamation: From Prediction to Management of Acid Mine Drainage* (Baco Raton: CRC Press, Taylor and Francis Group, 2021).

¹² Emphasis added: Ana Manero, Rachel Standish and Renee Young, “Mine Completion Criteria Defined by Best-Practice: A Global Meta-Analysis and Western Australian Case Studies,” *Journal of Environmental Management* 282 (2021): 1.

outline the need for reclamation practices and plans that support engagement and agreement on post-mining land uses.¹³

There is also an increasing amount of attention directed at the ‘socio-political indicators’ of mine closure, remediation, and reclamation.¹⁴ This research calls for the integration of socio-economic objectives, recognizing the various desires of different stakeholder and rightsholder groups, into existing reclamation research and planning structures.¹⁵ Accordingly, planning

¹³ L.E. Sánchez, S.S. Silva-Sánchez, A.C. Neri, “Guide for Mine Closure Planning,” Brazilian Mining Association, Brasília, 2014; R. Holmes, M. Flynn, and M. B. Thorpe, “A Framework for Standardised, Performance-Based Completion Criteria for Mine Closure and Mine Site Relinquishment,” British Columbia Mine Reclamation Symposium, Vancouver, BC, Canada, 2015; Josianne Cláudia Sales Rosa, Luis Enrique Sánchez, and Angus Morrison-Saunders, “Getting to ‘Agreed’ Post-Mining Land Use—An Ecosystem Services Approach,” *Impact Assessment and Project Appraisal* 36, no. 3 (2018): 220-229; M. Fawcett, and T. Laurencont, “Setting Objectives: The Key to Successful Mine Closure,” in *Mine Closure 2019: Proceedings of the 13th International Conference on Mine Closure*, ed. A.B. Fourie and M. Tibbett (Australian Centre for Geomechanics, Perth, 2019): 1063-1070; International Council on Mining and Metals, *Integrated Mine Closure: Good Practice Guide* (London, UK, 2019); Josianne Cláudia Sales Rosa, Angus Morrison-Saunders, Michael Hughes, and Luis Enrique Sánchez, “Planning Mine Restoration Through Ecosystem Services to Enhance Community Engagement and Deliver Social Benefits,” *Restoration Ecology* 28, no. 4 (2020): 937-946; Marit E. Kragt and Ana Manero, “Identifying Industry Practice, Barriers and Opportunities for Mine Rehabilitation Completion Criteria in Western Australia,” *Journal of Environmental Management* 287 (2021): 112258; Manero et al., “Mine Completion Criteria Defined by Best-Practice.”

¹⁴ Anne Bergmans, Göran Sundqvist, Drago Kos, and Peter Simmons, “The Participatory Turn in Radioactive Waste Management: Deliberation and the Social–Technical Divide,” *Journal of Risk Research* 18, no. 3 (2015): 347-363; Annabel Rixen and Sylvie Blangy, “Life after Meadowbank: Exploring Gold Mine Closure Scenarios with the Residents of Qamini’tuaq (Baker Lake), Nunavut,” *Extractive Industries and Society* 3, no. 2 (2016): 297-312; Minerva Chaloping-March, *Social Terrains of Mine Closure in the Philippines* (New York, NY: Routledge, 2017); James Baeten, “Contested Landscapes of Displacement: Oliver Iron and Minnesota’s Hibbing District,” *Change Over Time* 7, no. 1 (2017): 52–73; A. Morrison-Saunders and L.E. Sánchez, “Improving Stakeholder Engagement in Closure Planning through an Ecosystem Improving Stakeholder Engagement in Closure Planning through an Ecosystem Services Approach,” in *Planning for Closure 2018: 2nd International Congress on Planning for Closure of Mining Operations* (2018); S. Jellinek, K. A. Wilson, V. H. Agger, L. Mumaw, B. Cooke, A.M. Guerrero, and R. J. Standish, “Integrating Diverse Social and Ecological Motivations to Achieve Landscape Restoration,” *Journal of Applied Ecology* (2018): 1–7; Jo-Anne Everingham, Sarah Mackenzie, Kamila Svobodova, and Kathy Witt, “Participatory Processes, Mine Closure and Social Transitions,” Centre for Social Responsibility in Mining, Sustainable Minerals Institute, University of Queensland, 2020; Anthony Kung, Jo-Anne Everingham, Vlado Vivoda, “Social Aspects of Mine Closure: Governance and Regulation,” Centre for Social Responsibility in Mining, Sustainable Minerals Institute, University of Queensland, 2020.

¹⁵ Lindsay Palmer, Tim Gray, and Derek Bell, “Lessons for Community-Based Management Approaches to Mine Water Pollution Problems: A Comparative Study of Four Cases in Northeast England,” *Local Environment* 15, no. 4 (2010): 341-356; Kamila Svobodova, Petr Sklenicka, Kristina Molnarova, and Miroslav Salek, “Visual Preferences for Physical Attributes of Mining and Post-Mining Landscapes with Respect to the Sociodemographic Characteristics of Respondents,” *Ecological Engineering* 43 (2012): 34-44; Sugeng Budiharta, Erik Meijaard, Jessie A. Wells, Nicola K. Abram, and Kerrie A. Wilson, “Enhancing Feasibility: Incorporating a Socio-Ecological Systems Framework into Restoration Planning,” *Environmental Science and Policy* 64 (2016): 83-92; J.-A. Everingham, J. Rolfe, A. M. Lechner, S. Kinnear, and D. Akbar, “A Proposal for Engaging a Stakeholder Panel in

processes for reclamation increasingly employ the language of social rejuvenation and reconciliation. However, gestures toward socio-economic objectives and social rejuvenation are often circumscribed within state-led, neoliberal spaces of dominant science and industry.¹⁶ As such, reclamation processes are still primarily defined by technocratic Western socio-economic processes and ideals of ‘land use’ or ‘wilderness’ rather than by a discussion of the ways in which these contaminated landscapes are places with complicated, ongoing colonial relationships to development, violence, and (in)justice.¹⁷

Despite mounting resources directed at mine reclamation research and policy, it remains nearly impossible to restore such sites to pre-development conditions or even reclaim any kind of socio-economic value: “the absence of successfully rehabilitated and relinquished mines to a standard where there is no future liability has been described as a policy failure.”¹⁸ Yet, extractive corporations continue to promise to reclaim landforms, reintroduce local plants, and ensure long-term water quality post-extraction, even if full restoration is not possible. These regulatory promises are almost never upheld. Nor are corporations penalized for broken

Planning Post-Mining Land Uses in Australia’s Coal-Rich Tropical Savannas,” *Land Use Policy* 79 (2017): 397–406; Miranda Monosky and Arn Keeling, “Planning for Social and Community-Engaged Closure: A Comparison of Mine Closure Plans from Canada’s Territorial and Provincial North,” *Journal of Environmental Management* 277 (2021): 111324; T. Measham, F. Ackermann, J. Everingham, M. Barber, F. Haslam-McKenzie, and B. Maybee, “Understanding Stakeholder Values in Post-Mining Economies : A Literature Review,” Cooperative Research Centre (CRC) for Transformations in Mining Economies, Brisbane, 2022.

¹⁶ Liboiron uses the term dominant science, rather than Western science, acknowledging that there are multiple methods and traditions of ‘doing science,’ and that what is often termed ‘Western’ science is not necessarily derived from Western philosophical traditions. The term dominant science emphasizes the power relationships in science: Max Liboiron, *Pollution is Colonialism* (Durham: Duke University Press, 2021).

¹⁷ Jennifer Grenz, “Healing the Land by Reclaiming an Indigenous Ecology: A Journey Exploring the Application of the Indigenous Worldview to Invasion Biology and Ecology,” (PhD Diss., Integrated Studies in Food and Land Systems, University of British Columbia, 2020); Jennifer Grenz, *Medicine Wheel for the Planet: A Journey Toward Personal and Ecological Healing* (Toronto: Alfred A. Knopf Canada, 2024).

¹⁸ Mia Pepper, Michael Hughes and Yvonne Haigh, “Loophole of Lifeline? The Policy Challenges of Mines in Care and Maintenance,” *Extractive Industries and Society* 8, no. 3 (2021): 2. See also, C.J. Unger, A.M. Lechner, J. Kenway, V. Glenn and A. Walton, “A Jurisdictional Maturity Model for Risk Management, Accountability and Continual Improvement of Abandoned Mines Remediation Programs,” *Resources Policy* 43 (2015): 1-10.

promises.¹⁹ In reality, most large-scale clean-up projects become long-term, technocratic pollution containment projects.²⁰ Reclamation is necessary when something has been taken or destroyed. Without a discussion of *who* and *how* – including the details of colonial histories, extractive presents, land ownership (and theft), and what kinds of expertise are privileged – then such remedial frameworks risks perpetuating injustice.²¹

Industrial clean-up projects operate within colonial, state-regulated environmental management structures, occluding the many Indigenous environmental justices, ontologies, epistemologies, and pedagogies that direct self-governance, healing, and relationality with Land.²² Rather than providing a platform for a nuanced discussion about expectations for reclamation and long-term care of mine waste and the lives impacted by that waste, regulatory processes remain entrenched in colonial state bureaucracy and can rubber-stamp reclamation projects without questioning what it means to ‘assess’ and heal the legacies of contaminated waste.²³ For example, environmental and socio-economic impact assessments routinely overlook the complexities of contaminants that move, change, and accumulate over time, perpetuating

¹⁹ For example, a recent independent audit from the Office of the Auditor General of Canada found that the federal Northern Contaminated Sites program has largely failed to meet its objectives, while continually increasing their budget: Office of the Auditor General of Canada, “Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada: Contaminated Sites in the North,” 2024.

²⁰ Max Liboiron and Josh Lepawsky, *Discard Studies: Wasting, Systems and Power* (Cambridge: The MIT Press, 2022).

²¹ Caitlynn Beckett and Arn Keeling, “Rethinking Remediation: Mine Reclamation, Environmental Justice, and Relations of Care,” *Local Environment* 24, no. 3 (2019): 216-230.

²² I follow Max Liboiron’s description of ‘Land’ (with a capital L), as originating from various Indigenous cosmologies, emphasizing the difference from ‘land.’ Land encompasses relationships with water, soil, air, plants, stars, histories, events, emotions and more-than-human and is not simply a landscape: Liboiron, *Pollution is Colonialism*. See also: Robyn Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants* (Minneapolis: Milkweed Editions, 2013); Deborah McGregor, “Mino-Mnaamodawin: Achieving Indigenous Environmental Justice in Canada,” *Environment and Society* 9, no. 1 (2018): 7-24; Kyle Powys Whyte, “Settler Colonialism, Ecology, and Environmental Injustice,” *Environment & Society: Advances in Research* 9 (2018): 125-144.

²³ Ryan Holifield, “Environmental Justice as Recognition and Participation in Risk Assessment: Negotiating and Translating Health Risk at a Superfund Site in Indian Country,” *Annals of the Association of American Geographers* 102, no. 3 (2012): 591-613; Carmella Grey-Cosgrove, Max Liboiron, Josh Lepawsky, “The Challenges of Temporality to Depollution and Remediation,” *S.A.P.I.E.N.S* 8, no. 1 (2015): 1-10.

environmental violence.²⁴ In addition, the community effort that must go into protecting and reclaiming Land, cultural practices, governance structures, and more-than-human relations is not articulated in mainstream reclamation or impact assessment discourses.²⁵

In short, mine reclamation projects and assessments are “rendered technical” and separated from both the historical-geographical context of settler colonial relations and the politics of perpetual care, leaving little space to contemplate the local realities and injustices of living with waste in perpetuity.²⁶ While it is essential to include a socio-economic analysis of contaminated sites in reclamation planning, simply incorporating ‘social objectives’ or ‘traditional knowledge’ into a technocratically dominated process of contamination management risks perpetuating settler colonial violence, undermining Indigenous self-determination, and providing a justification for ongoing land dispossession through extractive development.

The Faro Mine Remediation Project, a billion-dollar reclamation boondoggle and one of the largest contaminated sites in Canada, will require water treatment, monitoring, and maintenance *in perpetuity*. Beyond the question of whether perpetual public care is ‘worth’ the dollars made by company shareholders – to which the answer is most clearly, no, as remedial

²⁴ Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Cambridge: Harvard University Press, 2011); Leith Deacon and Jamie Baxter, “No Opportunity to Say No: A Case Study of Procedural Environmental Injustice in Canada,” *Journal of Environmental Planning and Management* 56, no. 5 (2013): 607-623; Graham Bird, “The Influence of the Scale of Mining Activity and Mine Site Remediation on the Contamination Legacy of Historical Metal Mining Activity,” *Environmental Science and Pollution Research* 23, no. 23 (2016): 23456-23466; Lorenzo D’Angelo and Robert J. Pijpers, “Mining Temporalities: An Overview,” *The Extractive Industries and Society* 5, no.2 (2018): 215-222; Bram Noble and Kelechi Nwanekezie, “Conceptualizing Strategic Environmental Assessment: Principles, Approaches, and Research Directions,” *Environmental Impact Assessment Review* 62 (2017): 165-173; Michael Oppenheimer, Naomi Oreskes, Dale Jamieson, Keynyn Brysse, Jessica O’Reilly, Matthew Shindell, and Milena Wazeck, *Discerning Experts: The Practices of Scientific Assessment for Environmental Policy* (Chicago and London: University of Chicago Press, 2019).

²⁵ Leanne Betasamosake Simpson, *As We Have Always Done* (Minneapolis: University of Minnesota Press, 2017); Tara Joly, “Making Productive Land: Utility, Encounter, and Oil Sands Reclamation in Northeastern Alberta, Canada” (PhD diss., Anthropology, University of Aberdeen, 2017); Ashlee Cunsolo and Karen Landman, *Mourning Nature: Hope at the Heart of Ecological Loss and Grief* (Montreal and Kingston: McGill-Queen’s University Press, 2017).

²⁶ Tanya Li, *Land’s End: Capitalist Relations on an Indigenous Frontier* (Durham: Duke University Press, 2014); Sebastián Ureta and Patricio Flores, “Don’t Wake up the Dragon! Monstrous Geontologies in a Mining Waste Impoundment,” *Environment and Planning D: Society and Space* 36, no. 6 (2018): 1063-1080.

spending outstrips the profits made and Kaska communities continue to experience the intergenerational impacts of extractive violence – a central question that remains unresolved at Faro is how to reckon with the colonial legacies of mining *through* reclamation. In Yukon, and across Canada, there is a strategic settler unwillingness to connect colonialism with contemporary mining.²⁷ And yet, mining is continually visualized and narrated as foundational to both settler Canadian history and economic wealth in the present and future.²⁸ In a similar vein, reclamation projects offer the illusion of healing and economic opportunity; but without pointing a critical lens at contemporary and historic extractivism, reclamation quickly becomes a method to cover up and entrench a host of injustices and thefts.

As Elder Grady Sterriah emphasized, the Faro Mine taught her community not to trust. And in response, Tū Łídlīni Dena spent decades resisting nonconsensual mining on their territory, mending the relationships frayed by the Faro Mine, and fighting for socio-economic benefits – a fight that continues to this day. Throughout these decades, Tū Łídlīni Dena and RRDC have outlined countless alternatives and anti-colonial approaches to mining and development on their territory – providing a roadmap for the Faro Mine Remediation Project. The fact that many of these alternatives and demands remain unaddressed points to the ongoing extractive colonial underpinnings of reclamation at Faro and mining across Dena Kēyeh.

This PhD research humbly endeavors to provide an additional platform for those alternatives, as exemplified in place-based research, with the dual purpose of documenting the history of the Faro Mine and the Faro Mine Remediation Project through a critical anti-

²⁷ Jen Jones, “Confronting Settler Colonialism when Assessing the Impact of Mining on Indigenous Peoples’ Health and Well-Being” (PhD Diss., Geography, University of Guelph, 2020).

²⁸ Shiri Pasternak and Hayden King, *Land Back: A Yellowhead Institute Red Paper* (Toronto: Yellowstone Institute, 2019); Lianne C. Leddy, *Serpent River Resurgence: Confronting Uranium Mining at Elliot Lake* (Toronto: University of Toronto Press, 2022).

extractivist, anti-colonial lens, while also directly supporting community-based reclamation work on-the-ground. Centering place, land, and relationships within reclamation research is key to both understanding the colonial contexts and dynamics of extraction, *and* implementing alternatives that are appropriate, accountable, and practically grounded in community needs and Indigenous worldviews.²⁹ This research confronts the settler colonial roots of reclamation and environmental management and asks what it means for Northern communities to *live with* contaminated, post-industrial landscapes. In particular, I ask how mine reclamation processes need to change to confront settler colonial histories and centre Indigenous futures.

1.3 The rivers and rocks of Dena Kēyeh

*“The territory of the Kaska Nation spreads across so-called northern British Columbia, the Yukon, and the Northwest Territories. It’s a land of mountain ranges and interconnected river systems. Wide river valleys are criss-crossed by trails deeply beaten down by the annual trek of caribou, moose, and wolves; the bones of this vast country carved by millennia of movement. “Our country is big,” says Kaska Dena Elder Mary Maje, “Before the settlers came here, our Dena tracks were all over the place, you know.”*³⁰

The Yukon River begins its 3,680 km journey high in the Boundary Range of the Pacific Coastal Mountains in Tlingit Territory, just south of Atlin, British Columbia (Figure 1.1 and

²⁹ Glen Coulthard and Leanne Betasamosake Simpson, “Grounded Normativity / Place-Based Solidarity,” *American Indian Quarterly* 68, no. 2 (2014): 249-255; Eve Tuck and Marcie McKenzie, *Place in Research: Theory, Methodology and Methods* (New York, NY: Routledge, 2015).

³⁰ Josh Barichello and Lianne Charlie, ““We Have Our Footsteps Everywhere: The Ross River Dena’s Fight to Protect Dena Kēyeh/Kaska Country,” *Briarpatch*, January 5, 2022.

Figure 1.2).³¹ From the Boundary Range, the Yukon River crosses the colonially imposed British Columbia-Yukon territorial border, flowing north through Tagish lands, Marsh Lake, and the historic walls of Kwänlin Canyon (the traditional territory of Kwänlin Dün First Nations) before being corralled by the Whitehorse Dam, just south of the capital city of Whitehorse.³² This dam was built in 1958 and upgraded in 1969 to help power the development of the



Figure 1.1 Map of Yukon Indigenous Territories, Yukon Council of First Nations, 2019.

Faro Mine. From Whitehorse, the Yukon River flows north, through Lake Laberge and Ta'an Kwäch'än Council lands, gradually veering northwest and then due west as it makes its way through the communities of Carmacks (Little Salmon Carmacks First Nation), Pelly Crossing (Selkirk First Nation), Dawson (Tr'ondëk Hwëch'in Hän Nation) and then on through Hän, Gwich'in, Koyukon, and Yup'ik territories in Alaska, finally depositing into the Bering Sea. The Yukon River watershed comprises approximately 54 percent, or about 260 000 km², of the Yukon Territory.³³

³¹ Martina Volfová, "Often Confused as': Contestation of Colonial Place Making in the Yukon Territory," in *New Directions in Linguistic Geography*, ed. G. Neidt (Springer Nature Singapore Pte Ltd., 2022).

³² Kwanlin Dün First Nations, *Dá Kwändur Ghàì Ghàkwadindur: Our Story in Our Words* (Vancouver: Figure 1 Publishing Inc, 2020).

³³ C.A. Smith, J.C. Meikle, and C.F. Roots, eds., "Ecoregions of the Yukon Territory: Biophysical Properties of Yukon Landscapes," PARC Technical Bulletin No. 04-01 (Summerland, BC: Agriculture and Agri-Food Canada, 2004): 15.

Following the current of this vast river, humans, fish, insects, microbes, minerals, mammals, sediments, and organic materials all hitch rides on the Yukon, passing through the territories of eleven Indigenous Nations, flowing over thousands of years of layered histories, picking up particles and memories, and transporting them across time and place. Traveling in the opposite direction, every year, salmon surge up the Yukon River and its many tributaries to find the ideal pebbly locations to lay the eggs of their next generation.

At Pelly Crossing, the Pelly River joins the Yukon River, adding water and other bits and bobs from its journeys throughout the Pelly and Mackenzie Mountains

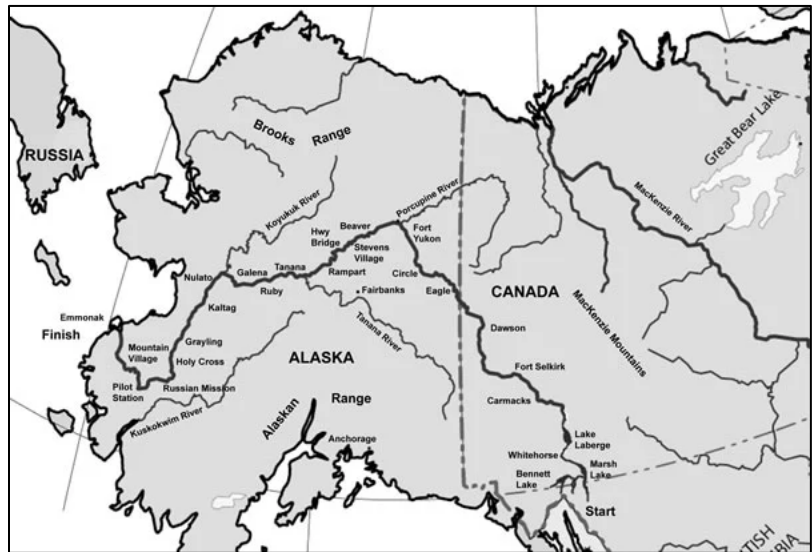


Figure 1.2 Map of the Yukon River.

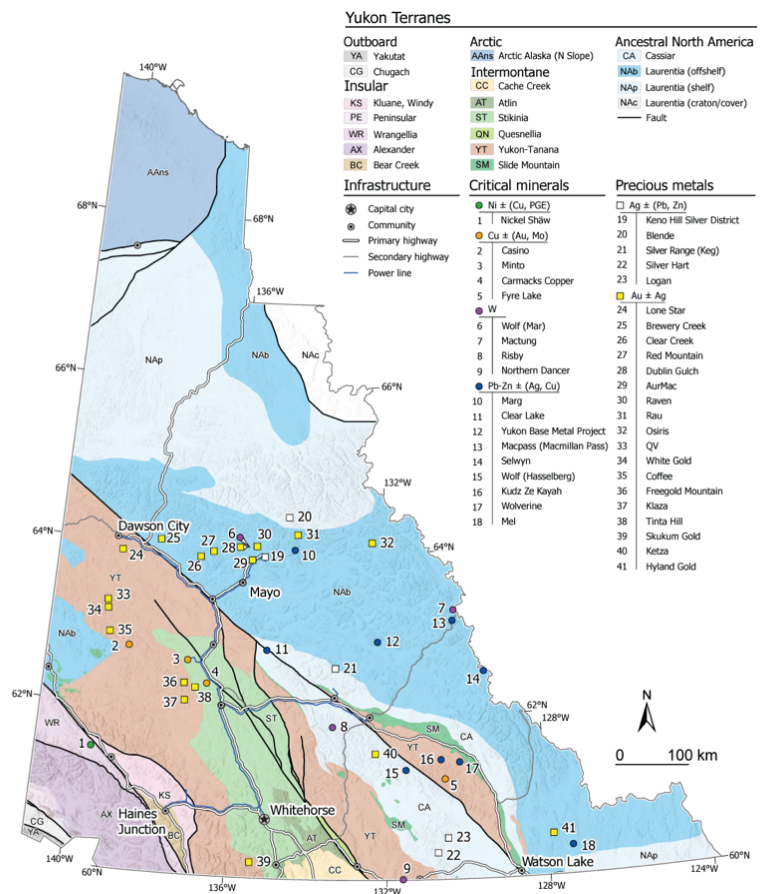


Figure 1.3 Mineral projects in the Yukon with a compliant mineral deposit calculation (2023). This map does not include historic mines. Yukon Geological Survey, “Yukon Mineral Deposits,” 2.

to the east (Figure 4.1). The confluence of the Pelly and Yukon Rivers has long been an important gathering, trading, and fishing location for the Northern Tutchone people of Selkirk First Nations and others.³⁴ Turning left at Pelly Crossing, some salmon then travel southeast up the Pelly River and its mountain-fed tributaries. After passing Pelly Crossing these salmon are traveling through Kaska Dena territories, following some of the longest salmon migration routes in the world.³⁵ On Dena Kēyeh, the Pelly River is called Tū tí.³⁶

Rising to meet the returning salmon are the Pelly Mountains to the west of Tū tí and the Selwyn and Mackenzie Mountains to the east. Nestled between these mountain ranges is the Tintina Trench, through which Tū tí flows. The Tintina Trench is an ancient fault trace where deposits of at least seven Pleistocene glaciations are recorded (Figure 1.3). Lead, zinc, silver, tungsten, tin, molybdenum, copper, and gold are all found along this Trench and the surrounding mountains.³⁷ The Kaska region of central-east Yukon is characterized by a dynamic mix of plateaus, rolling mountains, irregular rocky peaks, drumlins, eskers, wetlands, and lakes, all guarded by the sharp summits of the Pelly, Selwyn, and Mackenzie Mountains. The entire region is dotted with discontinuous permafrost, adding further punctuation to the wavering landscape.

For the purposes of this story, Dzel Jedé, K'esba Tsel (Mount Aho), and Tsē Zūl (Mount Mye) stand as the central characters, where the waters draining from the Selwyn, Mackenzie, and

³⁴ Selkirk First Nation, "Traditional Use Study," Pelly Crossing, 2017; Selkirk First Nation, "Húdé, al'á dān K'I hats'ech'in'gyó Zhi: Our Way, Salmon from Long Time ago and Today," Pelly Crossing: n.d.

³⁵ Gillian Staveland, "The Kaska Dena: A Study of Colonialism, Trauma and Healing in Dena Kēyeh," (Master's Thesis, University of British Columbia, Vancouver, 2018).

³⁶ Names of the Pelly River vary slightly, reflecting different Kaska dialects and referring to different sections of the River. For example, from Pelly Lakes to Tū Lidlīni (Ross River) the Pelly River is referred to as Tu desdes tue. From the junction of Tū Lidlīni onwards, it is referred to as Tu tí.

³⁷ This richly mineralized region has resulted in multiple mines and advanced exploration sites in the region, including Cyprus Anvil, United Keno Hill, Wolverine, Mactung, Macpass, Ketza, Selwyn, Kudze Kayeh, Fireweed and more: Smith et al., "Ecoregions of the Yukon Territory"; Yukon Geological Survey, "Yukon Mineral Deposits Summary 2023," Yukon Geological Survey, 2023.

Pelly Mountains merge with ancient traces of the lead-zinc veins in rock (Figure 1.4).³⁸ Dzeł Jedé, K'esba Tsel, and Tsē Zūl cradle the Rose Creek valley, whose waters flow in two forks around the slopes of Tsē Zūl.³⁹ Rose Creek then meets Anvil Creek towards the northern boundary of Kaska territory before eventually merging with Tū tí. According to Elder Arthur John, Dzeł Jedé means 'old' or 'rotting' mountain and Tsē Zūl (Mount Mye) means 'hollow rock'.⁴⁰ Tsē Zūl is the namesake of the entire region; it is a breadbasket and a home – including the ranges of keda (moose), debē dek'ale (sheep), and three different herds of kudze (caribou):

The Tintina Trench that runs at the foot of Tsē Zūl is the trail for thousands of migrating geese and cranes, the hills around Blind Creek hoot with the calls of glue grouse in the spring and the creek itself is home to what is likely the largest king salmon migration in the entire Kaska territory. Food was plentiful at Tsē Zūl. It is a unique place - a special place.⁴¹

³⁸ Kaska have used various types of metals and minerals for time immemorial. Mineralized sites are also important habitats for wildlife, as they are often the location of salt licks and animals travel great distances to use these places: Ross River Dena Elders and the Ross River Traditional Knowledge Team, "An Inventory of Cultural and Natural Resource Values of the Ross River Dena, and a Summary of the Dena Worldview," prepared for Ross River Dena Council, October 2011.

³⁹ The Vangorda Creek also flows through the mine site, on the Vangorda-Grum side of the property. Vangorda Creek flows down from Tsē Zūl, through the town of Faro, and then directly into Tu tí. Rose Mountain and Rose Creek were named by Charles Sheldon, a wealthy American businessman who hunted extensively across Yukon and Alaska and wrote about his experiences. In the early 1900s, Sheldon named Rose Mountain and Rose Creek after Oliphant Rose, a trapper who had a cabin on the Pelly River near Rose Mountain: Clancy Hubbel, "Charles Sheldon," in *Madmen and Dreamers*, ed. The Pelly Historical Society (1993), Yukon Archives, 971.097 191 Pell, 82-83.

⁴⁰ K'esk'ale Hés (Mount Aho) means 'ptarmigan' mountain. Dzeh Tsedle Chō (Mount Kulan) means 'little' or 'lonely' mountain: Frances Etzel, William Atkinson, and Pat Moore, *Kaska Geographic Names*, prepared for Ross River Dena Council, the Yukon Native Language Centre, and the Yukon Geographical Names Board, n.d.

⁴¹ Chief Jack Caesar, in Ross River Dena Council, "Kaska Traditional Land & Resource Use in the Vicinity of Mount Mye, Yukon," prepared for Faro Project Remediation Management Team, 2009.

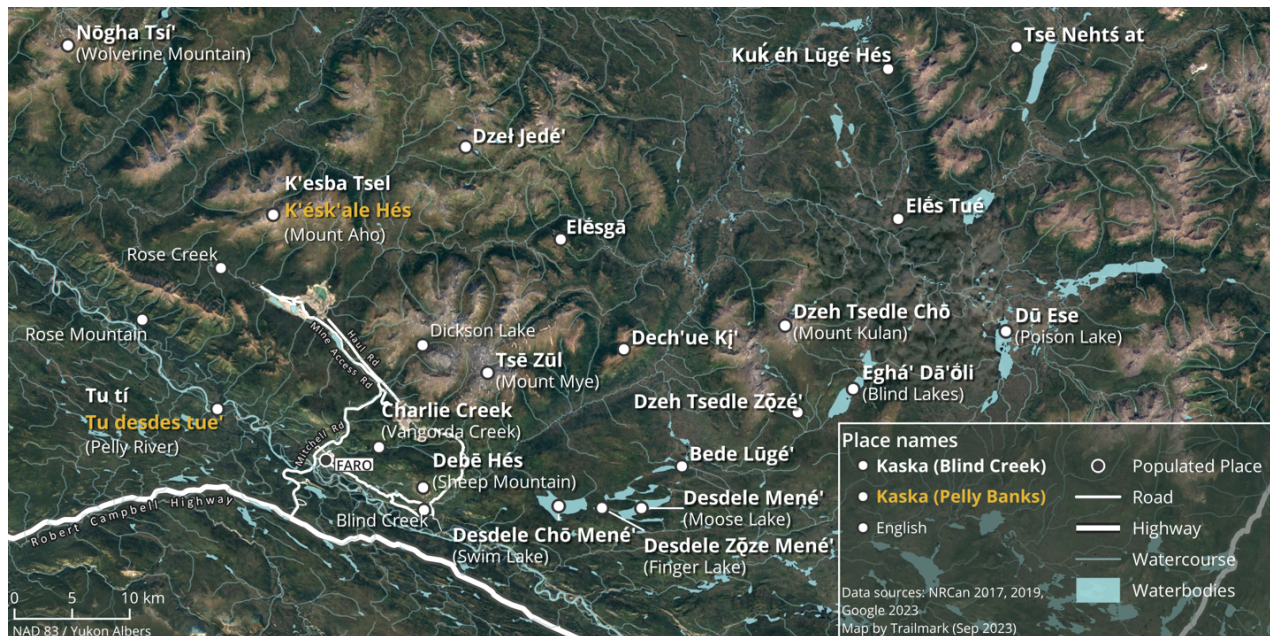


Figure 1.4 Map of the Tsē Zūl region, with Kaska place names. See Frances Etzel, William Atkinson, and Pat Moore, *Kaska Geographic Names*, prepared for Ross River Dena Council, the Yukon Native Language Centre, and the Yukon Geographical Names Board, n.d. Map created by Trailmark (September 2023).

The Tsē Zūl region is within the Tū Łídlīni Dena (Ross River Dena Council) area of the Kaska Nation. The Ross River Dena Council represents the northern third of Kaska country, in the eastern part of the Yukon (Figure 1.5).⁴² Kaska land, called Dena Kēyeh, stretches across 240,000 square kilometres, encompassing northeastern British Columbia, southeastern and central portions of what is now called the Yukon, and the western portions of the Mackenzie Mountains, crossing the settler colonial border into the Northwest Territories (NWT):

The landscape through which the Kaska Dena journeyed for countless generations is known as Dena Kēyeh which translates as ‘the people’s country’. The Kaska relationship to Dena Kēyeh is bound to a profoundly personal feeling of belonging to a place as defined through a sense of experience, a phenomenology of locality, which serves to create the ideals and structure of Kaska society... The land to the Kaska Dena is not a commodity but a heritage of the Kaska community.⁴³

⁴² Barichello and Charlie, “We Have Our Footsteps Everywhere.”

⁴³ Dena K’éh is not an abstracted system of written European style philosophy but is instead expressed in traditional oral narratives about Dena Kēyeh, which are used as a guiding tool for appropriate cultural behaviour. These narratives form the basis of understanding ā’ī and represent guiding principles which generate notions of respect. Young Kaska Dena are taught ā’ī to understand social structures and authoritative roles such as those of their Elders. The Kaska narratives about ā’ī establish the bonds between the Kaska people and Dena Kayeh: Stavelly, “The Kaska

There are five Kaska communities: Dease River First Nation at Good Hope Lake, Daylu Dena Council in Lower Post, Kwadacha First Nation in Fort Ware, Liard First Nation in Watson Lake, and Ross River Dena Council in Ross River. There are approximately 1240 Kaska people in the Yukon and approximately 400 Kaska people in BC.⁴⁴

Historically, the family groups who steward the Tsē Zūl region travelled from summer gatherings in Tū Łídlīni (Ross River), rafting down Tū tí to Blind Creek,

where there was a settlement used for salmon fishing (Figure 1.4). After the salmon fishery, families would walk the trails up the slopes of Tsē Zūl to pick berries and snare, dry, and cache marmot and gopher. Families remained on the mountain until moose rutting began, when they would move their camps to hunting areas near the treeline. After the hunting season, families would travel back to Tū Łídlīni to purchase and trade for winter supplies before rafting back to Tsē Zūl before freeze-up, returning to winter trapping areas along nearby mountain slopes and

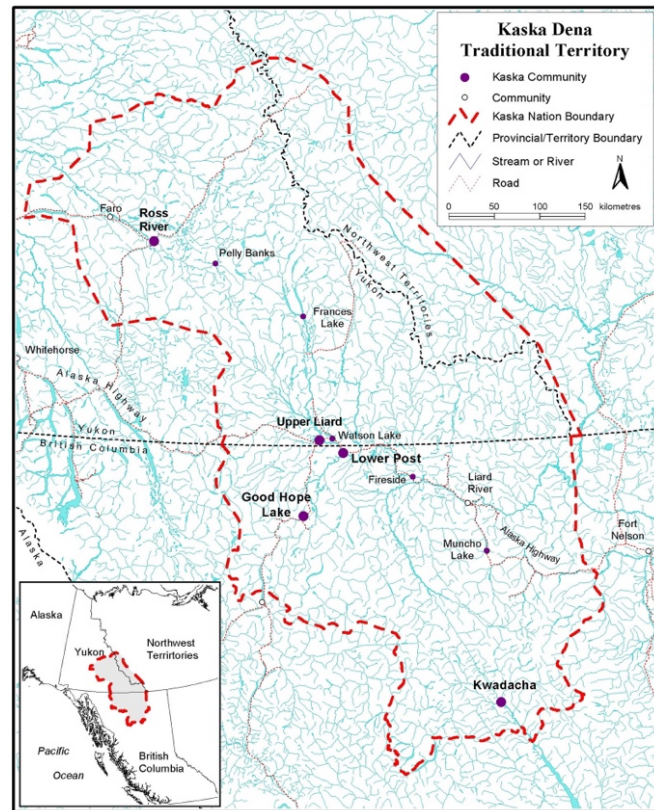


Figure 1.5 Map of Kaska Dena Traditional Territory, Kaska Dena Council.

Dena,” 25; Brittany Tuffs, “Kaska Legal Understandings of Land,” (Master’s Thesis., University of Saskatchewan, Saskatoon, 2022).

⁴⁴ Ross River First Nation (Tū Łídlīni) is part of the larger Kaska Dena Nation, which was divided by the *Indian Act* and territorial borders into five Bands, including: Ross River Dena Council (Ross River, YK), Liard First Nation (Upper Liard and Watson Lake, YK), the Daylu Dena Council (Lower Post, BC), Dease River First Nation (Good Hope Lake, BC), and Kwadacha Nation (Fort Ware, BC): Stavely, “The Kaska Dena.”

streams, with good supplies of firewood nearby. Later in winter, when days became longer, people would come together at Desdele Chō Mené' (Swim Lakes) to set fish nets. In the spring, men would use dog teams to travel between Desdele Chō Mené' and Tagaden'ia Mene (Sheldon Lakes) to hunt beaver, while their families remained at Swim Lakes.⁴⁵ In the summer, families would return to Tū Lidlīni for large summer gatherings, and begin this cycle again: "The trail up the Mountain from Blind Creek was worn deep from generations of use by the families who harvest in that area."⁴⁶ The Kaska families from the Tsē Zūl region continue to steward the region.⁴⁷

Kaska Dena have been stewarding Dena Kēyeh since time immemorial, and Kaska structures of stewardship and governance persist.⁴⁸ However, over the past century, Kaska governance structures and relationship with Dena Kēyeh have been under attack. As Gillian Staveley, a Kaska researcher and community organizer, argues, "the synthesis of the past with the present must begin with an understanding of the context of the colonization of the Kaska Dena."⁴⁹ Central to this context of colonization are the strategies used by the Canadian settler state to claim access to land and mineral resources across the North. Not only is the history of mining in the Yukon foundational to interrogations of extractive colonialism and the theft of Indigenous land, but it is also "critical in understanding and evaluating the costs and benefits of present-day developments."⁵⁰

⁴⁵ Arthur John, in Martin Weinstein, "Just Like People Get Lost: A Retrospective Assessment of the Impacts of the Faro Mining Development on the Land Use of the Ross River Indian People," prepared for Ross River Dena Council, June 1992, 6; Ross River Dena Traditional Knowledge Team, *Gu Cho Ka-Ka Dee: Our Ancestors Instructions*, prepared on behalf of Ross River Dena Elders and the Ross River Dena Council (Ross River: June 2014); Ross River Dena Council, "Kaska Traditional Land & Resource Use."

⁴⁶ Arthur John, in Weinstein, "Just Like People Get Lost," 61.

⁴⁷ Brian Ladue, *Tse Zul* (film), prepared for Ross River Dena Council, 2018.

⁴⁸ Tuffs, "Kaska Legal Understandings of Land."

⁴⁹ Staveley, "The Kaska Dena," 26.

⁵⁰ Heather Green, "The Tr'ondek Hwech'in and the Great Upheaval: Mining, Colonialism, and Environmental Changes in the Klondike, 1890-1940" (PhD diss., History and Classics, University of Alberta, 2018), 3.

1.4 Extractivism colonialism in the Yukon

1.4.1 *The creation of the Yukon*

The ‘Yukon’ as a colonial jurisdiction within the Canadian state was created to be mined. Before the discovery of gold, the region was delineated on colonial maps as the Northwest Territories (NWT), and although there were extensive fur trade networks and missionaries throughout the region, the colonial state exercised little direct control.⁵¹ In 1896-97, as gold seekers rushed to stake the Klondike River and its tributaries, the colonial Canadian state scrambled to assert its sovereignty, control over mineral claims, and access to mineral royalties.⁵² In 1898 the Yukon Territory was split from the NWT and within the same year, Canada passed the *Quartz Mining Regulations* (under the *Dominion Lands Act* 1872), instituting a free-entry staking system and sending the Royal Canadian Mounted Police (RCMP) to enforce that system.⁵³ Policies governing Northern land use by prospectors, settlers, and state actors were based on principles of ‘terra nullius’ and the Doctrine of Discovery, which asserted that land now inhabited or claimed by colonists or corporations was without existing systems of Indigenous

⁵¹ Glenn Icton, “Defining Space: How History Shaped and Informed Notions of Kaska Land Use and Occupancy” (PhD diss., Department of History, University of Saskatchewan, 2019).

⁵² *Yukon Territory Act, 1898*, SC, c 6, reprinted in RSC 1985, App II, No. 19.; Kenneth J. Rea, *The Political Economy of Northern Development* (Ottawa: Science Council of Canada, 1967), Yukon Archives 338.9 Rea 1976; Ken Coates and William Morrison, *Land of the Midnight Sun: A History of the Yukon* (Montreal and Kingston: McGill-Queen’s University Press, 2005).

⁵³ The basic design of the *Yukon Quartz Mining Act* and the *Yukon Placer Mining Act* can be directly traced to the 1898 Quartz and Placer Regulations in the *Dominions Lands Act*. Over the next 100 plus years, a patchwork quilt of amendments have rendered the Yukon’s mineral resource legislation unresponsive to evolving industry circumstances and difficult to enforce: Julien Gignac, “Panel Recommends Yukon Bring Mining into the 21st Century. Here’s What You Need to Know,” *The Narwhal*, January 20, 2021; Yukon Mineral Development Strategy Panel, “Yukon Mineral Development Strategy and Recommendations,” December 2020.

sovereignty or governance - ownership was claimed via ‘discovery.’⁵⁴ Free-entry staking means that anyone registered as a prospector can ‘stake’ a claim to a portion of land, thereby claiming the exclusive ‘rights’ to mine that land. Under the *Quartz Mining Act*, this right precedes almost all other types of land ‘rights’, including Indigenous rights.⁵⁵

Free-entry in unceded Indigenous territories was a strategic contravention of the *Royal Proclamation* of 1763, which established that no land belonging to an Indigenous Nation was to be allocated to newcomers without having been ceded or purchased, and without having signed a treaty.⁵⁶ This approach to state control of resources represented a turn away from nation-to-nation agreements (as exemplified in the numbered treaties negotiated across eastern Canada and the prairies), towards a settler constitutional order that assumed Crown sovereignty and denied Indigenous self-determination and governance.⁵⁷ Particularly in the Yukon, the Crown continually dodged requests for treaty negotiations, preferring instead to attempt to violently assert their sovereignty, deny Indigenous governance, and claim mineral rights.⁵⁸

⁵⁴ Paul Nadasdy, “‘Property’ and Aboriginal Land Claims in the Canadian Subarctic: Some Theoretical Considerations,” *American Anthropologist* 104, n. 1 (2002): 247-261; Julia Christensen and Miriam Grant, “How Political Change Paved the Way for Indigenous Knowledge: The Mackenzie Valley Resource Management Act,” *Arctic* 60, no. 2 (2007): 115-123; Glen Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014); Adam Gaudry, “Fantasies of Sovereignty: Deconstructing British and Canadian Claims to Ownership of the Historic North-West,” *Native American and Indigenous Studies* 3, no. 1 (2016): 46-74; John Sandlos and Arn Keeling, “Aboriginal Communities, Traditional Knowledge, and the Environmental Legacies of Extractive Development in Canada,” *Extractive Industries and Society* 3, no.2 (2016): 278-287.

⁵⁵ Dawn Hoozevee, “Sub-Surface Property, Free-Entry Mineral Staking and Settler Colonialism in Canada,” *Antipode* 47, no.1 (2015): 121-138; Zoé Boirin-fargues and Sophie Thériault, “The Space Left for Indigenous Peoples’ Voices in Canadian and Fennoscandian Mining Legal Frameworks: A Comparative Analysis,” in *Mining and Indigenous Livelihoods: Rights, Revenues and Resistance*, ed. Thierry Rodon, Sophie Thériault, Arn Keeling, Séverine Bouard, and Andrew Taylor (London, UK: Routledge, 2024): 23-41.

⁵⁶ Steve Walsh, interview with author, December 16, 2019.

⁵⁷ Canada, Royal Commission on Aboriginal Peoples, Report, (Ottawa: Canada Communication Group Publishing, 1996); Rhiannon Klein, “Reviewing and Redefining Relationships: Intergovernmental Relations and Modern Treaty Implementation in Yukon, 1986-2016” (PhD Diss, Johnson Shoyama Graduate School of Public Policy, University of Saskatchewan, 2021); Gaudry, “Fantasies of Sovereignty.”

⁵⁸ Kishxóot Hunde-aelth (Chief Jim Boss), hereditary Chief of the Ta’an Kwäch’än, wrote two letters to Yukon Commissioner and Superintendent General of Indian Affairs in Ottawa in 1900 and 1902, urging the government to settle a claim with Yukon First Nations and to provide compensation for their lost lands and hunting grounds.

The material impacts of the Klondike Gold Rush were concentrated in the western portions of what is now-called the Yukon, including Tr'ondëk Hwëch'in Land, and the many Nations whose lands and waters were traversed to reach the gold fields, such as the Carcross/Tagish First Nation Land in the Chilkoot Pass (Figure 1.1). Between 1896 and the early 1900s approximately \$140 million in gold was taken out of Tr'ondëk Hwëch'in Land in the region around the Klondike River, with little of that money trickling to Tr'ondëk Hwëch'in citizens, all while they were displaced from their homelands and their rivers were destroyed.⁵⁹ Within five years, the boom of the Gold Rush had come to an end, and although exploration and placer mining continued, no significant mines were developed until the 1920s, when silver-lead deposits were developed on the First Nation of Na-Cho Nyak Dün's territory.⁶⁰

While the Klondike Gold Rush itself was a short-term event, it paved the way for a capitalized system of exploitation of mineral resources in the Yukon that continues today. The Klondike mentality is ever-present in settler Yukon culture: "The Yukon was not a home but an opportunity,"⁶¹ and it still is. The legislation, policies, resource roads, exploration trails, and river

Specifically, Kishxóot urged the Government of Canada to protect Yukon First Nations hunting grounds. The federal government avoided signing a treaty with Yukon First Nations, not wanting to risk 'giving away' land that could potentially have mineral wealth. Though the Crown did not sign early treaties in the Yukon, it appears to have acknowledged Aboriginal title in the region. For example, in a letter from the Deputy Superintendent General of Indian Affairs to the Bishop of Selkirk on the Upper Yukon River, it was noted that: 'the Department has no jurisdiction over Indians in unsundered territory; nor does it appear how – without having entered into any Treaty – the Indians can be otherwise dealt with than white settlers or immigrants relative to such matters as Your Lordship refers to.' Kiri Staples, "Addressing cumulative effects in the context of sustainability and co-governance in Tr'ondëk Hwëch'in traditional territory, Yukon," (PhD diss, Department of Social and Ecological Sustainability, Waterloo University, 2022), 92; Coates and Morrison, *Land of the Midnight Sun*, 115; Yukon Indian Peoples, "Together Today for Our Children Tomorrow: A Statement on Grievances and an Approach to Settlement by the Yukon Indian People," Whitehorse, January 1973.

⁵⁹ Tr'ondëk Hwëch'in Hän Nation, "Our History" (accessed Mar 10, 2024), Tr'ondëk Hwëch'in Government; Green, "The Tr'ondek Hwech'in and the Great Upheaval," Lee Huskey and Chris Southcott. "That's Where My Money Goes: Resource Production and Financial Flows in the Yukon Economy," *Polar Journal* 6, no. 1 (2016).

⁶⁰ The United Keno Hills Mine was also staked and developed by Dr. Aaro Aho and his associates, the same men who would go on to develop the Faro and Vangorda deposits on Kaska lands: Alexandra Winton and Joella Hogan, "It's Just Natural': First Nation Family History and the Keno Hill Silver Mine," in *Mining and Communities in Northern Canada*, ed. by Arn Keeling and John Sandlos (Calgary: University of Calgary Press, 2015).

⁶¹ Coates and Morrison, *Land of the Midnight Sun*, 55; Green, "The Tr'ondek Hwech'in and the Great Upheaval," 8.

transportation networks created during the Klondike later facilitated further access to minerals across the Yukon. Despite these impositions, Indigenous communities have shaped and resisted the specific structures of extractive colonialism in the Yukon and have used new infrastructures and services to facilitate resistance, collaboration, and assertion of their sovereignty.⁶² The processes of colonization and settlement that followed the Klondike Gold Rush are specific to the Yukon – characterized by aspects of both settler-extractive colonialism *and* specific modes of Indigenous resistance, cultural traditions, and governance.⁶³

In contrast with First Nations along the Yukon River, the Klondike Gold Rush had little material impact for Kaska people and Lands. While some prospectors and priests did travel through the southern regions of Kaska territory in the 1870s-90s, and eventually stayed to set up schools, trading posts, and traplines, Kaska governance and cultural practices remained largely intact.⁶⁴ However, the combination of Klondike-era colonial mineral policy with military development during World War II would bring far-reaching extractive violence and impacts to Dena Kēyeh that are still unfolding today. The construction of the Alaska Highway in the early 1940s was the first major settler infrastructure project that drastically impacted Kaska communities and Dena Kēyeh. This highway brought easy settler access to Dena Kēyeh and was

⁶² Julie Cruikshank and Bob Sharp, “Yukon Case Studies: The Alaska Highway and the Anvil Mine Development,” prepared for University of Canada North (Yukon) Research Division, Whitehorse, 1977; Green, “The Tr’ondek Hwech’in and the Great Upheaval.”

⁶³ Green, “The Tr’ondek Hwech’in and the Great Upheaval.”

⁶⁴ Even earlier than the Klondike rush, in 1870, gold was discovered near McDame Creek in the Cassiar region of Kaska traditional territory in Northern BC. Although this rush was small and short lived, oblate missionaries arrived alongside prospectors and established a residential school at Lower Post on the Liard River. During the Klondike, some prospectors opted out of using the popular Chilkoot Trail access point, instead attempting to navigate alternative routes through what is now Northern Alberta and British Columbia. This brought a small number of prospectors to Kaska territory, some of whom stayed to set up trading posts and trap lines: Peter Dimitrov and Martin Weinstein, “So That the Future Will Be Ours: Volume 1 and 2,” prepared for Ross River Dena Council (1984); Martin Weinstein, “Just Like People Get Lost: A Retrospective Assessment of the Impacts of the Faro Mining Development on the Land Use of the Ross River Indian People,” prepared for Ross River Dena Council (June 1992); Leslie Main Johnson, *Trail of Story, Traveller’s Path: Reflections on Ethnoecology and Landscape* (Edmonton, AB: AU Press, Athabasca University, 2010); Icton, “Defining Space.”

quickly followed by the construction of other military-industrial roads, including the Canol Road and Pipeline in 1943-44.⁶⁵ The Canol Pipeline, constructed to transport oil from Norman Wells, NWT, to a new refinery in Whitehorse, passed right through the middle of the Yukon region of Dena Kēyeh, following Kaska trails through the Mackenzie Mountains and dissecting the village at Tū Łídlīni.⁶⁶ A year after the Canol Road and Pipeline were constructed, they were abandoned: “the undertaking was beset with problems from the start... it remained a junkyard monument to military stupidity.”⁶⁷

After World War II, infrastructures developed for war efforts were quickly adapted and expanded for mineral exploration.⁶⁸ The federal Department of Northern Affairs and National Resources was established in 1953 to facilitate and fund mineral exploration and extraction—resulting in a dramatic increase in claim staking in the Yukon Territory. For example, the federal government instituted cost-sharing programs to promote road development in support of mining ventures, initiating the first ‘Road to Resources’ program in 1958. Alongside support for transportation infrastructures, the Northern Mineral Exploration Assistance program encouraged exploration expenditures by Canadian companies, providing grants of up to 40 percent of approved expenditures incurred during exploration. The federal government also provided direct exploration and geologic services in support of mineral development.⁶⁹

⁶⁵ Cruikshank and Sharp, “Yukon Case Studies.”

⁶⁶ Cruikshank and Sharp, “Yukon Case Studies;” Dimitrov and Weinstein, “So That the Future Will Be Ours.”

⁶⁷ Coates and Morrison, *Land of the Midnight Sun*.

⁶⁸ Huskey and Southcott. “That’s Where My Money Goes,” 18; Morris Zaslow, *The Northward Expansion of Canada 1914-1967* (Toronto, ON: McClelland and Stewart, 1988).

⁶⁹ The resulting exploration led to the development of several mines in Yukon in the 1950s and 60s, including the Canada Tungsten deposit in 1962, the Clinton Creek Mine (Cassiar Asbestos) in 1967 and the New Imperial Mines copper development near Whitehorse in 1967: Kenneth J. Rea, *The Political Economy of Northern Development* (Ottawa: Science Council of Canada, 1967), Yukon Archives 338.9 Rea 1976; Janet Macpherson, “Cyprus Anvil Mine,” in *Northern Transitions: Northern Resource and Land Use Policy Study* (Ottawa: Canadian Arctic Resources Committee, 1977); Coates and Morrison, *Land of the Midnight Sun*.

In the post-War North, commercial feasibility of mineral development no longer played a central role in determining mineral production. Instead, in the 1950s and 1960s “public policy ran ahead of commercial developers by promoting investments in transportation and power facilities which could not be justified on grounds of commercial feasibility.”⁷⁰ The federal government’s development of transportation and power infrastructure for mining was legitimated as an investment in public services: “a double quest to assist-assimilate peoples and to liberate new geographies of extraction.”⁷¹ In public communications, Cyprus Anvil Mining, the American company that would develop the Faro Mine in 1969, reminisced fondly on this post-war period:

The influx of men and materials [for the Alaska Highway and Canol Road] greatly stimulated the Territorial economy and left a residual benefit – an overland route to Southern Canada and the rest of the world. A route that provided the avenue to the Territory’s future growth... Now the vast mineral wealth of the Yukon brought the modern adventurer – the men who brought the technology and expertise of a new generation to unlock the frozen riches of the North... In one remote valley, a body of some 63 million tones of lead-zinc ore lay waiting 700 million years. Waiting for one day. The day of... DISCOVERY.⁷²

While couched in language of social support and local economic opportunity, public investments in infrastructure and the programs of the newly minted Department of Northern Affairs and National Resources facilitated access to unceded land and the assimilation of local people into labour pools for extractive industries.⁷³

The Canadian state’s preoccupation with economic growth in the 1950s and 1960s strategically overshadowed the question of *who* would benefit from developing the North. A

⁷⁰ Rea, *The Political Economy of Northern Development*, 8; Zaslow, *The Northward Expansion of Canada*.

⁷¹ Jean-Sébastien Boutet, “Welfare Mines: Extraction and Development in Postwar Northern Canada” (PhD Diss., KTH Royal Institute of Technology, 2024), 15.

⁷² Cyprus Anvil Mining Corporation, “Anvil”, 1970.

⁷³ Boutet, “Welfare Mines,” 15; See also, Rebecca Hall, *Refracted Economies*.

state-sponsored approach to extractivism led to a weakening of Indigenous hunting-trapping-fishing economies and strengthening of the settler public sector and mineral economies. While the state was targeting Northern extraction, Indigenous Canadians were fighting for the right to vote in federal elections, a right denied to them until 1960.⁷⁴ At the same time, using the *Indian Act* reserve system, settler communities that were established alongside road construction, mineral exploration, and mine development worked with the RCMP and federal government to control Indigenous settlement.⁷⁵ State control over extraction and settlement also worked hand-in-hand with the expansion of residential schools across the North in the 1950s.⁷⁶ As historian Lianne Leddy argues:

In effect, we can see the post-war period as a new colonial age when communities were planned from the bottom up and settlers flocked to places where non-Indigenous settlement had previously been limited... Even in the post war period, when status Indians could vote in federal elections and the power of Indian agents slowly eroded, colonial processes were still powerful and facilitated land encroachments and environmental devastation.⁷⁷

With the building of the Alaska Highway and Canol Road and state promotion of mineral development, Kaska daily life began to change drastically as the fur trade collapsed, wage labour became more prominent, and residential schools persisted. According to Tū Łídlīni Dena Elders, as these road projects ‘opened up’ access to their territories, priests, prospectors, developers, and federal bureaucrats quickly followed, bringing violence, addiction, pressures on wildlife

⁷⁴ Indigenous Canadians were able to vote pre-1960 if they decided to give up their treaty status, Rea, *The Political Economy of Northern Development*.

⁷⁵ Coates and Morrison, *Land of the Midnight Sun*, 210-211.

⁷⁶ Volfová, “Often Confused as;” Crystal Fraser, “T’aih k’iighe’ tth’aih zhít diidich’ùh (By Strength, We Are Still Here): Indigenous Northerners Confronting Hierarchies of Power at Day and Residential Schools in Nanhkak Thak (the Inuvik Region, Northwest Territories), 1959 to 1982” (PhD Diss., University of Alberta, Department of History, 2019).

⁷⁷ Lianne C Leddy, *Serpent River Resurgence: Confronting Uranium Mining at Elliot Lake* (Toronto: University of Toronto Press, 2022), 6-7.

populations, and state control via policing and land use permitting.⁷⁸ Such drastic changes made it hard for Kaska families to follow seasonal rounds from camps to community gathering sites: “changing the way that people moved through the landscape and developed relationships.”⁷⁹

Within this context of Northern extractive development, the Faro Mine emerged as the result of a concerted post-war effort to re-create the Yukon as an extractive frontier, based not on gold rush fortuitousness but rather on state-backed, large-scale capital investments. This re-creation of the Yukon was premised on existing land dispossession and colonial mining laws stemming from the Klondike. The Faro Mine was the result of *both* the free-entry mineral legal structures of the Klondike era *and* post-war colonial state investments in infrastructure in the name of wealth extraction and settler state sovereignty.

1.4.2 Re-creating the Yukon: the Faro Mine

In the early 1950s several Kaska men from Ross River – including Dena Cho (Jack Sterriah), Arthur John, Joe Ladue, Jack Ladue, Robert Etzel and Joe Etzel guided settler-pro prospector Al Kulan to an area that they suspected held promise of mineral finds. In 1953, Al Kulan staked the Vangorda claim in the Tsē Zūl region. In the early 1960s, with additional funding and new business partners – including Dr. Aaro Aho, Dynasty Explorations, and Cyprus Anvil – Kulan returned to the Tsē Zūl region and mineral exploration boomed. In 1965, the Faro claim, named after a popular Klondike gambling game, was staked. With funding from Dynasty

⁷⁸ Weinstein, “Just Like People Get Lost,” 56; Bob Sharp, “The Impact of the Anvil Mine on Ross River,” presentation to the Berger Commission Hearings, Yukon Archives 307 Sha, May 1976.

⁷⁹ Staveland, “The Kaska Dena: A Study of Colonialism,” 4; see also Cruikshank and Sharp, “Yukon Case Studies,” and Johnson, *Trail of Story*.

Explorations and Cyprus Anvil, Faro quickly moved from staking in 1965 to government approval in 1967 and full mine development in 1968.⁸⁰

The town of Faro was developed within a year. Settler families began moving in throughout the summer of 1969 and the town population quickly rose to about 1500 people, making it the second largest community in Yukon at the time. The first truckloads of lead and zinc ore extracted from Tsē Zūl arrived at the Skagway port in December 1969. In the early 1970s, the Aishihik Dam was constructed to power the Faro Mine, and settler Yukoners extolled the return to the ‘good old days’ of the Klondike:

A town was built. The dance halls were full. Cash flowed through the Yukon like an IV drip gone wild. The railway hummed with the product. The Otter Falls that once graced the back of the \$5 bill was turned into a trickle for the hydro power to supply the raging success... There are those who remember the lights dimming in Whitehorse when the mine fired up its mammoth electric shovel.⁸¹

In media, the Faro Mine was sold as a plucky triumph over the harsh Northern wilderness, but in reality, Faro was a carefully planned community, arising from a close relationship between the federal and territorial governments and extractive industries.⁸²

At the height of its production, the Faro Mine was one of the largest lead producers in Canada, and at one point it was the largest open pit lead-zinc mine in the world. Ownership of the mine changed twice, each time relying heavily on government support for reopening – transitioning from Cyprus Anvil Mining Corporation to Curragh Resources in 1984 and from

⁸⁰ The Faro Mine has gone by several different names, depending on ownership. Other names include the Anvil Mine or the Cyprus Anvil Mine, both of which have been used interchangeably with ‘Faro Mine’ over the decades. I will use the term Faro Mine when referring to the general location or site as it is currently known and will use the more specific terms: Cyprus Anvil Mining Inc. (1969-1982), Curragh Resources Inc. (1984-92), and Anvil Range Mining Corporation (1993-98) when referring to the specific mine companies that owned and operated the Faro mine over four decades. I will use the term Faro Mine Remediation Project to refer to the contemporary remediation project run by the Canadian Government (1999-present).

⁸¹ Chuck Tobin, “Faro: A Most Expensive Legacy,” *The Whitehorse Star*, June 16, 2006.

⁸² Leddy, *Serpent River Resurgence*, 14.

Curragh to Anvil Range Mining Corporation in 1993.⁸³ During the operation of the mine, there were several known occurrences of tailings dam breaches and water contamination.⁸⁴ Cyprus Anvil, Curragh, and Anvil Range all failed to follow through on socio-economic, reclamation, and financial security promises made to the Canadian Government, RRDC, and the Yukon Territorial Water Board. Despite these failures and license contraventions, the owners of Faro were always allowed to continue operating, generating wealth for their stakeholders and for colonial governments (Table 1). In 1999, when Anvil Range went bankrupt and the mine site was abandoned, the Faro wealth tap was quickly rerouted from mining shareholders towards the profitable, perpetual care of waste.

Mine development and wealth extraction occurred *illegally* on unceded Kaska territory.⁸⁵ From the moment of staking, Tū Łídlīni Dena fought for benefits from the Faro Mine and resisted the contamination, land dispossession, violence, and racism introduced by extractive development.⁸⁶ From the 1970s onwards, RRDC and other Yukon First Nations, in reaction to the re-creation of the Yukon as an extractive frontier and a renewed mirage of the good-old Klondike days, *also* re-created the Yukon in their vision of a future centered on Indigenous self-determination, governance and rights.

Across Canada in the 1970s-80s, the creation of Indigenous regional organization, independent governments and anti-colonial environmental management strategies “diffused

⁸³ Macpherson, “Cyprus Anvil Mine.”

⁸⁴ Contaminants that have been above water quality standards at Faro Mine in the past are sulphate, cyanide, zinc, iron, and manganese. Sulphate is a salt that can make the water acidic. Like many metals, too much zinc, iron, and manganese can be toxic to fish, wildlife and people.

⁸⁵ Hamar Foster, “Another Good Thing: Ross River Dena Council v. Canada in the Yukon Court of Appeal, Or: Indigenous Title, Presentism in Law and History, and a Judge Begbie Puzzle Revisited,” *UBC Law Review* 50, no. 2 (2017): 293-319; Ross River Dena Council v. Canada (Attorney General), 2017, YKSC 58; Ross River Dena Council v. Canada (Attorney General), 2017, YKSC 59.

⁸⁶ Dimitrov and Weinstein, “So That the Future Will Be Ours;” Weinstein, “Just Like People Get Lost.”

across the country, alongside the multiplying mines and other opportunities for extraction.”⁸⁷ The post-war push for state-supported northern development programs “motivated a vigorous response from Indigenous groups intent on defending territorial integrity and reaffirming sovereign ties to their ancestral homelands.”⁸⁸ For example, in 1973, the Council of Yukon Indians published the manifesto: *Together Today for Our Children Tomorrow*, demanding treaty negotiation and a recognition of their rights.⁸⁹ These Indigenous movements represented a “menace to the country’s stranded assets” in the North.⁹⁰ The federal government, hoping to clear the way for stable investments in Northern extractive development was forced to mitigate financial risks through the negotiation of modern land claims.

The Faro Mine played a large role in the negotiation of land claims for RRDC, who identified Faro as a key example of the theft and violence that a land claim could potentially prevent.⁹¹ Linked to their experiences with mineral development, RRDC and the Kaska Nation refused to cede the rights to *any* of their territory. Because of this stance, the Kaska Nation eventually refused to sign the land claim framework negotiated for Yukon First Nations in 1993 (the *Umbrella Final Agreement*), and refused to support the devolution of province-like powers from the federal government to the territorial government in 2003.⁹² Since RRDC and other Kaska Nations have not signed on to the *Umbrella Final Agreement*, the mechanism through which the *Yukon Environmental and Socio-Economic Assessment Act* operates, they continue to

⁸⁷ Boutet, “Welfare Mines,” 21-22; Emilie Cameron, *Faro Off Metal River*.”

⁸⁸ Boutet, “Welfare Mines,” 21-22.

⁸⁹ Yukon Indian Peoples, “Together Today.”

⁹⁰ Boutet, “Welfare Mines,” 21-22.

⁹¹ Yukon Indian People, “Together Today.”

⁹² Christopher Alcantara, “The Kwanlin Dün First Nation and the Kaska Nations in the Yukon Territory,” in *Negotiating the Deal: Comprehensive Land Claims Agreements in Canada*, ed. Christopher Alcantara (Toronto: University of Toronto Press, 2013); Paul Nadasdy, *Sovereignty's Entailments: First Nation State Formation in the Yukon* (Toronto: University of Toronto Press, 2017).

resist both non-consensual development on their lands *and* the imposed regulations that approve and monitor those developments.

Today, the Faro Mine Complex spans an area of 25 square km (Figure 1.6).⁹³ Mining left behind 70 million tonnes of tailings and 320 million tonnes of waste rock at the site. The boundaries of the mine are the size of the city of Victoria, BC. There is enough waste rock to cover downtown Whitehorse 90 metres deep, and enough tailings to add another 30 metres.⁹⁴ Sitting at the bottom of the Rose Creek valley, the tailings storage facility is four kilometres long, half a kilometre wide, with an average depth of fifteen metres, but dropping to 22 metres in some locations.⁹⁵ The waterways of Tsē Zūl have been irrevocably altered. The Faro Creek and North Fork of Rose Creek have been diverted around the Faro Pit. They merge into Rose Creek, also diverted around the tailings that now fill the valley. Beyond the multiple dams holding back tailings, treated water is pumped into the diverted waters of Rose Creek, eventually flowing into Tū tí northwest of the current Faro townsite. Through these waters, particulates, contaminants, and memories of the Faro Mine continue to travel throughout the Tū tí and Yukon River basins.

⁹³ Faro Mine Remediation Project, “Plain Language Summary,” submitted to YESAB (August 2021), YESAB Registry 2019-0149-0638.

⁹⁴ Faro Mine Remediation Project, “Plain Language Summary,” 15.

⁹⁵ Chuck Tobin, “Faro: A Most Expensive Legacy,” *The Whitehorse Star*, June 16, 2006.



Figure 1.6 Map of the current Faro Mine site in the context of Tłı́chı́n place names. Map created by Trailmark (September 2023).

Transformed from a mine to a remediation project, the Faro Mine Complex is now a carefully engineered chaos of wells, pumps, pipes, storage ponds, and complex water treatment systems attempting to collect, move, contain, and repair all the water that encounters the acidic waste rock surfaces and tailings left behind after mineral processing. The project's mantra is

deceptively simple: “keep clean water clean.” The Faro Mine Remediation Project (FMRP) is projected to cost over a billion dollars and has been lingering in care, maintenance, and design planning for over twenty-five years.

In 2019, the FRMP submitted a reclamation proposal to the Yukon Environmental and Socio-Economic Assessment Board (YESAB). After years of additional information requests and public review, in July 2024, YESAB issued a Final Screening Report, advising that the FMRP be approved, with mitigations for the potentially significant impacts of remedial activities.⁹⁶ In September 2024, the Federal Decision Bodies (including CIRNAC, the proponent of the FMRP) referred the Final Screening Report back to YESAB’s Executive Committee, citing concerns about: requirements to ensure that water quality objectives are met at all times (a likely impossibility at Faro); timelines for perpetual care plans; and the role of the proposed Independent Review Body. RRDC also noted concerns about the structure of the proposed Review Body and highlighted still unanswered questions about requirements for wildlife management, monitoring, housing, community services, economic impacts, and YESAB’s role on Kaska territory.⁹⁷ Before remediation can begin in earnest, the FMRP must receive a water license, a process that could take additional years. In the meantime, the federal government undertakes care and maintenance work on an emergency basis, holding back disaster with

⁹⁶ Yukon Environmental and Socio-economic Assessment Board, “Final Screening Report: Faro Mine Remediation Project,” (July 5, 2024), YESAB Registry 2019-0149.

⁹⁷ Geoff Karcher (Crown-Indigenous Relations and Northern Affairs Canada) and Alston Bonamis (Fisheries and Oceans Canada), “Letter to Executive Committee, Yukon Environmental and Socio-economic Assessment Board, RE: Referral for Reconsideration of the Executive Committee’s Screening Report and Recommendation for the Faro Mine Remediation Project,” (September 27, 2024), YESAB Registry 2019-0149-7056; Liard First Nation also emphasized their concerns about the potential impacts of climate change on the ability of the FMRP to collect and treat water and cover waste rock and tailings: Travis Stewart (Liard First Nation), “Letter to Executive Committee, Yukon Environmental and Socio-economic Assessment Board, RE: Referral back of the Faro Mine Remediation Project Final Screening Report,” (September 23, 2024), YESAB Public Registry 2019-0149-5572.

expensive band aid solutions. As of this writing, the Faro Mine has been languishing in remedial limbo for nearly as long as it was in operation.

1.5 Research methods and objectives: seeking justice through community-based reclamation

1.5.1 *Participatory action and place-based research*

Through participatory action and place-based research, in partnership with Ross River Dena Council, this project aims to re-think reclamation and unearth possibilities for ethical, community-driven approaches to repairing contaminated landscapes. While I did go into this research with a certain conceptual framework (Chapter Two) and an understanding of possible research problems to investigate, this is community-driven work, so specific research questions and objectives didn't come along until after a lot of preparatory research, discussion, and trial and error. Even after finalizing a research agreement with RRDC, research priorities changed as we went, depending on opportunities that popped up along the way and what was feasible. To guide this cooperative and iterative research process, I drew on methodological literature from participatory action research and place-based research.

Participatory action research (PAR), has become increasingly popular in human geography research, specifically research focused on working with communities in ways that de-centre the investigator, emphasize the co-production of knowledge and employ a methodological focus on process rather than outcomes or results.⁹⁸ This reflects turns towards 'experimental

⁹⁸ Heather Castleden, M. Mulrennan, and A. Godlewska, "Community-Based Participatory Research Involving Indigenous peoples in Canadian Geography: Progress? An Editorial Introduction," *The Canadian Geographer/Le*

geographies’ that focus on community participation, citizen involvement, and creative, affective representations of knowledge production.⁹⁹ In PAR, research agendas are determined collectively and grow out of specific local contexts and struggles for justice.¹⁰⁰ In doing so PAR purports to attend to power relations between researchers, institutions, communities and ‘research subjects,’ paying particular attention to how researchers can perpetuate unequal power relations and extract information largely for their own benefit.¹⁰¹ PAR strives to put the principles of critical geography into action and specifically addresses the issues of racism, ableism, sexism, and colonialism in research questions, objectives, and methods.¹⁰²

According to Cammarota and Fine, PAR focuses on co-creating knowledge about social injustices and building understanding of methods for change.¹⁰³ However, this focus on social injustice can overlook Indigenous scholarship on pain narratives, and the tendency for settler scholars to extract painful stories, even in a cooperative manner, for their continued benefit without tangible accountability.¹⁰⁴ Building on such critique, de Leeuw et. al. caution against framing PAR as ‘best practice’ when researching within Indigenous geographies.¹⁰⁵ Drawing on Gibson-Graham’s commitment to “start where we are,”¹⁰⁶ and acknowledging the inherent and

Géographe Canadien 56, no. 2 (2012): 155–159; Sarah De Leeuw, Emilie S. Cameron, Margo L., Greenwood, “Participatory and Community-based Research, Indigenous Geographies, and the Spaces of Friendship: A Critical Engagement,” *Canadian Geographer* 56, no. 2 (2012): 180–194; Sara Kindon, “Empowering Approaches: Participatory Action Research,” in *Qualitative Research Methods in Human Geography* 4th Edition, ed. Iain Hay (Don Mills, Ontario: Oxford University Press, 2016).

⁹⁹ B. Coombes, J. T. Johnson, and R. Howitt, “Indigenous Geographies III: Methodological Innovation and the Unsettling of Participatory Research,” *Progress in Human Geography* 38, no. 6 (2014): 845–854.

¹⁰⁰ Brittany Luby, *Dammed: The Politics of Loss and Survival in Anishnaabe Territory* (Winnipeg, MB: University of Manitoba Press, 2020).

¹⁰¹ Sara Kindon, Rachel Pain, and Mike Kesby, *Participatory Action Research Approaches and Methods: Connecting People, Participation and Place* (London, UK: Routledge, 2007).

¹⁰² Kindon, “Empowering Approaches.”

¹⁰³ Julio Cammarota and Michelle Fine, *Revolutionizing Education: Youth Participatory Action Research in Motion* (London UK: Routledge, 2008).

¹⁰⁴ Eve Tuck, “Suspending Damage: A Letter to Communities,” *Harvard Educational Review* 79, no. 3 (2009): 409–428; Jesse Wentz, “A Story of Joy,” *CBC Ideas Podcast*, Jan. 5, 2021.

¹⁰⁵ De Leeuw, “Participatory and Community-based Research.”

¹⁰⁶ J.K. Gibson-Graham, *A Postcapitalist Politics* (Minneapolis, MN : University of Minnesota Press, 2006), 98.

important tension between theoretical ideals and grounded politics of imperfect action¹⁰⁷ – de Leeuw et. al. caution that PAR projects can actually “reinscribe and retrench unjust relations in the very pursuit of opposite aims.”¹⁰⁸ To avoid such unjust relations, it is pivotal to acknowledge and work through several potential pitfalls of PAR research.¹⁰⁹

First, settler researchers working with PAR may have an emotional attachment to ‘doing good’, making the “expression of dissent, dissatisfaction, and rejection more difficult than participatory, community-based framework tend to acknowledge.”¹¹⁰ An effective PAR process needs to make space for ongoing dissent and critique of the research process, and broader research relational networks: “responsibility cannot only mean a feel-good solidarity with, but must, more substantially, mean a responsibility, accountability, or even deferral to.”¹¹¹ Second, simply claiming to overcome difference and redefining the research relationship as an equal partnership can make power relationships less visible without actually changing these relationships.¹¹² Third, framing PAR methods as ‘best practice’ can shut down meaningful critique and lead to circumstances where PAR is used in inappropriate circumstances, rather than allowing for the methods to come from the context. This can be connected to the “the tyranny of participation,”¹¹³ which can place significant burdens on Indigenous communities.¹¹⁴ This leads to a final critique of PAR – that the university often remains the central ‘producer’ or gatekeeper of

¹⁰⁷ Kindon et. al., *Participatory Action Research*, 93.

¹⁰⁸ De Leeuw et. al., “Participatory and Community-based Research,” 185.

¹⁰⁹ Coombes et. al., “Indigenous Geographies III.”

¹¹⁰ De Leeuw et. al., “Participatory and Community-based Research,” 186

¹¹¹ Rebekah Sinclair, “Righting Names: The Importance of Native American Philosophies of Naming for Environmental Justice,” *Environment and Society* 9, no. 1 (2018): 103.

¹¹² Sara Ahmed, “Who Knows? Knowing Strangers and Strangeness,” *Australian Feminist Studies* 15, no. 31 (2000): 49-68.

¹¹³ Bill Cooke and Uma Kothari, *Participation: The New Tyranny?* (London and New York: Zed Books, 2001).

¹¹⁴ Coombes et al., “Indigenous Geographies III;” Vanessa Watts, “Indigenous Place-Thought and Agency Amongst Humans and Non-Humans (First Woman and Sky Woman go on a European World Tour!)” *Decolonization: Indigeneity, Education & Society* 2, no. 1 (2013): 20–34.

knowledge despite collaborative research.¹¹⁵ Pressures from research institutions for ethics approvals, publications, and specific kinds of research outcomes can work against the “development and maintenance of meaningful, accountable, and non-extractive relations with Indigenous communities.”¹¹⁶

For these reasons, for PAR to ensure that it is community-driven *and* accountable, it is necessary for researchers to explicitly negotiate and outline how they will use information, how they will represent others’ knowledges and experiences, what kinds of research products will result, and who these products will benefit.¹¹⁷ For PAR with Indigenous communities, it is particularly important to negotiate these research relationships in a space that centers sovereignty and self-determination, while embracing a process of contention.¹¹⁸ PAR needs to include investigations of how institutions, researchers, and community partners can tangibly collaborate in ways that lead to Indigenous control of research, rather than an elusive ‘co-production’ of knowledge that results in some possible short-term partnerships, but overlooks incompatible ontologies, entrenches authority in academics, and does not further self-determination for Indigenous communities.¹¹⁹ A PAR approach centered in self-determination flips deficit, pain-

¹¹⁵ Coombes et al., “Indigenous Geographies III;” Coulthard, *Red Skin White Masks*; Aileen Morrison-Saunders, *The White Possessive: Property, Power and Indigenous Sovereignty* (Minneapolis, MN: University of Minnesota Press, 2015); Paul Berne Burow, Sandra Brock, and Michael R. Dove, “Unsettling the Land,” *Environment and Society* 9, no. 1 (2018): 57-74.

¹¹⁶ De Leeuw et. al., “Participatory and Community-based Research.”

¹¹⁷ Rachel Pain, Mike Kesby, and Kye Askins, “Geographies of Impact: Power, Part and Potential,” *Area* 43, no.2 (2011): 183–188; Natascha Klocker, “Doing Participatory Action Research and Doing a PhD: Words of Encouragement for Prospective Students,” *Journal of Geography in Higher Education* 26, no. 1(2012): 149–163.; Kindon, “Empowering Approaches;” Gertrude Saxinger and the First Nation of Na-Cho Nyäk Dun, “Community Based Participatory Research as a Long-Term Process: Reflections on Becoming Partners in Understanding Social Dimensions of Mining in the Yukon,” *The Northern Review* 47 (2018): 187-207.

¹¹⁸ Kindon et. al., *Participatory Action Research*, 94; Tuck, “Suspending Damage: A Letter to Communities;” M.F. Yanchapaxi, M. Liboiron, K. Crocker, D. Smiles, and E. Tuck, “Finding a Good Place to Start: An Interview with Scholars in the CLEAR Lab,” *Curriculum Inquiry* 52, no. 2 (2022): 162-170.

¹¹⁹ Eve Tuck, “Re-Visioning Action: Participatory Action Research and Indigenous Theories of Change,” *Urban Review* 41 (2009): 47-45; Mario Blaser, “Ontological Conflicts and the Stories of Peoples in Spite of Europe,” *Current Anthropology* 54, no. 5 (2013): 547–568.

narrative models on their head, instead targeting the deficits, failures, and gaps of colonial state structures and centering alternatives that are led by Indigenous communities.

To work ethically within these frameworks research agreements should be made that establish relational accountabilities, including: whose research it is, who owns it, how data is managed and shared, whose interests the research serves, who has designed its questions, who will carry it out, how will it be funded, and how results will be disseminated.¹²⁰ Research resources should be used to support community researchers and the idea of an ‘Indigenous community’ as a single collaborator should be complicated.¹²¹ Research partnerships should be configured towards Indigenous leadership, rather than a simply 50:50 conception of insider-outsider.¹²² Given these expectations, PAR does not fit easily into linear planning and publishing timelines and should not be judged on its immediate outputs, but rather should focus on long-term capacity and contributions to a base for community-directed research.¹²³

PAR methods are often mixed, using qualitative and quantitative methods such as surveys, interviews, mapping, archival analysis, and ethnography.¹²⁴ Researchers also often contribute either paid or volunteer time to supporting community partners’ needs, such as grant

¹²⁰ Shawn Wilson, *Research is Ceremony: Indigenous Research Methods* (Black Point: Fernwood Publishing, 2008); Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, 2nd Edition (London, UK: Zed Books, 2012).

¹²¹ Coombes et al., “Indigenous Geographies III;” Karen Heikkilä and Gail Fondahl, “Co-Managed Research: Non-Indigenous thoughts on an Indigenous Toponymy Project in Northern British Columbia,” *Journal of Cultural Geography* 29, no. 1 (2012): 61–86; Margaret Kovach, *Indigenous Methodologies: Characteristics, Conversations, and Contexts* 2nd Edition (Toronto: University of Toronto Press, 2021).

¹²² Coombes et al., “Indigenous Geographies III.”

¹²³ Tuck, “Re-Visioning Action;” Castleden et. al., “Community-Based Participatory Research;” Sylvestre et. al. (2018); Rebecca Hall and Hannah Ascough, “Care Through Closure: Mine Transitions in the Mixed Economy of the Northwest Territories, Canada,” *Gender, Place and Culture* 30, no. 10 (2023): 1415-1436.

¹²⁴ De Leeuw et. al., “Participatory and Community-based Research;” Kindon, “Empowering Approaches;” Tuck, “Re-Visioning Action;” Nicole Wilson, “More Precious than Gold: Indigenous Water Governance in the Context of Modern Land Claims in Yukon” (PhD Diss., Resource Management and Environmental Studies, University of British Columbia, 2018).

applications, community reports, workshop facilitation, and administrative work.¹²⁵ Community and place-based research is usually a slow process, focused on spending time with stories and figuring out how to share work respectfully.¹²⁶ For these reasons, PAR often aligns well with what is commonly called a ‘case study’ approach – “an intensive study of a single unit for the purpose of understanding a larger class of similar units.”¹²⁷ Rather than going into research with a strict theoretical or methodological approach, a case-study approach allows for the case studies to cyclically inform theoretical arguments and process *as method*.¹²⁸

Although this research does focus on the single story of the Faro Mine and Remediation Project, I position this work as *place-based*, rather than as a case study. Faro is not simply a ‘case’ to be studied and then compared to regional or international contexts but instead is enmeshed in particular contexts and relationships – and is always changing. Directly addressing some of the issues with PAR, place-based research engages with the specificity, fluidity, and structural context of relationality with Land that can easily be overlooked when focused only on human communities.¹²⁹ Place-based research pays “attention to unfolding places of encounter – places where ways of knowing and being, human and more than human, meet and become

¹²⁵ Tara Joly, “Making Productive Land: Utility, Encounter, and Oil Sands Reclamation in Northeastern Alberta, Canada” (PhD Diss., Anthropology, University of Aberdeen, 2017).

¹²⁶ Luby, *Dammed*; Gertrude Saxinger and the First Nation of Na-Cho Nyäk Dun, “Community Based Participatory Research as a Long-Term Process: Reflections on Becoming Partners in Understanding Social Dimensions of Mining in the Yukon,” *The Northern Review* 47 (2018): 187-207; Michelle Daigle and Margaret Marietta Ramirez, “Decolonial Geographies,” *Keywords in Radical Geography: Antipode at 50*, ed. Antipode Editorial Collective, T. Jazeel, A. Kent, K. McKittrick, N. Theodore, S. Chari, P. Chatterton, V. Gidwani, N. Heynen, W. Lerner, J. Peck, J. Pickerill, M. Werner and M.W. Wright, 2019.

¹²⁷ John Gerring, “What is a Case Study and What is it Good For?” *American Political Science Review* 98, no. 2 (2004): 342.

¹²⁸ Tom Perreault, Gavin Bridge, and James McCarthy, *The Routledge Handbook of Political Ecology* (New York, NY: Routledge, 2015), 623; Jamie Baxter, “Case Studies in Qualitative Research,” in *Qualitative Research Methods in Human Geography*, 5th Edition, ed. Iain Hay and Megan Cope (Don Mills, Ontario: Oxford University Press, 2021).

¹²⁹ Tuck and McKenzie, *Place in Research*; Dani Nowosad, “A New Approach to Ethical Research in the North,” *Canadian Geographic*, February 15, 2023.

entangled – recognizing that some voices and ways of making place overpower others”¹³⁰ This means that place-based participatory research has no prescribed template – no boxes to check.¹³¹

Coulthard and Simpson refer to this place-based approach as “grounded normativity,” which

refers to the ethical frameworks provided by Indigenous place-based practices and associated forms of knowledge... relationship to the land itself generates the processes, practices, and knowledges that inform our political systems and through which we practice solidarity.¹³²

While PAR is justice oriented, place-based research is specifically anti- and de-colonial.¹³³

A place-based research approach requires that I, as a settler, foreground my own positionality, participation, and role in knowledge production.¹³⁴ However, white settler self-reflexivity alone cannot lead to liberation. Rather, anticolonial work and decolonization occurs not through individual acknowledgement of privilege and positionality, but requires Indigenous processes, institutions, and structures that transform the systems that enable these privileges.¹³⁵

As Anishinaabe historian Brittany Luby argues, community-based research should not simply offer an objective critique of settler colonial narratives and structures, but should also be grounded in advocacy, support of resistance measures, and directed at creating alternatives.

Similarly, Cameron recommends using caution when using an anti/decolonial approach, calling for researchers to “both look towards and away from colonialism as a way of dismantling

¹³⁰ Sara Hunt, “Ontologies of Indigeneity: The Politics of Embodying a Concept,” *Cultural Geographies* 21, no. 1 (2014): 27–32.; Joly, “Making Productive Land;” Kovach, *Indigenous Methodologies*.

¹³¹ Kovach, *Indigenous Methodologies*; Tuck and Mackenzie, *Place in Research*.

¹³² Glen Coulthard and Leanne Betasamosake Simpson, “Grounded Normativity/Place-Based Solidarity,” *American Quarterly* 68, no. 2 (2016): 254.

¹³³ Tuck and McKenzie, *Place in Research*; Liboiron, *Pollution is Colonialism*. For examples of place and community-based work in Yukon, see Julie Cruikshank, *The Social Life of Stories: Narrative and Knowledge in the Yukon Territory* (Vancouver BC: UBC Press, 1998); Stavely, “The Kaska Dena;” Jones, “Confronting Settler Colonialism;” and Saxinger and the First Nation of Na-Cho Nyäk Dun, “Community Based Participatory Research.”

¹³⁴ Kovach, *Indigenous Methodologies*.

¹³⁵ Eve Tuck and K. Wayne Yang, “Decolonization is not a Metaphor,” *Decolonization: Indigeneity, Education, & Society* 1, no. 1 (2012): 1-40; Audra Simpson and Andrea Smith, *Theorizing Native Studies* (Durham, NC: Duke University Press, 2014); Smith, *Decolonizing Methodologies*; Sarah de Leeuw and Sarah Hunt, “Unsettling Decolonizing Geographies,” *Geography Compass* 12, no. 7 (2018): 1-14.

colonial institutions without totalizing colonial narratives.”¹³⁶ Such an approach focuses on notions of co-existence and co-creation – knowing that it is not my place to have input on the content or use of Indigenous knowledge, but rather to make space for its use and to know when to step aside, to listen and to ‘learn to learn’ about what it means to be a settler and how we might relate differently.¹³⁷

Thus, the research methodologies I engage are informed by a political and ethical commitment to research methods and practices that support Indigenous self-determination and implement tangible actions of “grounded-normativity.”¹³⁸ While I situate myself within this research and I provide a structural analysis of Northern colonial-extractivism coached in academic theory (and let’s be real – I get a PhD) – this work is, first and foremost, about ensuring accountability to specific outcomes envisioned by Tū Īdlīni Dena Elders and leadership.¹³⁹ An anticolonial, place-based methodology directs my analysis of the specific colonial structures, geographies, bureaucracies, regulation, and land relationships that built the Faro Mine and Remediation Project. However, such work is “more than a struggle against power and control; it is also the imagining and generating of alternative institutions and relations.”¹⁴⁰ Anticolonial, place-based methodologies also inform my research focus on reclamation

¹³⁶ Cameron, *Faro Off Metal River*.

¹³⁷ Cameron, *Faro Off Metal River*, 28; Irlbacher-Fox, 2014

¹³⁸ Wilson, “More Precious than Gold,” 33-34; Coulthard and Simpson, “Grounded Normativity.”

¹³⁹ Michelle Murphy (personal communication during a round-table discussion, July 4, 2024) stated that ‘studying up’ is not just about offering critique and detailing the structures of power and colonialism but is also about navigating and reflecting on your own anticolonial commitments and obligations to Indigenous jurisdictions and knowledges *and* settler state knowledges. In other words, what are the pedagogies and praxis necessary for bringing allies into healthy and generative relationships? Researchers can never simply ‘study up’, as the settler state is always in relationships to Indigenous governance, histories and priorities. In addition, researchers need to focus on what their obligations are.

¹⁴⁰ Harsha Walia, *Undoing Border Imperialism* (Chico, CA: AK Press, Institute for Anarchist Studies, 2013); Wilson, “More Precious than Gold.”

alternatives that are driven by the specific histories, politics, and objectives of Tū Łıdlıni Dena and Dena Kēyeh.¹⁴¹

After seven years of working on this project and reflecting on my own motivations for this work, I have come to an understanding that, on a personal level, I need to engage in research that centers care and justice, that sees emotion and tangent and story and personality as valuable. I don't want to be involved in work that emphasizes detachment and universality, that glorifies notions of rationality and places a veil of innocence (non-bias) between an act of knowledge production and the consequence of that knowledge production. Following the words of Leanne Betasmosake Simpson:

I am committed to maintaining reciprocal, peaceful relations with your community and your nation. For me, these words are about an affirmation of your governance and your nationhood, and a commitment and a responsibility to reciprocity and peace.¹⁴²

1.5.2 Building research relationships and objectives

At the end of my Master's degree in 2017, I met with some of the folks working for Ross River Dena Council on the Faro Mine Remediation Project, to see how it stacked up next to the Giant Mine Remediation Project, the focus of my Masters research. These advisors asked if I would be interested in working for Ross River Dena Council on questions surrounding the FMRP, and this eventually aligned with a PhD opportunity. We held a virtual meeting with the Elder Kathlene Suza (the Faro Secretariat) and RRDC's research advisors in May 2018 to identify potential research objectives and develop a research proposal. A year later, on May 16, 2019, we held another research strategizing meeting with myself, Ross River Dena Council, Tū

¹⁴¹ Saxinger and the First Nation of Na-Cho Nyäk Dun, "Community Based Participatory Research."

¹⁴² Leanne Betasmosake Simpson, "Coming into Wisdom: Community, Family, Land and Love," *Northern Public Affairs* 6, no. 1, The Pan-Territorial on-the-Land Summit (July 2018): 12-17.

Łídlīni Dena Elders, Tū Łídlīni (Ross River) Lands Department representatives, RRDC's senior advisors, Dr. Arn Keeling, and Brittany Tuffs (RRDC research assistant).¹⁴³ I presented my research proposal, and we collectively spent time shaping research questions, priorities, and objectives. We discussed protocols for conducting interviews and what kinds of information sharing would be most appropriate.

RRDC, Tū Łídlīni Dena Elders, and their advisors highlighted several key objectives for my PhD research and how it could tie into their broader goals for the FMRP. First and foremost, leadership and Elders wanted to publicly share their story of the Faro Mine. Leadership connected the importance of telling their story of Faro to a second key objective - pursuing compensation for the environmental and cultural destruction wrought by the mine. RRDC stressed that the compensation negotiations surrounding Faro (and other illegal developments on their territory) were separate from the Faro Remediation Project itself – as remediation alone would not be sufficient to compensate for ongoing violence stemming from Faro – but they wanted research to support compensation negotiations outside of remediation work at Faro. For the FMRP itself, RRDC wanted to ensure that they played a prominent role in the assessment and governance, as it entered the territorial impact assessment process in 2019. Finally, looking to the future, RRDC wanted to begin envisioning what Tsē Zūl might look like hundreds of years from now and how they could ensure that their Land Guardians and youth have long-term opportunities to monitor, care for, and reclaim relationships with that region. From these discussions, the group concluded that a community workshop with additional Elders would be

¹⁴³ Those in attendance included: Caitlynn Beckett (PhD researcher, Memorial University), Arn Keeling (Supervisor, Memorial University), Chief Jack Caesar (RRDC), Councillor and Deputy Chief Robbie Dick (RRDC), Councillor Dylan Loblaw, (RRDC), Kathlene Suza (RRDC Elder and Faro Secretariat Manager), Clifford McLeod (RRDC Elder from the Tse Zul area), Gordon Peter (RRDC, Director of Dena Nezziddi), Stanley Noel (CEO of Dena Nezziddi), Norman Barichello (science and research advisor for RRDC), and Brittany Tuffs (RRDC member, U of S Masters student and research assistant).

the best way to initiate community-based research and to gather feedback from the broader community.

On June 11-12, 2019, we hosted an Elders Workshop on Faro, including a tour of the Faro Mine site.¹⁴⁴ In this workshop, we discussed the history of the Faro Mine, the priorities for my research on Faro, and the outcomes that Elders wanted to see. Elders reflected the key objectives outlined by leadership and research advisors in May 2019 – emphasizing the need to publicly tell the story of Faro from RRDC’s perspective, to support compensation negotiations outside of the Faro Remediation Project, and to ensure independent assessment of the FMRP and direct involvement in governance. Adding to these objectives, Elders pointed to several specific examples of what they would like to see as part of the FMRP. Specifically, Elders wanted to see more Kaska ‘presence’ on the Faro site, including (among other things) management positions being filled with Kaska people, physical space on site for Kaska people to gather, and inclusion of the Land Guardian program in environmental monitoring. Connected to a lack of Kaska presence, Elders felt that they did not have consistent access to information about what was happening on site and wanted more direct involvement in design planning. In particular, they wanted more information about contamination hazards for wildlife and vegetation. Finally, Elders also wanted to see tangible actions to address legacy impacts, including the displacement from gathering sites and hunting lands, and the violence introduced by the Faro townsite.

Using the feedback and direction provided by Elders, Brittany and I drafted a research objectives report, which was reviewed and approved by RRDC in the summer of 2019.

¹⁴⁴ Beckett and Tuffs, “Ross River Elder’s Council Workshop.” This community-driven workshop was developed outside of the official consultation processes led by the federal and territorial governments. It was a collaborative project between Ross River Dena Council (RRDC), the Dena Kayeh Institute, and TERRE-Net researchers at Memorial University of Newfoundland. On June 11, 22 people attended the site tour. For the workshop on June 12 at the Ross River Hope Centre, there were 33 attendees, including Ross River Elders, Chief and Council, the Faro Secretariat, and our research team.

Acknowledging that it was impossible to directly tackle all the objectives of the Tū Łídlīni Elders in a doctoral project alone, we agreed on the following PhD research objectives:

- Bring together existing RRDC work on Faro with additional Elders interviews and archival materials to compile the story of the Faro Mine from a Tū Łídlīni Dena perspective. This story should be shared in an accessible, community report.
- Compile and analyze archival evidence that points to how Kaska people were displaced from the Tsē Zūl region, detailing the colonial structures that led to impacts and land theft and that continue to influence RRDC's ability to see true justice and reclamation at Faro.
- Support the RRDC's involvement in the impact assessment of the FMRP via the YESAB process, including support for an independent review of this process and for community-based remediation activities.

Because all this work didn't fit solely within the confines of a PhD (or even 'research'), I also committed to working for RRDC's environmental company, Dena Cho Environmental and Remediation Inc. (Dena Cho), alongside my PhD.

My employment for Dena Cho helped to ensure that in addition to my research, community members would see some tangible outcomes of the work. As Elder Clifford McLeod always reminds me: "you work for the us, not the university."¹⁴⁵ Work for Dena Cho was specifically targeted at a review of impact assessment materials and developing community-based programs that would get people on site and involved in remediation at Faro. Through Memorial University, a research agreement with Ross River Dena Council was signed in the fall of 2019, which stipulated that reflections on and analysis of work completed with Dena Cho

¹⁴⁵ Clifford McLeod, interview with author, July 18, 2019.

could be used as a part of my PhD, with permission from Dena Cho management and the RRDC Faro Secretariat.¹⁴⁶

In the summer and fall of 2019, I began preliminary interviews with Elders to identify key historical concerns and ‘points of entry’ for archival research and analysis of impact assessment documents. In the fall of 2019 and winter of 2020, as a part of my work with Dena Cho, our team completed a technical review of the Faro Mine Remediation Proposal submitted to YESAB – summarizing the key points for RRDC and providing recommendations to help the FMRP better align with RRDC’s expectations for remediation.¹⁴⁷ We then began preparing for a community meeting about how to move forward from this initial technical review of the Proposal, with the hopes of completing a community-based, independent assessment of the FMRP. Early in this work, we identified revegetation and wildlife monitoring as a priority for building Kaska presence on site and ensuring that Kaska knowledge was centered in design decisions on site. This, of course, all went sideways in the spring of 2020.

The COVID-19 pandemic reshaped the nature of this research and redirected our priorities. In the spring of 2020, I took a leave of absence from my PhD and worked full time for Dena Cho and RRDC. Work on setting up an independent assessment process was postponed, since we were unable to convene community meetings and lacked capacity. Instead, Dena Cho started focusing on implementing a community-based revegetation program.¹⁴⁸ When I returned to full time PhD work in the fall of 2020, without the ability to complete interviews in person or organize community meetings, I focused my work on gathering and analyzing archival

¹⁴⁶ Anywhere that reflections, information, or research materials from work with Dena Cho was used in this PhD, I have sought permission from Dena Cho management to do so.

¹⁴⁷ Dena Cho Environmental and Remediation Inc., “Review of the Faro Remediation Project YESAB Proposal,” submitted to Ross River Dena Council for the YESAB review of the FMRP (August 2019). YESAB Public Registry 2019-0149-0555.

¹⁴⁸ Dena Cho Environmental and Remediation Inc. and Integral Ecology Group Ltd., “Community-Based Revegetation Programs at Faro, 2021-2022: Report to Ross River Dena Council” (February 2023).

documents. Throughout 2021-2022, as pandemic restrictions eased, I was able to complete additional interviews alongside Tū Łídlīni Lands Department staff. Over the past four years, we were also able to expand Dena Cho's community-based revegetation program from tree planting programs at Faro to seed collection and vegetation sampling across the Tū Łídlīni region. In the past year, work to support independent assessment has been revamped (led by the Tū Łídlīni Lands Department), but has shifted towards longer-term goals for developing the Tū Łídlīni Assessment Process, rather than focusing on the FMRP as a one-off independent assessment.

1.5.3 Archives, interviews and working for community

I used direction received from RRDC and Elders in the spring of 2019 and from preliminary interviews in the summer and fall of 2019 to focus the investigation of archival materials. RRDC and Tū Łídlīni Elders wanted to use archival materials to trace and disseminate their own story of the Faro Mine, pointing towards the structures that facilitated the theft of their Land and the violence inflicted on their community.¹⁴⁹ My archival research focused on the extensive corporate, regulatory, and RRDC-produced materials related to the Faro site from 1953-1998.¹⁵⁰ I also reviewed internal government correspondence, newspaper articles, and gray literature, including technical reports. Finally, through my research agreement with RRDC, I had access to the community's own archives of reports and planning documents. I retrieved archival materials from the Yukon Archives, the Yukon Government Energy, Mines, and Resources

¹⁴⁹ This work, based on interview data, resulted in a community written report: Ross River Dena Elders, "The Reclamation and Rematriation of Tsē Zūl: Ross River's True Story of the Faro Mine," compiled by Caitlynn Beckett and Brittany Tuffs, prepared for Ross River Dena Council, 2024.

¹⁵⁰ Unlike many major mines, because Faro went bankrupt and company records were transferred first to the receiver (Deloitte and Touche Inc.), and then to the Yukon Government, there is a large body of publicly accessible corporate documents relating to the mine's development, operation, and closure.

Library, the Yukon Water Board records, the YESAB public registry, and the Tū Łídlíni Lands Department. I also scanned, summarized, and catalogued colonial archival documents for future use by RRDC.

I examined archival materials using discourse analysis, paying attention to how Land and water were permitted for mining, how Kaska people were included in (and excluded from) mine operations and regulation, how contamination was framed, and how remediation was understood and planned for.¹⁵¹ Methodologically, I was not seeking to write a full history of the mine, instead I was guided by the questions and concerns identified by Tū Łídlíni Elders and RRDC.¹⁵² I looked specifically for evidence of the structures and regulatory processes put in place to facilitate extraction and land use without consent from Kaska people.¹⁵³ As an example of how discourse analysis can be used in the context of contaminated sites and resource extraction, I drew on Joly's use of discourse analysis to understand how different documents (technical reports, reclamation planning documents, traditional land use studies, and land-use regulations), "hold performative power to shape the landscape according to the author's ideology and make the land productive according to Indigenous and non-Indigenous perspectives."¹⁵⁴ I also drew

¹⁵¹ Gordon R. Waite, "Doing Foucauldian Discourse Analysis - Revealing Social Identities," in *Qualitative Research Methods in Human Geography*, ed. Iain Hay (Don Mills, Ontario: Oxford University Press, 2016).

¹⁵² Although my research objective was not to write a full history of the Faro Mine, there is very little historical work completed about Faro. This is somewhat surprising given the importance of the Faro Mine in terms of the economic and mining history of Northern Canada, and today, its prominence as the largest contaminated site in Canada, and a billion-dollar remediation project. I hope that, in the end, this PhD also does some of the work of filling in that research gap. The few works that include some historic analysis of Faro include: Macpherson, "Cyprus Anvil Mine;" Bob Sharp, "Changes in Ross River During the Anvil Mine Development," in *Yukon Case Studies: Alaska Highway and Ross River*, prepared for University of Canada North (Yukon), Research Division, Whitehorse, June 1977; Jane Gaffin, *Cashing In* (Altona: D.W. Friesen & Sons Ltd, 1980); Weinstein, "Just Like People Get Lost;" and Anthony Hodge, Nadja Kunz, Stephen Hay, Isabel Carmen, Connor Hamely and Bulgan Batdor, *Through a Prism of Time: Faro Retrospective Initiative, Phase 1 Report* (Robert M. Buchan Department of Mining Engineering, Queens University: 2021).

¹⁵³ Shiri Pasternak, Deborah Cowen, Robert Clifford, Tiffany Joseph, Dayna Nadine Scott, Anne Spice and Heidi Kiiwetinepinesiiik Stark, "Infrastructure, Jurisdiction, Extractivism: Keywords for Decolonizing Geographies," *Political Geography* 101 (2023): 102763; Coulthard, *Red Skin White Masks*; Pasternak and King, *Land Back*.

¹⁵⁴ Joly, "Making Productive Land," 46.

inspiration from Leddy's archival work, which points to how structures of settler colonialism are not just historical, but

continue to justify and enable seizures of and resource extractions from Indigenous territories and violence against Indigenous people whose presence undermines the 'legitimacy of the Canadian authority and hegemony.'¹⁵⁵

Additionally, Leddy points to the need to include archival work that documents Indigenous agency and resistance to colonial power throughout the 20th century, as forms of colonial structures shifted post WWII, and continue to shift today.

After completing initial archival research, further in-depth interviews were undertaken throughout 2020-2021 with both Tū Lídlini Dena Elders and Faro Mine Remediation Project employees, consultants, and advisors. Semi-structured, key informant interviews were organized around flexible, open-ended questions, allowing the interviewee to meet their objectives, while also leaving the conversation open to modification, exploration, and new ideas (Appendix 3).¹⁵⁶ Interviews completed with Elders were thematically coded first, and key themes identified by Elders were used to direct further archival analysis and interviews with Project employees, consultants, and advisors. The objective with Elders interviews was not to simply 'gather and analyze data', but to use this information as a grounding for archival analysis and interviews with Project employees.

Interview coding and analysis was iterative, rather than linear, and fed into both archival research and community-based project development. To analyze interviews, I began with an *a priori* list of potential descriptive and structural codes developed in line with my theoretical

¹⁵⁵ Leddy, *Serpent River Resurgence*, 5, quoting from Adam J., Baker, "The Contemporary Reality of Canadian Imperialism: Settler Colonialism and the Hybrid Colonial State," *American Indian Quarterly* 33, no. 3 (2009): 325.

¹⁵⁶ Several interviews were held in the Lands Department office in Ross River, with Land Guardians present so that they could learn interview skills and so that Elders felt comfortable in a community space: Kovach, *Indigenous Methodologies*; Kevin Dunn, "Doing Qualitative Research in Human Geography: Interviewing," in *Qualitative Research Methods in Human Geography*, Fourth Edition, ed. Iain Hay (Don Mills, Ontario: Oxford University Press, 2016).

positionings, research objectives from RRDC leadership and Elders, and a review of literature, community reports, media, and notes from participation in meetings and workshops.¹⁵⁷ In the first detailed round of coding, I used in vivo and process coding methods to add to the structural and descriptive code list initially developed and to focus on the words, voices, opinions, and actions of the interview participants.¹⁵⁸ Codes were then edited, reviewed, and labelled with broader concepts and patterns that were used both as a structure for critical analysis of archival material and interviews with FMRP professionals. The key idea here was to begin in a specific theoretical and conceptual framework, but to leave space for change, alternatives, and contrasting ideas.¹⁵⁹ Overarching themes and findings were reviewed with RRDC leadership and Elders to ensure that sensitive information was not shared and that findings fulfilled, at least partially, RRDC's research objectives, and did not miss any key arguments.

Interviews with Elders formed the basis for thematic analysis of archives (Ch. 3-5), the structure of a community report, and as critical themes for the analysis of impact assessment documents (Ch 5-6).¹⁶⁰ Interviews with professionals involved in the Faro Mine Remediation Project were used to better understand, and then analyze, the overarching goals of the FMRP and the YESAB process (Ch. 5-6). In addition to interviews with Faro professionals, I completed a review and analysis of the documents posted on the YESAB public registry for the FMRP impact

¹⁵⁷ A priori coding is the term used when a theoretical lens is determined prior to analysing data texts (i.e. transcripts). The theoretical lens determined beforehand is considered a starting place for analysis. The a priori theoretical lens is based on concepts or codes arising from previous studies, literatures, or existing theoretical assumptions. Such structural codes form a foundation for further coding: Kovach, *Indigenous Methodologies*, 213.

¹⁵⁸ Meghan Cope, "Organizing and Analyzing Qualitative Data," in *Qualitative Research Methods in Human Geography*, 4th Edition, ed. Iain Hay (Don Mills, ON: Oxford University Press, 2016); Joseph Saldaña, *The Coding Manual for Qualitative Researchers* (London, UK: SAGE Publications Ltd, 2016).

¹⁵⁹ Saldaña describe thematic analysis as a method of working with data (i.e. transcripts) that analyses, identifies, and reports patterns in that data. Thematic analysis can be based on themes arising from the data, or theoretically framed (a priori), that is, based on preconceived themes. A mix of both approaches to coding can be useful depending on the nature of the research – it is an exploratory technique: Saldana, *The Coding Manual for Qualitative Researchers*.

¹⁶⁰ Ross River Dena Elders, "The Reclamation and Rematriation of Tsē Zūl."

assessment, building on work completed by Dena Cho in 2019-2020. The catalogue and summaries of all Faro YESAB documents were also provided to RRDC. Finally, in 2022-2023, several meetings and casual interviews were conducted to review, edit, and validate both archival research and interview data. Each interview participant had the opportunity to review and edit their own transcripts. Elders' transcripts were reviewed with them in person. In total, between 2019-2023, 40 interviews were completed with 42 people.¹⁶¹

Actively participating and framing research around community priorities, which often included a lot of 'non-research' work, allowed for a more nuanced contextual understanding of how remediation practices happen 'on the ground'.¹⁶² As Hall notes in her work on diamond mining in the Northwest Territories, informal research discussions alongside other work are pivotal for ensuring reflexivity and validity and for being responsive to changes.¹⁶³ Through my work with Dena Cho, I participated in federal update meetings for the Faro Mine Remediation Project; supported RRDC's engagement with the YESAB review process; co-facilitated community meetings; reviewed the Faro Mine Remediation Project Proposal; and assisted in the development of a community-based revegetation program. I also hired several research assistants from Tū Lídłīni for archival research, writing, interview assistance, conference presentations, and workshop organizing. All this non-research work has either directly or indirectly informed this dissertation.

¹⁶¹ Several interviewees chose to complete interviews together and/or participated in multiple interviews. In total, I completed 20 interviewees with Ross River Elders, 3 with RRDC members, 4 with advisors for RRDC, and 15 with Faro Remediation Project employees, consultants, or advisors. 13 interview participants were women (9 women Elders) and 29 were men (11 men Elders).

¹⁶² Wilson, *Research is Ceremony*; Clint Carroll, *Roots of our Renewal: Ethnobotany and Cherokee Environmental Governance* (Minneapolis: University of Minnesota Press, 2015); Jenny Cameron, "Focusing on the Focus Group," in *Qualitative Research Methods in Human Geography*, 4th Edition, ed. Iain Hay (Don Mills, Ontario: Oxford University Press, 2016); Rixen & Blangy, "Life after Meadowbank."

¹⁶³ Rebecca Hall, *Refracted Economies*.

1.6 Summary of chapters

Chapter Two provides a theoretical grounding that scaffolds the assumptions and interpretations made throughout my PhD work. A theoretically framed analysis provides the tools to not only avoid deficit theorizing (i.e. a focus on pain narratives), but to shift attention and resources towards dismantling colonial structures and supporting decolonial alternatives.¹⁶⁴ Drawing inspiration from contemporary scholarship in resource geographies – namely how networks of people, infrastructures, values, environments, and economies ‘create’ particular places of extraction – I analyze extractive infrastructures within the context of federal resource policy in the second half of the twentieth century, focusing on *how* the federal government used welfare state policies and environmental regulation to ostensibly avoid a resource curse, while securing both sovereignty and resource wealth in the North.¹⁶⁵ I merge this approach with critical literature on (neo)extractivism and extractive colonialism to articulate how this historic theft is maintained and expanded through contemporary colonial-capitalist infrastructures such as impact assessment, consultation, and reclamation planning.

I also situate this research within political ecology, science and technology studies (STS), environmental history, Indigenous Environmental Justice, and anti-colonial methodologies. Environmental history, political ecology, and STS offer frameworks to evaluate human-nature relationships and nuanced understandings of extractive landscapes.¹⁶⁶ In combination with an

¹⁶⁴ Kovach, *Indigenous Methodologies*.

¹⁶⁵ Boutet, “Welfare Mines,” Arn Keeling and John Sandlos, “Ghost Towns and Zombie Mines: The Historical Dimensions of Mine Abandonment, Reclamation and Redevelopment in the Canadian North,” in *Ice Blink: Navigating Northern Environmental History*, ed. by Stephan Bocking and Brad Martin (Calgary: University of Calgary Press, 2017).

¹⁶⁶ Bathsheba Demuth, *Floating Coast: An Environment History of the Bearing Strait* (New York, NY: W.W. Norton, 2020); Perreault et al. *The Routledge Handbook of Political Ecology*; Traci Brynne Voyles, *Wastelanding: Legacies of Uranium Mining in Navajo Country* (Minneapolis MN: University of Minnesota Press, 2015).

Environmental Justice approach, political ecology, STS, and anticolonial literatures situate extraction, waste, and the science of extractive industries as both material and social, and argue that we must confront both the material properties of extractive industries, and the colonial, gendered, and racialized systems within which extraction is understood, produced, and distributed.¹⁶⁷

Alongside the guidance and priorities laid out by RRDC leadership and Elders, I use this conceptual framework to think through the Faro Mine and Remediation stories. The dissertation is broken down into three themes or periods of the Faro Mine story: 1) Faro as a mine – through the lens of Land and water (Chapters 3-4); 2) Faro as a remediation site (Chapters 5-6); and 3) Future Faros (Chapter 7). Chapters 3 and 4 detail the infrastructures of theft at Faro, including the mine licensing, town construction, and assumed federal jurisdiction over Land that displaced Kaska people from Dena Kēyeh. Chapter 3 builds from the observations and analysis of Tū Łídlíni Dena Elders to point towards the structures and systems that *caused* the negative impacts associated with the Faro Mine, resulting in what is called the ‘Faro Curse.’ Focusing on the front-end of mining at Faro – claim staking, land permitting, infrastructure construction, and government services – Chapter 3 identifies key moments and mechanisms of dispossession. I use archival documents to strategically interrogate corporate and settler colonial narratives embedded

¹⁶⁷ Liboiron, *Pollution is Colonialism*; Beckett and Keeling, “Rethinking Remediation;” Carroll, *Roots of Our Renewal*; Max Liboiron, Manuel Tironi and Nerea Calvillo, “Toxic Politics: Acting in a Permanently Polluted World,” *Social Studies of Science* 48, no. 3 (2018): 331–349; Deborah McGregor, “Mino-Mnaamodzawin: Achieving Indigenous Environmental Justice in Canada,” *Environment and Society* 9, no. 1 (2018): 7-24; Kyle Whyte, “Settler Colonialism, Ecology, and Environmental Injustice,” *Environment & Society: Advances in Research* 9 (2018): 125–144; Melanie Yazzie, “Decolonizing Development in Diné Bikeyah,” *Environment and Society* 9, no. 1 (2018): 25–39; Sebastián Ureta, “Caring for Waste: Handling Tailings in a Chilean Copper Mine,” *Environment and Planning A* 48, no. 8 (2016): 1532–1548; Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Cambridge, MA: Harvard University Press, 2016); David Pellow, “Environmental Inequality Formation: Toward a Theory of Environmental Injustice” *American Behavioral Scientist* 43, no. 4 (2000): 581–601; Robert D. Bullard, “Environmental Justice: It’s More Than Waste Facility Siting,” *Social Science Quarterly* 77, no. 3 (1996): 493–499.

within historical settler-state records and the corporate myths of Faro. I also summarize and analyze what is suspiciously absent in archival collections.

Flowing from the characterization of the tools of extractive Land theft and a discussion of the Faro Curse, Chapter 4 explores the ways in which extraction of land and culture are maintained through the contamination and regulation of water, despite promises and gestures towards engagement, consultation, and community benefits.¹⁶⁸ A key goal of Chapter 4 is the documentation of ‘leakage’: tracking the proof of water theft. Together, these two chapters provide a structural analysis of Faro’s history, inclusive of both the mine and the town. I illustrate how operations at Faro are rooted in existing extractive-colonial structures, which resulted in the Faro Curse – the theft of Kaska Lands, waters, and wealth by industry, the federal and territorial governments, and their associated regulatory bodies.

Chapter 5 builds on this history of theft and argues that, even as the Yukon was proceeding through important changes in jurisdiction – and settler-Indigenous relations more broadly were shifting from erasure to ‘recognition’ politics – the mechanisms of theft at Faro morphed.¹⁶⁹ In this chapter, I focus on how Faro transformed from a mine into a remediation project within the heated context of land claim negotiations and the devolution of federal powers to the Territory. In this context, RRDC fought for participation and recognition within the Faro Mine Remediation Project and played a pivotal role in shaping the early objectives of the Project. However, this framework quickly unraveled. Drawing on FMRP documentation and interviews with Project employees, consultants, and RRDC members, this chapter investigates the ‘Faro Factor.’ Chapter 5 delves into Pasternak et. al.’s notion of ‘slow theft’ (outlined in Chapter 2) and I question how and why Faro has become a slowly unraveling, unsolvable behemoth – a

¹⁶⁸ Max Liboiron, *Pollution is Colonialism*.

¹⁶⁹ Coulthard, *Red Skin White Masks*.

slowly crashing train, with no end in sight. In other words, this chapter interrogates what the ‘Faro Factor’ is and how it was created.

Chapter 6 investigates how historic infrastructures of theft manifest in impact assessment, and how impact assessment attempts to limit and define remediation in isolation from long legacies of mining and incomprehensible futures of perpetual care. This chapter draws on both interview data and an analysis of the YESAB impact assessment of the Faro Mine Remediation Project, a process that has just recently ended. In particular, I focus on how the FMRP was geographically and temporally scoped, how legacy impacts of mining were addressed, and how long-term governance and accountability is framed.

All chapters detail how the Kaska and other Yukon First Nations have resisted Land theft in the face of imposed colonial jurisdiction. However, Chapter 7 delves specifically into alternatives that cross the boundaries of science-led remediation and community-based healing. Early in my work for Dena Cho and in my PhD research, it became evident that Tū Łídlīni Dena Elders had been asking for more in-depth and involved work on monitoring contaminant impacts of wildlife and vegetation for decades. Alongside this key concern, Elders wanted to see youth and other members getting jobs and training on site. In response, Dena Cho began to develop a community-led revegetation program, grounded in Kaska Dena protocols for relating to Dena Kēyeh. We focused first on tree planting and getting RRDC members on the Faro site, then we expanded the program to seed collection and vegetation sampling. In the future, we are hoping to expand this work to include wildlife monitoring. This program was co-led by Jody Inkster, Cassia Jakesta, and me. Chapter 7 is a group reflection with these co-authors on the process of building a community-led revegetation program and a rumination on what it means to do place-based work across academic, consulting, and community contexts. We outline how on-the-

ground reclamation work can be tangibly, and ethically, connected to healing the legacies of the Faro Mine.

When all is said and done – reclamation is about building futures that showcase messy pasts, confront (in)justices, reimagine socio-environmental structures, and re-create relations in places that are frayed. Reclamation reflects many refractory relationships over colliding timelines. To trace these relationships over multiple timelines, my conclusion reflects on the history, structure, and regulation of the Faro Mine and Remediation Project, detailing a long list of colonial attempts at erasure and theft. While pointing to the root causes of violence and contamination at Faro, this research simultaneously celebrates all the relationships that have persisted, that are hard fought for in the face of pervasive racism, colonialism, and extractivism. This resistance is exemplified in the stories, experiences, community planning, and alternatives that have been articulated by Tū Īdlīni Dena for decades.¹⁷⁰ These alternatives are what form the very basis of anti-colonial reclamation, and the imagining of future human-environment relationships based in Indigenous lands, community, and governance.

¹⁷⁰ Whyte, “Settler Colonialism, Ecology, and Environmental Justice.”

CHAPTER 2: TOWARDS AN ETHICS OF RECLAMATION

The fundamental question of every reclamation project – *what* is being reclaimed – is a question often boxed into engineering solutions, particularly on industrial sites plagued by contamination. Nuanced discussions about what is reclaimed, to what point, or to whose standard, and the geographic and temporal boundaries of reclamation work, are frequently obscured as industrial experts focus on limiting legal risk and liability.¹ In the meantime, the communities of humans, wildlife, waterways, and plants that interact with these places are left to reckon with short-term technical solutions that fail to encompass the totality of their relationships. For extractive projects such as mining, the siloing of reclamation from socio-ecological healing is not an innocent or inherent division. Instead, it is a structured severance, one built into a long history of extractive colonialism that purposefully separates beings and relationships from Land, making those Lands ‘open’ for dispossession and wealth accumulation.

The impacts of colonial Land theft and extractive environmental degradation are perpetuated in the present through the "epistemic injustice" of science-based policy approaches that "omit the testimony of Indigenous community members as 'experts' in favour of scientific and economic accounts of harm."² As a continuation of extractive colonialism, Western technocratic approaches to reclamation carefully circumscribe state and corporate liability as defined by the risk to human-environmental safety (in material terms), avoiding the colonial state’s responsibility for Land theft, inequitable wealth accumulation, and cultural violence. By

¹ Caitlynn Beckett and Arn Keeling, “Rethinking Remediation: Mine Reclamation, Environmental Justice and Relations of Care,” *Local Environment* 24, no. 3 (2019): 216-230.

² Rebecca Tsosie, “Indigenous Peoples and the Ethics of Remediation: Redressing the Legacy of Radioactive Contamination for Native Peoples and Native Lands,” *Santa Clara Journal of International Law* 13, no. (2015): 271.

avoiding calls for justice, reclamation projects maintain mine sites as places for further extraction. For example, it is often the same private companies profiting off both mine operations *and* reclamation work. Economies of reclamation can reproduce the same colonial dynamics of mining operations: “community members noted tendencies to recruit non-Indigenous ‘experts’ from elsewhere for high paying remediation jobs, leaving Indigenous workers to take on the more difficult and sometimes dangerous, lower-paid remediation jobs.”³

Alternatively, confronting the risk of continued dispossession, reclamation can be an opportunity to subvert the settler governance and dominant scientific processes that have traditionally controlled extractive industrial projects. The closure of contaminated, industrial sites opens space for the renegotiation of relationships and power structures intertwined in that place.⁴ Reclamation can be a “platform for debate in order to avoid erasure of contested and conflicted histories”⁵ and can be “used to make space for the work of reproducing the communities and land-based relations so often obscured and exploited by extraction.”⁶ To seize such opportunities, as outlined in Chapter One (Section 1.5), I argue that critical reclamation research and activities should focus on ‘studying-up’ colonial structures of environmental management.⁷ In other words, rather than gathering data from Indigenous communities, a ‘study-

³ Rebecca Hall and Brandon Pryce, “Colonial Continuities in Closure: Indigenous Mine Labour and the Canadian State,” *Antipode* 56, no. 1 (2023): 16.

⁴ Anna Storm, *Post-Industrial Landscape Scars* (Palgrave Macmillan, 2014); L. Houston, S. J. Jackson, D. K. Rosner, S. I. Ahmed, M. Young, and L. Kang, “Values in Repair,” *Proceedings of the 2016 CHI Conference on Human Factors in Computing Systems - CHI '16* (2016): 1403–1414; Sebastián Ureta, “Chemical Rubble: Historicizing Toxic Waste on a Former Mining Town in Northern Chile,” *Arcadia* Autumn, no. 20 (2016); Sebastián Ureta, “Caring for Waste: Handling Tailings in a Chilean Copper Mine,” *Environment and Planning A* 48, no. 8 (2016): 1532–1548. Sebastián Ureta and Patricio Flores, “Don’t Wake up the Dragon! Monstrous Geontologies in a Mining Waste Impoundment,” *Environment and Planning D: Society and Space* 36, no. 6 (2018): 1063–1080.

⁵ Joern Langhorst and Kate Bolton, “Reframing the Postindustrial: Landscapes of Extraction between Reclamation and Reinvention,” *Change over Time* 7, no. 1 (2017): 158–182.

⁶ Rebecca Hall and Hannah Ascough, “Care Through Closure: Mine Transitions in the Mixed Economy of the Northwest Territories, Canada,” *Gender, Place and Culture* 30, no. 10 (2023): 3.

⁷ Laura Nader, “Up the Anthropologist - Perspectives Gained from Studying Up,” in *Reinventing Anthropology*, ed. by D. Hymes (New York: Pantheon, 1969); Eve Tuck, “Suspending Damage: A Letter to Communities,” *Harvard*

up' approach turns the analytical lens on dominant institutions of science, governance, and research.⁸ In addition, reclamation should be *centered* in place-based ethics and existing Indigenous governance, stewardship, and knowledge protocols.

Fundamentally, anti/decolonial methods for reclamation are specific to individual Indigenous communities' and their processes of healing, remembering, and confronting painful pasts while also re-claiming identity and history in Land and community.⁹ Therefore, I don't propose to 'create' any kind of prescriptive ethics of reclamation – such ethics already exist in diverse Indigenous knowledges, theory, methodology and pedagogy, and as such, are place-based.¹⁰ Instead, for the purposes of this research, an anticolonial 'ethics of reclamation,' is directed at *questioning* the motives and methods of extractive industries and state institutions, exposing the potential for reclamation to perpetuate theft, and *building* supports for the important work being done by Indigenous communities to resist colonial approaches to reclamation.

In this Chapter, I use three conceptual questions to flesh out possibilities for an ethic of reclamation. First, I draw on critical resource geographies, political ecology literature, and anti/de-colonial work on jurisdiction, infrastructure and environmental governance to interrogate *how* colonial governments and industry dispossess Indigenous Lands and Waters in mining

Educational Review 79, no. 3 (2009): 409–428; Paul Robbins, *Political Ecology: A Critical Introduction* (West Sussex, UK: John Wiley & Sons Ltd, 2012); Eve Tuck and Marcie McKenzie, *Place in Research: Theory, Methodology and Methods* (New York, NY: Routledge, 2015); Bruce Braun, "From Critique to Experiment? Rethinking Political Ecology for the Anthropocene," *Routledge Handbook of Political Ecology* January (2016): 102–116; Sarah Marie Wiebe, *Everyday Exposure: Indigenous Mobilization and Environmental Justice in Canada's Chemical Valley* (Vancouver, BC: UBC Press, 2016); Ureta, "Caring for Waste."

⁸ Vine Deloria Jr., *God is Red: A Native View of Religion* (Fulcrum Publishing, 2003); Norman K. Denzin, Yvonne S. Lincoln, and Linda Tuhiwai Smith, "Introduction: Critical Methodologies and Indigenous Inquiry," in *Handbook of Critical and Indigenous Methodologies*, ed. by Norman K. Denzin, Yvonne S. Lincoln, and Linda Tuhiwai Smith (SAGE Publications Inc., 2014); Audra Simpson and Andrea Smith, *Theorizing Native Studies* (Durham, NC: Duke University Press, 2014).

⁹ Elisabeth Middleton, "A Political Ecology of Healing," *Journal of Political Ecology* 17 (2010): 1–28; Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, 2nd Edition (London, UK: Zed Books, 2012).

¹⁰ Leanne Betasamosake Simpson, "Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation," *Decolonization: Indigeneity, Education & Society* 3, no. 3 (2014): 1–25; Smith, *Decolonizing Methodologies*.

contexts. Using this conceptual framework, I rearticulate what a ‘resource curse’ is and how it is cast. Grounded in this rearticulation of a resource curse, I then ask how such curses, or structures of dispossession, persist in contemporary resource governance, focusing on impact assessment processes. Finally, I draw on environmental justice literature and anti/de-colonial methods of care and healing to question how reclamation can be reoriented to reckon with calls for justice and to assert Indigenous jurisdiction and relationship with Lands and Waters.¹¹

Alongside this questioning, I propose that an ‘ethics of reclamation’ needs to be reciprocal, and action focused, identifying tangible points of entry, resistance, and change that can be used to decolonize contaminated lands, seek justice, and rebuild land-community relationships. By detailing the infrastructures supporting theft in a particular place or circumstance, Indigenous communities (and their allies) can not only dismantle specific mechanisms of colonialism but can *also* build alternative infrastructures that facilitate a “resource cure” within their own jurisdiction, governance, and ethical protocols for intergenerational community care.

2.1 Rearticulating the Resource Curse

In Canada, scholarship on the geographies of extraction – or resource geographies – traces the foundational role of so-called ‘natural resources’ in the creation of Canada as a settler-colonial state.¹² Typically, the term ‘natural resources’ encompasses commodities such as

¹¹ Shiri Pasternak and Hayden King, *Land Back: A Yellowhead Institute Red Paper* (Toronto: Yellowhead Institute, 2019).

¹² D. Rossiter, “Resource Geography,” in: *Encyclopedia of Geography* (2010): 2447-2451; Charlie Mather, “From Cod to Shellfish and Back Again? The New Resource Geography and Newfoundland's Fish Economy,” *Applied Geography* 45 (2013): 402-409; R. Hayter and J. Patchell, “Resource Geography,” in *International Encyclopedia of the Social & Behavioral Sciences* 2nd Edition (2015); Karen Bakker and Gavin Bridge, “Material Worlds? Resource

minerals, oil, lumber, and fisheries. These resources or ‘staples’ are generally framed as static materials that are ‘discovered’ and extracted for profit. The discovery of these resources by settlers, and the infrastructures constructed to capture them, is foundational to the colonial Canadian state.¹³

Throughout the twentieth century, several Canadian scholars used the ‘staples thesis’ to explain a specific Canadian political, economic, and geographic relationship to natural resources and imperial empire.¹⁴ These scholars argued that the search for, and exploitation of, resources led to the creation of institutions that defined the settler political culture of Canada and its regions.¹⁵ In the 1930-40s, Harold Innis argued that Canada developed as it did because of a reliance on exporting staples commodities such as fur, fish, lumber, agricultural products and eventually, minerals, oil and energy.¹⁶ The heart of Innis’ staples thesis is that a ‘peripheral’ state, colony, or region can become economically trapped by resource exports to more developed and wealthier ‘cores.’ Economic reliance on resource exports results in susceptibility to booms

Geographies and the 'Matter of Nature,'" *Progress in Human Geography* 30, no. 1 (2016): 5-27; Matthew Huber, "Resource Geographies I: Valuing Nature (or not)," *Progress in Human Geography* 42, no. 1 (2018): 148-159; Matthew Huber, "Resource Geography II: What Makes Resources Political?" *Progress in Human Geography* 43, no. 3 (2018): 553-564.

¹³ Alice Cohen and Andrew Biro, *Organizing Nature: Turning Canada's Ecosystems into Resources* (Toronto: University of Toronto Press, 2022).

¹⁴ Harold Innis, *The Fur Trade in Canada: an Introduction to Canadian Economic History* (New Haven, CT: Yale University Press, 1930); Harold Innis, *Settlement and the Mining Frontier* (Toronto: University of Toronto Press, 1936); Harold Innis, *The Cod Fisheries: a History of an International Economy* (Toronto: University of Toronto Press, 1940); Mel Watkins, "A Staple Theory of Economic Growth," *The Canadian Journal of Economics and Political Science* 29, no. 2 (1963): 141-158; William Buxton, *Harold Innis and the North: Appraisals and Contestations* (Montreal, QC: McGill-Queen's University Press, 2013); Lee Huskey and Chris Southcott, "Resource Revenue Regimes Around the Circumpolar North: a Gap Analysis," in *Resources and Sustainable Development in the Arctic*, ed. Chris Southcott, Frances Abele, David Natcher and Brenda Parlee (London, UK: Routledge, 2019).

¹⁵ E. Zimmerman, *World Resources and Industries: a Functional Appraisal of the Availability of Agricultural and Industrial Resources* (New York, NY: Harper and Brothers, 1933); Innis, *The Fur trade in Canada*; Innis, *Settlement and the Mining Frontier*; Innis, *The Cod Fisheries*; Watkins, "A Staple Theory of Economic Growth;" Roger Hayter and Trevor Barnes, "Innis' Staple Theory, Exports, and Recession: British Columbia, 1981-86," *Economic Geography* 66, no. 2 (1990): 156-173; J. Berland, "Space at the Margins: Critical Theory and Colonial Space after Innis," in *North of Empire: Essays of the Cultural Technologies of Space*, ed. J. Berland (Durham, NC: Duke University Press, 2009); A. Rotstein, "Innis and Polanyi: The Search for the Substantive Economy," *Journal of Economic Issues* 262, no. 1 (2014): 229-239.

¹⁶ Innis, *The Fur trade in Canada*; Innis, *Settlement and the Mining Frontier*; Innis, *The Cod Fisheries*.

and busts, often referred to today as a ‘resource curse.’¹⁷ However, Innis argued that through strong regional resource governance, the benefits of infrastructure, technology, and extraction could be evenly redistributed, resulting in diversified, stable societies.¹⁸

Following the Second World War, Innis’ staples thesis was rearticulated by other scholars, influencing left-nationalist Canadian state politics in the post-war, welfare state period, aligning with increased state attention on the North as an extractive frontier and with international ‘third-world’ developmentalist politics.¹⁹ Obscuring Innis’ analytical focus on the relationships between resource development and imperial power, politicians argued that, to avoid the resource curse, the Canadian government needed to use targeted national policies, infrastructure, and development programs to ensure economic diversification *around* extractive industries in the North.²⁰ In response, roads to resources, ports, towns, processing infrastructure, and telecommunication networks were constructed to facilitate extraction while attempting to

¹⁷ Innis himself did not use the term ‘resource curse.’ This term was used by other scholars building off Innis’ staples theory: Watkins, “A Staple Theory of Economic Growth;” R. Neill, *A New Theory of Value: the Canadian Economics of Harold Innis* (Toronto: University of Toronto Press, 1972); Arn Keeling, “Born in an atomic test tube’: Landscapes of Cyclonic Development at Uranium City, Saskatchewan,” *Canadian Geographies* 54, no. 2 (2010): 228-52; Brenda Parlee, “Avoiding the Resource Curse: Indigenous Communities and Canada’s Oil Sands,” *World Development* 74 (2015): 425-436.

¹⁸ Innis, *The Fur Trade in Canada*; Innis, *Settlement and the Mining Frontier*; Innis, *The Cod Fisheries*.

¹⁹ Watkins, “A Staple Theory of Economic Growth;” Clement, W. *Staples and Beyond* (Montreal, QC: McGill-Queen’s Press, 2006); J. Stanford, “Staples, Deindustrialization, and Foreign Investment: Canada’s Economic Journey Back to the Future,” *Studies in Political Economy* 8552, no. 82 (2008): 7-34; T. Fast, “Stapled to the Front Door: Neoliberal Extractivism in Canada,” *Studies in Political Economy* 94 (2014): 31-60; Jean-Sébastien Boutet, “Welfare Mines: Extraction and Development in Postwar Northern Canada” (PhD Diss., KTH Royal Institute of Technology, 2024). There is also a proliferation of international research on the ‘resource curse’ and ‘resource wars’ within so-called ‘developing’ countries. The avoidance of such a curse has been the topic of much international development literature, as ‘developing’ countries attempt to use natural resources as a way to finance development, infrastructure, social programs and debt. While resource economists and development theorists have argued that natural resources have the potential to provide a significant comparative advantage relative to other economic sectors, the majority of research shows that mineral dependent economies have performed more poorly than nations that rely less on resource exports: M. Humphreys, J. Sachs, and J. Stiglitz, *Escaping the Resource Curse* (New York, NY: Columbia University Press, 2007); Phillipe Le Billon, *Wars of Plunder: Conflicts, Project and Politics of Resources* (London, UK: C. Hurst & Co, 2012); M. Dauvin and D. Guerreiro, “The Paradox of Plenty: a Meta-Analysis,” *World Development* 94 (2017): 212-231.

²⁰ Watkins, “A Staple Theory of Economic Growth,” 158; N. Argent, “Reinterpreting Core and Periphery in Australia’s Mineral and Energy Resources Boom: an Innisian Perspective on the Pilbara,” *Australian Geographer* 44, no. 3 (2013): 323-340; Clara Dallaire-Fortier, “Shaped by Boom and Bust: A History of Canadian Mining Industry Since 1859,” *New Political Economy* 30, no. 1 (2024): 1-18.

ensure that wealth from extraction remained in Canada. This is the settler political context that birthed the Faro Mine.

But that wealth did not stay in the North, and the Canadian state had a limited definition of who ‘counted’ as Canadian. Federal and regional strategies to develop extractive infrastructure were tied directly to colonial assimilation and dispossession strategies, couched as public services.²¹ In other words, the Canadian state used the narrative of social welfare and “development” to mask ongoing extractive colonialism and theft of Land. Infrastructures meant to ‘overcome’ the resource curse – such as smelters, refineries, railways, public roads, and community services - were entrenched in systems that increased wealth for settler state economies, while dispossessing Indigenous Lands.²² Such visions of nationhood and progress were wrapped in extractive logics that continue today: “ideas about what the nation was, and ought to be in the future, have been continually fostered by synoptic, hubristic resource development visions that positioned extraction as a force for liberal change.”²³

While the staples thesis provides a tool to analyze “particular kinds of spatial and institutional fixes that capital, the state and labour make,”²⁴ regional development approaches based in resource curse avoidance tend to simply ‘manage’ racial capitalism and overlook the

²¹ John Sandlos and Arn Keeling, “Claiming the New North: Mining and Colonialism at the Pine Point Mine, Northwest Territories, Canada,” *Environment and History* 18, no. 1 (2012): 5-34; Boutet, “Welfare Mines.”

²² S. Mezzadra and B. Neilson, “On the Multiple Frontiers of Extraction: Excavating Contemporary Capitalism,” *Cultural Studies* 31, no. 2-3 (2017): 185-204; Macarena Gomez-Barris, *The Extractive Zone: Social Ecologies and Decolonial Perspectives* (Durham and London: Duke University Press, 2017).

²³ Jonathan Peyton and Arn Keeling, “Extractivism and Canada 150,” in *Roundtable – Canada at 150: Critical Historical Geographies*, ed. M. Farish, P. G. Mackintosh and K. Greer (2017), 117. Today, similar patterns are reflected in the use of Impact Benefit Agreements as a framework to facilitate extraction while promising relatively small economic benefits and infrastructural supports: Emilie Cameron and Tyler Levitan, “Impact and Benefit Agreements in the Neoliberalization of Resource Governance and Indigenous-State Relations in Northern Canada,” *Studies in Political Economy* 93, no. 1 (2014): 25-52; Warren Bernauer, “The Duty to Consult and Colonial Capitalism: Indigenous Rights and Extractive Industries in the Inuit Homeland in Canada,” *The Northern Review* (March 2023): 1-28; Hall and Pryce, “Colonial Continuities in Closure.”

²⁴ Argent, “Reinterpreting Core and Periphery,” 329.

dispossession of land and livelihoods.²⁵ For example, contemporary resource policy in Canada continues to focus on avoiding the resource curse via job creation, community services, infrastructure, and environmental sustainability, without interrogating what places and communities are deemed ‘extractable’ and why.²⁶ An analytic focus on avoiding the resource curse fails to identify processes of dispossession, fails to articulate how ‘peripheries’ are constructed, and limits the scope of the resource curse to nation-state economic wealth and service distribution.²⁷

In fact, the resource curse continues to haunt resource regions *because* solutions to resource dependency have been based in colonial-capitalist systems that *rely* on the very existence of such a curse and *create* so-called peripheries through dispossession and violence. To perpetuate accumulation, extractive capital relies on uneven development between resource peripheries and cores of consumption.²⁸ Settlers and colonial governments make the North what they need it to be – a frontier, an empty wilderness, a place in need of development and extraction – to justify the erasure of Indigenous economies and livelihoods in exchange for access to Land and wealth.²⁹

Merging Innis’ focus on the geopolitical relational networks that *create* resource dependency with neoliberal-capitalist critique, contemporary political ecology scholarship argues

²⁵ Cole Harris, “How did Colonialism Dispossession? Comments from an Edge of Empire,” *Annals of the Association of American Geographers* 94, no. 1 (2004): 165-182; Martín Arboleda, *Planetary Mine: Territories of Extraction under Later Capitalism* (London, UK: Verso, 2020).

²⁶ Gavin Bridge, “Resource Triumphalism: Postindustrial Narratives of Primary Commodity Production,” *Environment and Planning A* 33, no. 12 (2001): 2149–73.

²⁷ Harris, “How did Colonialism Dispossession;” Arboleda, *Planetary Mine*.

²⁸ Gavin Bridge, “Contested Terrain: Mining and the Environment,” *Annual Review of Environment and Resources* 29, no. 1 (2004): 205-259; David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2005); Emma Lochery, “Situating Extraction in Capitalism: Blueprints, Frontier Projects, and Life-Making,” *Extractive Industries and Society* 11 (2022): 101137.

²⁹ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (2006): 387-409; Scott Lauria Morgensen, “The Biopolitics of Settler Colonialism: Right Here, Right Now,” *Settler Colonial Studies* 1, no. 1 (2011): 52-76.

that resources and resource regions evade easy definitions, are unstable socio-economic categories, and represent a certain kind of relational understanding of the world:³⁰ “from dams to mines to plantations and conservation reserves, resources ‘become’ only through the triumph of one imaginary over others.”³¹ This triumphalist imaginary, according to Tonts et. al., is a “mentality of *extraction*” that limits willingness to diversify investment and social services: “the staples trap is not simply an economic phenomenon, but a cultural one: where a set of norms, principles, and accepted wisdoms emerge that help to reproduce high levels of dependence and a narrow economic base.”³² In other words, so-called cores and peripheries, and the resource inequities they create, are not inherent, and can be rearticulated to support alternative socio-economic and relational networks.³³

Thus, rather than providing economic strategies to avoid the resource curse, critical literatures on *extractivism* and *(neo)extractivism* (rooted in Latin American resistance movements) focus on analyzing the “mentality of extraction,” illuminating how colonial and racialized capital underpin extractivism *across* political spectrums and nation-state boundaries.³⁴

³⁰ Trevor Barnes, Roger Hayter, and Evan Hay, “Stormy Weather: Cyclones, Harold Innis, and Port Alberni, BC.” *Environment and Planning A* 33, no. 12 (2001): 2127-2147; Hayter and Barnes, “Innis’ Staple Theory;” Roger Hayter, Trevor Barnes, and Michael J. Bradshaw, “Relocating Resource Peripheries to the Core of Economic Geography’s Theorizing: Rationale and Agenda,” *Area* 35, no. 1 (2003): 15-23; Fast, “Stapled to the Front Door;” Nazar and Buxton, 2014; Huber, “Resource Geographies I;” Huber, “Resource Geography II.”

³¹ Bridge, Gavin. “Material Worlds: Natural Resources, Resource Geography and the Material Economy.” *Geography Compass* 3, no. 3 (2009): 1221; A. Bebbington and J. Bury, *Subterranean Struggles: New Dynamics of Mining, Oil, and Gas in Latin America* (Austin, TX: University of Texas Press, 2013).

³² M. Tonts, K. Martinus and P. Plummer, “Regional Development, Redistribution and the Extraction of Mineral Resources: The Western Australian Goldfields as a Resource Bank.” *Applied Geography* 45 (2013); Argent, “Reinterpreting Core and Periphery;” Bakker and Gavin Bridge, “Material Worlds;” Mather, “From Cod to Shellfish and Back Again;” Tom Perreault, “Dispossession by Accumulation? Mining, Water, and the Nature of Enclosure on the Bolivian Altiplano,” *Antipode* 45, no. 5 (2013): 1050–1069; Ureta and Flores, “Don’t Wake up the Dragon!”

³³ Luby, *Dammed*.

³⁴ Critique of extractivism and (neo)extractivism grew as a tool of resistance to the specific context of twenty-first century socialism and unprecedented environmental violence in Latin America: Thea Riofrancos, “Extractivismo Unearthed: a Genealogy of a Radical Discourse,” *Cultural Studies* 31, no. 2-3 (2017): 277-306; Thea Riofrancos, *Resource Radicals: From Petro-Nationalism to Post-Extractivism in Ecuador* (Durham and London: Duke University Press, 2020).

Echoing the premise of the resource curse, the concept of *extractivism* refers to the “predominance of economic activities that are primarily based on resource extraction and nature valorization without distributive politics.”³⁵ *(Neo)extractivism* builds on the definition of extractivism and refers specifically to contemporary forms of state government control over extractive revenue in the name of promoting national development and sovereignty.³⁶ In (neo)extractivist systems, social benefits are financially enrolled into extractive capitalist structures in ways that silence protest against extractivism and tie social benefits to extractivism.³⁷ Critics of (neo)extractivism frame the resource curse not only as a distribution question, but as an overarching ‘mindset’ or ‘logic’ that sees territories and lives as commodities, facilitating the “reorganization of territories, population, and plant and animal life into extractible data and natural resources for material and immaterial gain.”³⁸ This mindset is intimately linked to nation-states, as extractive capitalism ‘sees like a state’ and dissent and protest are increasingly criminalized.³⁹

³⁵ U. Brand, K. Dietz and M. Lang, “Neo-extractivism in Latin America – One Side of a New Phase of Global Capitalist Dynamics,” *Ciencia Política* 11, no. 21 (2016): 129.

³⁶ A. Acosta, “Extractivism and Neoextractivism: Two Sides of the Same Curse,” in *Beyond Development: Alternative Visions from Latin America*, ed. M. Lang and D. Mokrani (Ecuador: Rosa Luxemburg Foundation, 2013); M. Svampa, “Resources Extractivism and Alternatives: Latin American Perspectives on Development,” in *Beyond Development Alternative Visions from Latin America Permanent Working Group*, 2013; E. Gudynas, “Beyond Varieties of Development: Disputes and Alternatives,” *Third World Quarterly* 37, no. 4 (2016): 721-732; Riofrancos, *Resource Radicals*.

³⁷ J. Petras, and H. Veltmeyer, *The New Extractivism: A Post-Neoliberal Development Model or Imperialism of the 21st century* (London: Zed Books, 2014); Stuart Kirsch, *Mining Capitalism: The Relationship between Corporations and their Critics* (Berkeley: University of California Press, 2014); D. Studnicki-Gilbert, “Canadian Mining in Latin America (1990 to Present): A Provisional History,” *Canadian Journal of Latin American and Caribbean Studies* 41, no. 1 (2016): 95-113.

³⁸ Gomez-Barris, *The Extractive Zone*, 5; L. Farthing and N. Fabricant, “Open Veins Revisited: Charting the Social, Economic, and Political Contours of the New Extractivism in Latin America,” *Latin American Perspectives* 45, no. 5 (2018): 4-17.

³⁹ James Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition have Failed*. New Haven: Yale University Press, 1998; Gavin Bridge, “Resource Geographies II: The Resource-State nexus,” *Progress in Human Geography* 38, no. 1 (2014): 118-130; Huber, “Resource Geography II,” Gomez-Barris, *The Extractive Zone*.

Anti-extractivist literature and activism is rooted in anti-colonial theorizing, linking extraction and nationalist development schemes with colonial-state land grabs and racialized capital. At its foundation, *settler colonialism* is the drive to acquire Land, and to eliminate the land's original occupants.⁴⁰ *Extractive colonialism*, more specifically, is the drive to acquire Land and water for the extraction of wealth via minerals, oil, or other commodities.⁴¹ Racial capitalism *and* extractivism, facilitated through colonial state structures, are violent processes that have made land and labour available for capital accumulation: “while racial capitalism refers to the processes that historically subordinated African and Indigenous populations, extractivism references the dramatic material change to social and ecological life that underpin this arrangement.”⁴² Extractive colonialism is intimately linked, even a precursor to, capitalist systems of accumulation.

As Marxist theorists note, contemporary capitalist systems assume that the moment of ‘primitive accumulation’ – i.e. the dispossession of land for extraction – is an apolitical event that happened in some long-forgotten time.⁴³ Viewed in this way, “the brutality of historic dispossession – capitalism’s original sin – has no moral claim on the present.”⁴⁴ In addition, contemporary traits of capitalism and extractivism, such as financialization, green-washed restoration, and digital staking and exploration tools, redirect our attention away from physical

⁴⁰ Harris, “How did Colonialism Disposess;” Wolfe, “Settler Colonialism.”

⁴¹ Heather Green, “The Tr’ondek Hwech’in and the Great Upheaval: Mining, Colonialism, and Environmental Changes in the Klondike, 1890-1940” (PhD Diss., History and Classics, University of Alberta, 2018).

⁴² Gomez-Barris, *The Extractive Zone*, 10; see also Anna Willow, “Indigenous extrACTIVISM in Boreal Canada: Colonial Legacies, Contemporary Struggles and Sovereign Futures,” *Humanities* 5, no. 3 (2016): 1-15; Jen Preston, “Racial Extractivism and White Settler Colonialism: An Examination of the Canadian Tar Sands Mega-Projects,” *Cultural Studies* 31, no. 2-3 (2017): 353-375; T. Neale, and E. Vincent, “Mining, Indigeneity, Alterity: or, Mining Indigenous Alterity?” *Cultural Studies* 31, no 2-3 (2017): 417-439; K. Jalbert, A. Willow, D. Casagrande, and S. Paladino, *Extraction: Impacts, Engagements and Alternative Futures* (New York: Routledge, 2017); Jessica Hernandez, *Fresh Banana Leaves: Healing Indigenous Landscapes Through Indigenous Science* (Huichin, unceded Ohlone land, aka Berkeley, California: North Atlantic Books, 2022).

⁴³ David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2005).

⁴⁴ David P. Thomas and Veldon Colburn, *Capitalism and Dispossession: Corporate Canada at Home and Abroad*, (Black Point: Fernwood Publishing, 2022).

dispossession of territory and natural resources.⁴⁵ However, as Coulthard and other scholars note, dispossession of land and labour is not a historic moment or an abstract process, but is rather a sustained mode of violent capital ‘accumulation via dispossession’ that continues to our current day.⁴⁶

In Canada specifically, extractivism can be framed as a “*contemporary manifestation of settler colonialism*.”⁴⁷ Simpson explicitly links extractivism to assimilative policies noting that, in Canada, extraction, violence, and assimilation go together: “extraction is stealing – it is taking without consent.”⁴⁸ Emphasizing this point, author Alicia Elliot describes *theft* as the basis of colonialism: “Under colonialism everything is subject to extractivism – words, language, resources, children... then after all of this extraction, the nation-state has the audacity to tell us we should be glad, that the theft was for our own good.”⁴⁹ Importantly, when reviewing this research, Kaska Elders articulated that, within a colonial context, the theoretical term “accumulation by dispossession” abstracts the *intention and responsibility* of corporations and the Crown, and the specific legal and cultural mechanisms through which these organizations steal Land and life to accumulate profit. Therefore, we decided to use the term *theft* because of the implications for responsibility and justice that this term holds.

Such critiques show that alternatives to extractive dispossession, or cures for the resource curse, are unlikely to come from settler state governance or scientific management, but rather will come from the ‘so-called’ margins – where the communities dealing with extraction offer

⁴⁵ Gomez-Barris, *The Extractive Zone*; Hall, *Refracted Economies*.

⁴⁶ Harvey, *The New Imperialism*; Coulthard, *Red Skin White Masks*; Thomas and Colburn, *Capitalism and Dispossession*.

⁴⁷ Emphasis added, Willow, “Indigenous extrACTIVISM,” 2; Preston, “Racial Extractivism.”

⁴⁸ Leanne Betasamosake Simpson, quoted in: Naomi Klein, “Dancing the World into Being: A Conversation with Idle No More’s Leanne Simpson,” *Yes! Solutions to Journalism*, March 6, 2013.

⁴⁹ Alicia Elliot, *A Mind Spread Out on the Ground* (Toronto: Anchor Canada, 2020).

avenues for radical resistance and construct on-the-ground alternatives to extractivism. Instead of framing these communities as ‘peripheries,’ anti-extractivist scholars center such places as sites of geographic and economic theorization, outside of, and in resistance to so-called cores.⁵⁰ While the staples thesis points to a particular framing of resource extraction as a part of ‘nation-building’ through resource wealth distribution, anti-extractivist analyses focus instead on building alternatives to extraction, arguing that it is extremely difficult, if not impossible, to escape the negative effects of global capital accumulation through extractivism.

Extractive colonialism and land theft are rarely evaluated within the framework of a ‘resource curse’ and the reverberating impacts of such violent curses, including the uprooting of Indigenous governance systems and theft of economic-land wealth. The true resource curse inherent in extractivism, as carried out under colonial-capitalist structures, is not derived from an economic reliance on exports to wealthier ‘cores,’ but instead, is cast by violent land theft and the colonial creation of ‘peripheral’ places. Not only are these peripheries extractable, but they are also made wastable. Throughout this dissertation, I flip the notion of a ‘resource curse’ on its head, aligning with Hayter et. al. and Barnes calls for increased attention on so-called resource ‘peripheries’ as places of geographic theorization and resistance to the consequences of extractivism.⁵¹ Such an approach also aligns with my commitment to place-based research. My

⁵⁰ For example, tying this argument to Northern Canada, Rebecca Hall documents how: “The diamond mines have been carved into the boundary between the accumulation of capital (wherein land is understood as extractable resources) and the place-based relations of Indigenous communities (wherein land is understood through its reciprocal relationship with peoples and animals.” In other words, Indigenous communities have always fought for and sustained alternative economies and governance systems outside of, and in resistance to, extractive colonial structures: Hall, *Refracted Economies*, 6; Hayter et. al., “Relocating Resource Peripheries;” Trevor Barnes, “Borderline Communities: Canadian Single Industry Towns, Staples, and Harold Innis,” in *B/Ordering Space*, ed. Henk van Houtum, Olivier Thomas Kramsch, Wolfgang Zierhofer (New York, NY: Ashgate Publishing, 2005); Glen Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014); Leanne Betasamosake Simpson, *As We Have Always Done* (Minneapolis: University of Minnesota Press, 2017); D. Renfrew and C. Santos, “Mega-Mining Sovereignty: Landscapes of Power and Protest in Uruguay’s New Extractivist frontier,” in *Extraction: Impacts, Engagements and Alternative Futures*, ed. K. Jalbert, A. Willow, D. Casagrande, S. Paladino. New York: Routledge, 2017; Gomez-Barris, *The Extractive Zone*.

⁵¹ Hayter et. al., “Relocating Resource Peripheries;” Barnes, “Borderline Communities.”

conceptualization of the Faro Mine Curse, based in Elders' stories and analysis of the Faro Mine, pushes beyond the classic theorizations of resource curses, and instead centers the resistance of Kaska people *against* land dispossession and environmental injustices.

2.2 Jurisdiction

2.2.1 *Defining and dismantling a resource curse*

Viewing the resource curse through a lens of theft, Indigenous scholars such as Heidi Kiiwetinepinesiik Stark and Shiri Pasternak point to *jurisdiction* – the use of regulations, legal enforcement, and law – as a useful way to articulate: 1) the specific methods of colonial theft that are used by states and corporations to strip Indigenous communities of their Land and; 2) how attention to jurisdiction has enabled Indigenous Nations to restore their own political authority in several important ways.⁵² These scholars use the term *infrastructure* to think through jurisdictional structures – roads, rails, internet services, utilities, power, legal frameworks, trail networks, environmental regulation, and traplines are all infrastructures that bring about certain kinds of jurisdiction.⁵³ Pasternak and King argue that the infrastructures that facilitate theft need to be laid bare to dismantle colonial structures and re-construct Indigenous jurisdiction.⁵⁴

Theft of Land and jurisdiction, and the infrastructures that facilitate that theft, can come in many forms – some fast and direct, others winding and slow.⁵⁵ Physical dislocation, relocation,

⁵² Heidi Kiiwetinepinesiik Stark, in Shiri Pasternak, Deborah Cowen, Robert Clifford, Tiffany Joseph, Dayna Nadine Scott, Anne Spice and Heidi Kiiwetinepinesiik Stark, "Infrastructure, Jurisdiction, Extractivism: Keywords for Decolonizing Geographies," *Political Geography* 101 (2023): 102763.

⁵³ Pasternak et. al, "Infrastructure, Jurisdiction, Extractivism;" Deborah Cowen, "Law as Infrastructure of Colonial Space: Sketches from Turtle Island," *AJIL Unbound* 117 (2023): 5-10.

⁵⁴ Pasternak and King, *Land Back*, 6.

⁵⁵ Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Cambridge: Harvard University Press, 2011).

and forced centralization and settlement are all examples of fast forms of theft. Other mechanisms of Land theft include cultivation, pollution, and coercion.⁵⁶ In contemporary colonial states, theft is often based in the leasing, permitting, and licensing of so-called Crown land, where ‘user rights’ to land, water, and minerals grant access to state corporations and private companies.⁵⁷ Slower forms of theft include social institutions such as residential schools, child welfare, mass incarceration, and the *Indian Act*.⁵⁸ Slow theft, or slow violence, is an interruption of ‘social reproduction’ – the ability of a community to reproduce their own infrastructures of governance, culture, stewardship, and sustenance.⁵⁹

For over a century, the Canadian government (the Crown) has constructed a “vast authoritative edifice” - a legal, regulatory, and bureaucratic structure - for the sole purpose of stealing Land and controlling Indigenous peoples:⁶⁰

In Canada 89 percent of lands have been roughly divided between the federal and provincial governments. These so-called ‘Crown Lands’ are an artefact of the ‘Doctrine of Discovery’ and enable a machinery of government authorization to alienate lands to third parties.⁶¹

Even though the concept of terra nullius, enacted through the Doctrine of Discovery, has been repudiated by the Supreme Court of Canada, the logic that land is ‘empty’ and in need of

⁵⁶ Nicole Wilson and Jody Inkster, “Respecting water: Indigenous water governance, ontologies, and the politics of kinship on the ground,” *Environment and Planning: Nature and Space* 1, no. 4 (2018), 516–538; Max Liboiron, *Pollution is Colonialism* (Durham: Duke University Press, 2021).

⁵⁷ Thomas and Colburn, *Capitalism and Dispossession*, 25; Nicholas Bainton and Emilia Skrzypek, *The Absent Presence of the State in Large-Scale Resource Extraction Projects* (Canberra: ANU Press, 2021).

⁵⁸ Glen Coulthard and Leanne Betasamosake Simpson, “Grounded Normativity / Place-Based Solidarity,” *American Quarterly* 68, no. 2 (2016): 254.

⁵⁹ Anne Spice, “Fighting Invasive Infrastructures: Indigenous Relations Against Pipelines,” *Environment and Society: Advances in Research* 9, no. 1 (2018): 40-56. Winona Laduke and Deborah Cowen, “Beyond Wiindigo Infrastructure,” *South Atlantic Quarterly* 119, no. 2 (2020): 243-268; Hall, *Refracted Economies*; Coulthard, *Red Skin White Masks*.

⁶⁰ Pasternak and King, *Land Back*, 9; Lianne C. Leddy, *Serpent River Resurgence: Confronting Uranium Mining at Elliot Lake* (Toronto: University of Toronto Press, 2022).

⁶¹ Pasternak and King, *Land Back*, 9.

development remains, and mysteriously trumps Indigenous jurisdiction.⁶² Outside of treaties or land claim agreements, federal, provincial, and territorial laws assume that Indigenous Nations live on Crown Lands, “despite the fact that they did not ‘alienate’ their lands under the provisions of the *Royal Proclamation* of 1763.”⁶³

Across the North in particular, throughout the twentieth century, the Crown continually dodged requests for treaty negotiations, preferring instead to violently assert its sovereignty over land and minerals.⁶⁴ In doing so, the federal government asserted that vast Northern territories were ‘Crown Land,’ open for free entry mineral staking. Based in the *Dominion Lands Act* of 1872 and codified in various provincial and territorial mining legislation since, the free entry staking system assumes Crown sovereignty and denies Indigenous self-determination and

⁶² *Tsilhqot’in Nation v. British Columbia*, 2014 SCC 44, June 26, 2014 ; Zoé Boirin-fargues and Sophie Thériault, “The Space Left for Indigenous Peoples’ Voices in Canadian and Fennoscandian Mining Legal Frameworks: A Comparative Analysis,” in *Mining and Indigenous Livelihoods: Rights, Revenues and Resistance*, ed. Thierry Rodon, Sophie Thériault, Arn Keeling, Séverine Bouard, and Andrew Taylor (London, UK: Routledge, 2024).

⁶³ Pasternak and King, *Land Back*, 19. The *Royal Proclamation* of 1763 established that no land belonging to an Indigenous Nation was to be allocated to newcomers without having been ceded or purchased, and without having signed a treaty. And yet, land was repeated given or sold to settlers for agriculture, mining, or private ownership. In addition, in 1930, the Natural Resources Transfer Agreement (NRTA) unilaterally transferred jurisdiction over natural resources to Manitoba, Saskatchewan, and Alberta from the federal government, without a single discussion with any First Nation despite the numbered treaty relationship in the prairies. Indian reserves and ‘Indians’ remained under federal jurisdiction. More recently, similar circumstances unfolded during the transfer of powers from the Canadian government to the Yukon, where the federal government pushed unceded Yukon First Nations to finalize land claims before the implementation of the Devolution Transfer Agreement so that any ‘Crown Lands’ would transfer to the territory without dispute (see Chapter 5, Section 5.2).

⁶⁴ Kishxóot Hunde-aelth (Chief Jim Boss), hereditary Chief of the Ta’an Kwäch’än, wrote two letters to Yukon Commissioner and Superintendent General of Indian Affairs in Ottawa in 1900 and 1902, urging the government to settle a claim with Yukon First Nations and to provide compensation for their lost lands. Specifically, Kishxóot urged the Government of Canada to protect Yukon First Nations hunting grounds. The federal government avoided signing a treaty with Yukon First Nations, not wanting to risk ‘giving away’ land that could potentially have mineral wealth. Though the Crown did not sign early treaties in the Yukon, it appears to have acknowledged Aboriginal title in the region. For example, in a letter from the Deputy Superintendent General of Indian Affairs to the Bishop of Selkirk on the Upper Yukon River, it was noted that: ‘the Department has no jurisdiction over Indians in unsundered territory; nor does it appear how – without having entered into any Treaty – the Indians can be otherwise dealt with than white settlers or immigrants relative to such matters as Your Lordship refers to:’ Kiri Staples, “Addressing Cumulative Effects in the Context of Sustainability and Co-governance in Tr’ondëk Hwëch’in Traditional Territory, Yukon,” (PhD diss., Department of Social and Ecological Sustainability, Waterloo University, 2022), 92; Ken Coates and William Morrison, *Land of the Midnight Sun: A History of the Yukon* (Montreal and Kingston: McGill-Queen’s University Press, 2005), 115; Yukon Indian Peoples, “Together Today for Our Children Tomorrow: A Statement on Grievances and an Approach to Settlement by the Yukon Indian People,” Whitehorse, January 1973.

governance.⁶⁵ The free entry system, premised on the notion of *terre nullius*, allows anyone with a prospecting license to stake a mineral claim, regardless of Indigenous land title.⁶⁶ Similarly, water rights, an integral component of mining, have been circumscribed and controlled by the colonial state via water regulations that hive off water use rights from Indigenous title. Waterways across Canada have been constructed as colonial infrastructures for extractive use and waste management.⁶⁷

By building this vast structure of *assumed jurisdiction*, the settler state ignores Indigenous title and enacts both slow and fast forms of theft:

The exclusive privilege and right of the settler state to enact legislation and regulations over Indigenous Peoples and their territories, to carry these laws out, and to interpret them according to colonial legal traditions continues to be a powerful instrument to serve capital interests. Territorial title that Indigenous nations have held and, in many cases, have not ceded, surrendered, or extinguished has a long history of being ignored by the state as it grants rights of access, withdrawal, alienation and income to corporations.⁶⁸

⁶⁵ Canada, *Royal Commission on Aboriginal Peoples, Report* (Ottawa: Canada Communication Group Publishing, 1996); Adam Gaudry, “Fantasies of Sovereignty: Deconstructing British and Canadian Claims to Ownership of the Historic North-West,” *Native American and Indigenous Studies* 3, no. 1 (2016): 46-74; Rhiannon Klein, “Reviewing and Redefining Relationships: Intergovernmental Relations and Modern Treaty Implementation in Yukon, 1986-2016” (PhD Diss, Johnson Shoyama Graduate School of Public Policy, University of Saskatchewan, 2021).

⁶⁶ Dawn Hoogeveen, “Sub-Surface Property, Free-Entry Mineral Staking and Settler Colonialism in Canada,” *Antipode* 47, no.1 (2015): 121-138; Hannah Tollefson, “Staking a Claim: Mineral Mining, Prospecting Logics, and Settler Infrastructures,” *Canadian Journal of Communication* 47, no. 2 (2021): 177-199; Zoe and Sophie’s new chapter/paper;

⁶⁷ Nicole Wilson, “Querying Water Co-governance: Yukon First Nations and Water Governance in the Context of Modern Land Claim Agreements,” *Water Alternatives* 13, no. 1 (2020), 93-118; Traci Brynne Voyles, *Wastelanding: Legacies of Uranium Mining in Navajo Country* (Minneapolis: University of Minnesota Press, 2015); Nicole Wilson and Jody Inkster, “Respecting Water: Indigenous Water Governance, Ontologies, and the Politics of Kinship on the Ground,” *Environment and Planning: Nature and Space* 1, no. 4 (2018): 516–538; Max Liboiron, *Pollution is Colonialism* (Durham: Duke University Press, 2021); Arn Keeling and Nolan Foster, “The ‘Wasting’ Resource: The History of Mine Tailings Disposal in British Columbia, 1892–1982,” *BC Studies* 221 (Spring 2024): 59–81.

⁶⁸ Thomas and Colburn, *Capitalism and Dispossession*, 8.

Within this framework, violence and theft is carried out with the pretense of state legality.⁶⁹ This edifice of colonial legality *creates* certain geographies, lands, waterways, and communities as extractable, cursed peripheries.⁷⁰

The infrastructure of colonial mineral jurisdiction was set up to steal Land for the extraction of wealth. To maintain this access, colonial infrastructures purposefully obscure the externalities of this extraction. When seen as colonial infrastructures of theft, colonial environmental legislation, such as impact assessment and water licensing, can enact jurisdictional systems that *allow for* the contamination of Indigenous Lands and the racialized violence and economic inequity experienced by Indigenous communities. As a result, across Canada there are over 24, 000 contaminated sites that require some level of reclamation. More than 2, 600 of these are scattered across the North.⁷¹ In the context of extractive theft, the idea that we can restore or reclaim some ideal ecosystem on these sites, while also maintaining colonial-capitalist infrastructures of environmental governance, is a cognitive dissonance that plays in favour of continued extractivism via reclamation. When a mine closes, reclamation does not inherently end the process of accumulation, nor does it address historic and ongoing theft. Instead, reclamation can hold extractive sites open for further extraction, constantly putting off healing and justice to some future time, while maintaining colonial jurisdiction.

2.2.2 *Contemporary jurisdictional theft: reclamation and impact assessment*

⁶⁹ The goal of perfecting state sovereignty unfolds then in the struggle over territorial authority on the ground - in the homes, communities, and nation of Indigenous peoples - because colonization within the Anglo settler colonies can only be established through the effective exercise of law: Pasternak and King, *Land Back*.

⁷⁰ Voyles, *Wastelanding*.

⁷¹ Office of the Auditor General of Canada. "Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada: Contaminated Sites in the North," 2024.

Harkening back to the fundamental question of reclamation – *what* are we reclaiming – the notion that ecological restoration or reclamation to some past point in time or value is feasible, or even desirable, is fraught with uncertainty and debate. We cannot simply ‘go back to’ some pre-existing ecological state or redefine and reclaim the ecological value of a place without detailing and interrogating the infrastructures and assumed jurisdictional powers that lead to environmental destruction:⁷²

White settlers must stop pretending the baseline lands/waters/atmospheres their ancestors violated over the last 600 years were ‘Eden.’ Your Eden, your Walden Pond, your Banff, your ‘nature’ was built on genocide. You don’t get to despair its loss without acknowledging this.⁷³

Reclamation objectives are intimately tied to the perceptions and values of Land; is mined land considered a toxic wasteland, an unused barren landscape, a containment project, a home for survival and (re)production, or a degraded sacred space?⁷⁴ Reclamation practices reveal contested cultural values and assumptions about degradation and nature - and it is important to question *whose* cultural values, knowledge, land relationships, and infrastructures are prioritised.⁷⁵

As many mine sites can never be fully restored to pre-development conditions and are so contaminated that little value reclamation is possible in the short-term, most mine clean-up

⁷² Dimitris Papadopoulos, Maria Puig De La Bellacasa, and Maddalena Tacchetti, *Ecological Reparations: Repair, Remediation and Resurgence in Social and Environmental Conflict* (Bristol, UK: Bristol University Press, 2023), 3.

⁷³ Zoe Todd (@zoestodd), “Environmental Destruction,” Twitter Thread, July 3, 2021.

⁷⁴ Jennifer Gabrys, “Sink: The Dirt of Systems,” *Environment and Planning D: Society and Space* 27, no. 4 (2009): 666–81; Shiloh Krupar, *Hot Spotters Report: Military Fables of Toxic Waste* (Minneapolis, MN: University of Minnesota Press, 2013); Robyn Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants* (Minneapolis: Milkweed Editions, 2013); Voyles, *Wastelanding*; Angeliki Balayannis, “Toxic Sights: The Spectacle of Hazardous Waste Removal,” *Environment and Planning D: Society and Space* 38, no. 4 (2020): 772–790; Jennifer Grenz, “Healing the Land by Reclaiming an Indigenous Ecology: A Journey Exploring the Application of the Indigenous Worldview to Invasion Biology and Ecology,” (PhD Diss., Integrated Studies in Food and Land Systems, University of British Columbia, 2020).

⁷⁵ Winona LaDuke, *Recovering the Sacred: The Power of Naming and Claiming* (Cambridge, MA: South End Press, 2005); Marion Hourdequin and David G. Havlick, *Restoring Layered Landscapes: History, Ecology, and Culture* (Oxford, UK: Oxford University Press, 2015); James Baeten, “Contested Landscapes of Displacement: Oliver Iron and Minnesota’s Hibbing District,” *Change Over Time* 7, no. 1 (2017): 52–73; Deborah McGregor, “Mino-Mnaamodzawin: Achieving Indigenous Environmental Justice in Canada,” *Environment and Society* 9, no. 1 (2018): 7–24; Beckett and Keeling, “Rethinking Remediation;” Papadopoulos et. al., *Ecological Reparations*.

projects are deemed *remediation* projects – and focus on the management of contamination over long-term or even perpetual timescales.⁷⁶ In these cases, community deliberations about restorative, socio-ecological objectives are often supplanted by technical narratives of toxicity and containment, forgoing discussions on healing and justice, and “omit[ing] the experiences of harm as spiritual or cultural.”⁷⁷ Remedial policies and practices that focus on supposedly apolitical, technical fixes can conveniently absolve extractive companies and governments of social responsibility, sweeping past injustices under the rug.

In other words, technocratic approaches to mine clean-up mobilize and reinforce extractive-colonial power through expert knowledge, monitoring, and control of the site.⁷⁸ In these cases, contamination *and* the maintenance of colonial jurisdiction persist as a form of “slow violence.”⁷⁹ For example, Gray-Cosgrove et al. argue that remediation itself is implicated in the slow disaster of mine contamination, “when efforts to remediate and depollute in the face of extremely long-lived pollutants are a type of disaster in and of themselves.”⁸⁰ Liboiron calls this ‘waste colonialism’ or ‘dispossession by contamination:’

the way waste and toxicity interrupt, damage, and even destroy Indigenous ways of being and relating to Land is colonialism... recycling, incineration, and other waste managements that ‘take care’ of waste so that the extraction and access to Land can continue is colonialism.⁸¹

⁷⁶ Although the Faro Mine Remediation Project has chosen to use the word ‘remediation,’ I choose to use the term reclamation throughout this dissertation. The term reclamation resists the Canadian government’s attempt to confirm healing to waste management and encompasses a broader umbrella of possibilities for healing and reclaiming the site.

⁷⁷ Tsosie, “Indigenous Peoples and the Ethics of Remediation,” 271; Tara Joly, “Growing (with) Muskeg: Oil Sands Reclamation and Healing in Northern Alberta,” *Anthropologica* 63, no. 1 (2021): 1-26.

⁷⁸ Krupar, *Hot Spotters Report*; Gwen Ottinger, *Refining Expertise: How Responsible Engineers Subvert Environmental Justice Claims* (New York, NY: New York University Press, 2013).

⁷⁹ Nixon, *Slow Violence*.

⁸⁰ Carmella Gray-Cosgrove, Max Liboiron, and Josh Lepawsky, “The Challenges of Temporality to Depollution and Remediation,” *S.A.P.I.E.N.S* 8, no. 1 (2015): 1-10.

⁸¹ Max Liboiron, Manuel Tironi and Nerea Calvillo, “Toxic Politics: Acting in a Permanently Polluted World,” *Social Studies of Science* 48, no. 3 (2018): 331–349.

One of the key settler state tools for managing waste, contamination and the other externalities of extraction, is impact assessment. Today, in Canada, reclamation plans are often required as a part of impact assessment (IA) submissions. As such, IA becomes a key platform through which the values and practices of reclamation can be debated. However, IA regulation exemplifies a contemporary infrastructure of colonial jurisdiction – connected to historic mineral and environmental legislation – that often obscures or ignores Indigenous title, jurisdiction, and consent.⁸² Using an anti-extractivism lens, contemporary environmental management techniques – such as the quantification of ecosystem services and impact assessment – can be analyzed as tools that ‘manage’ colonial capital and legitimize extractive violence, without questioning the *need* for extraction. Accommodations made in IA decisions are generally limited to changes to a project’s terms and conditions, rather than a decision to reject a proposal.⁸³ IA focuses on procedural fairness and is structured to balance interests in a way that almost always allows extraction to proceed.⁸⁴

While many Canadian politicians celebrate impact assessment legislation and the ‘duty to consult’ as tools to protect Indigenous rights, scholars and activists argue that because IA – and the ‘duty to consult’ enacted through IA – do not allow Indigenous communities to provide or withhold their *consent* to developments, the Crown acts unilaterally, reinforcing Crown sovereignty and undermining the ability of Indigenous Nations to establish true nation-to-nation

⁸² Kiera L. Ladner, “Political Genocide: Killing Nations through Legislation and Slow-Moving Poison,” in *Colonial Genocide in Indigenous North America*, ed., Woolford, Benvenuto, and Hunton (Durham: Duke University Press, 2014), 226-245.

⁸³ Rosemary-Clair Collard, Jessica Dempsey, and Mollie Holmberg, “Extirpation despite regulation? Environmental Assessment and Caribou,” *Conservation Science and Practice* 2 (2020): e166; Rosemary-Clair Collard, Jessica Dempsey, Bruce Muir, Robyn Allan, Abigail Herd, and Peter Bode, “Years Late and Millions Short: A Predictive Audit of Economic Impacts for Coal Mines in British Columbia, Canada,” *Environmental Impact Assessment Review* 100 (2023): 107074.

⁸⁴ Bernauer, “The Duty to Consult and Colonial Capitalism,” 22.

relationships with provincial and federal governments.⁸⁵ When Indigenous Nations contest the authority of IA, companies take advantage of a settler legal system built to protect the interests of private property.⁸⁶ The resulting theft is most visible in the cumulative impacts of projects that compound over time. Indigenous Nations “receive consultation letters on block-by-block numbered plots of land for extractive projects, the scale of how these encumbrances fit together is often hidden from view... Cumulative effects intersect and compound the impacts of colonization.”⁸⁷

In response to some of these critiques, Impact Assessment processes across Canada have increasingly focused on socio-economic indicators and have led to innovations such as co-management agreements, and independent oversight boards. However, these processes still fail to encompass the totality of Indigenous consent, self-governance, or relationships with Land.⁸⁸ Fundamentally, dominant science based IA involves separating a ‘resource’ from a specific contextual and social relationship, implementing regulations that restrict these de-contextualized spaces, and further separating project sites into extractable pieces of water, minerals, ecosystem services, and socio-economic opportunities.⁸⁹ In separating resources and relationships from one

⁸⁵ As a result, many Indigenous communities feel that their best option is to negotiate Impact Benefit Agreements directly with private corporations – privatizing of the federal duty to consult and “naturalizing market-based solutions to social suffering and limiting access to important political and legal channels:” Emilie Cameron and Tyler Levitan, “Impact and Benefit Agreements and the Neoliberalization of Resource Governance and Indigenous-State Relations in Northern Canada,” *Studies in Political Economy* 93, no. 1 (2014): 25-52, 25; Joan Scottie, Warren Bernauer, and Jack Hicks, *I Will Live for Both Of Us: A History of Colonialism, Uranium Mining and Inuit Resistance* (Winnipeg: University of Manitoba Press, 2022).

⁸⁶ Pasternak and King, *Land Back*, 10.

⁸⁷ *Ibid.*, 30.

⁸⁸ Cole Atlin and Robert Gibson, “Lasting Regional Gains from non-Renewable Resource Extraction: The Role of Sustainability-based Cumulative Effects Assessment and Regional Planning for Mine Development in Canada,” *Extractive Industries and Society* 4, no. 1 (2017): 36-52; Morrissa Boerchers, A. John. Sinclair, Robert B. Gibson, and Norman M. Halden, “‘Sustainability is Finding the Next Mine;’ The Complicated Relationships Among Legacies, Sustainability and EA,” *Environmental Impact Assessment Review* 71 (2018): 84-93; Scottie et. al., *I Will Live for Both of Us*.

⁸⁹ Johanna Dahlin and Martin Fredriksson, “Extracting the Commons,” *Cultural Studies* 31, no. 2-3 (2017): 253-276.

another, the fundamental ways that they belong together are disregarded, and extraction is presented as inevitable, sustainable and managed.⁹⁰

More specifically, mine closure, reclamation, and monitoring—arguably the longest phase of the mining cycle—receives scant attention in project assessment.⁹¹ Because impact assessment focuses on assessing impacts from development and identifying mitigation measures, the two processes of impact assessment and reclamation planning *should* go hand in hand.⁹² However, in practice, impact assessments often overlook or underestimate the trade-offs between short-term economic benefits and long-term socio-environmental impacts.⁹³ In particular, while there has been increasing attention to the technical, environmental, and engineering challenges of reclamation and remediation, there has been less attention given to public participation and community objectives associated with cleaning up and monitoring closed mine sites.⁹⁴ Research indicates that community objectives for assessing post-mining land use and definitions of what it means to ‘clean up’ a contaminated site are poorly understood.⁹⁵

⁹⁰ Tanya Li, *Land's End: Capitalist Relations on an Indigenous Frontier* (Durham: Duke University Press, 2014); Laura Junka-Aikio and Cataline Cortes-Severino, “Cultural Studies of Extraction,” *Cultural Studies* 31, no. 2-3 (2017): 175-184; Willow, “Indigenous extrACTIVISM.”

⁹¹ Caitlynn Beckett, Elizabeth Dowdell, Miranda Monosky and Arn Keeling, “Integrating Socio-economic Objectives for Mine Closure and Remediation into Impact Assessment in Canada,” prepared for SSHRC Knowledge Synthesis Grant: Informing Best Practices in Environmental and Impact Assessment (June 2020).

⁹² Josianne Cláudia Sales Rosa, Angus Morrison-Saunders, Michael Hughes, and Luis Enrique Sánchez, “Planning Mine Restoration Through Ecosystem Services to Enhance Community Engagement and Deliver Social Benefits,” *Restoration Ecology* 28, no. 4 (2020): 937-946; Boerchers, et. al., “‘Sustainability is Finding the Next Mine;’

⁹³ Atlin and Robert Gibson, “Lasting Regional Gains;” Rebecca Getty and Angus Morrison-Saunders, “Evaluating the Effectiveness of Integrating the Environmental Impact Assessment and Mine Closure Planning Processes,” *Environmental Impact Assessment Review* 82 (2020): 106366; Mienhard Doelle and A. John Sinclair, “The New IAA in Canada: From Revolutionary Thoughts to Reality,” *Environmental Impact Assessment Review* 79 (2019): 106292; Caitlynn Beckett, “Beyond Remediation: Containing, Confronting and Caring for the Giant Mine Monster,” *Environment and Planning E: Nature and Space* 4, no. 4 (2020): 1389–1412.

⁹⁴ Laura Banfield and Cythia G. Jardine, “Consultation and Remediation in the North: Meeting International Commitments to Safeguard Health and Well-being,” *International Journal of Circumpolar Health* 72 (2013): 1-7; Kirsch, *Mining Capitalism*; Nicholas Bainton and Sarah Holcombe, “A Critical Review of the Social Aspects of Mine Closure,” *Resources Policy* 59 (2018): 468-478.

⁹⁵ Baeten, “Contested Landscapes of Displacement;” Annabel Rixen and Sylvie Blangy, “Life after Meadowbank: Exploring Gold Mine Closure Scenarios with the Residents of Qamini'tuaq (Baker Lake), Nunavut,” *Extractive Industries and Society* 3, no. 2 (2016): 297-312.

Even if community objectives for reclamation were meaningfully fleshed out in IA, assessment processes often lack regulatory levers to embed requirements for future community-engaged reclamation planning or to monitor adherence to objectives outlined during IA.⁹⁶ Vivoda argues that this is because of a lack of balance between “enabling incentives” for mining industry (namely tax incentives, subsidizing of infrastructure, job creation etc.) with the “restrictive elements” imposed by government (such as financial securities, socio-economic protections, and closure requirements).⁹⁷ In short, there are no consistent regulatory requirements for public evaluation of reclamation plans as a project progresses towards closure and, even if community-based objectives for reclamation are negotiated during IA, it is unclear how proponents are held accountable.⁹⁸ In response to this knowledge gap, scholars and regulators have urged additional attention and research on “socio-political indicators” of mine closure and remediation.⁹⁹

⁹⁶ Some exceptions to this could be found in the NWT. For example, there are independent review panels for diamond mines that require community-engaged planning for closure. The NWT also have public hearings for water license updates. It is difficult to evaluate the effectiveness of impact assessments to set up governance structures that plan for, regulate, and monitor closure and remediation activities. Extractive developments change drastically over time, sometimes making initial impact assessment measures irrelevant. Water licensing renewals, which often include updates of closure plans, are not directly relevant when assessing the socio-economic and cultural impacts/mitigations resulting from ongoing extraction, closure or remediation. After impact assessment certificates have been granted, legislative requirements for monitoring and follow up often do not specifically outline community-based targets for closure planning: Ciaran O’Faircheallaigh and Rebecca Lawrence, “Mine Closure and the Aboriginal Estate,” *Australian Aboriginal Studies* 1 (2019): 65-82; Emily Blake, “De Beers Defends Snap Lake Mine Closure and Reclamation Plan,” *CBC News*, November 27, 2019; Getty and Morrison-Saunders, “Evaluating the Effectiveness.”

⁹⁷ Vlado Vivoda, Deanna Kemp, and John Owen, “Regulating the social aspects of mine closure in three Australian states,” *Journal of Energy and Natural Resources Law* (2019): 1-20; Jo-Anne Everingham, Sarah Mackenzie, Kamila Svobodova, and Kathy Witt, “Participatory Processes, Mine Closure and Social Transitions,” Centre for Social Responsibility in Mining, Sustainable Minerals Institute, University of Queensland, 2020.

⁹⁸ Miranda Monosky and Arn Keeling, “Planning for Social and Community-Engaged Closure: A Comparison of Mine Closure Plans from Canada’s Territorial and Provincial North,” *Journal of Environmental Management* 277 (2021): 111324.

⁹⁹ Bainton and Holcombe, “A Critical Review;” Thomas Measham, Jim Walker, Fiona Haslam McKenzie, Jason Kirby, Caroline Williams, Jillian D’Urso, Anna Littleboy, Agnes Samper, Rebecca Rey, Bryan Maybee, David Brereton, and Guy Boggs, “Beyond Closure: A Literature Review and Research Agenda for Post-Mining Transitions,” *Resources Policy* 90 (2024): 194859; Dennis Alonzo, Carlito Baltazar Tabelin, Irish Mae Dalona, Jan Michael Vincent Abril, Arnel Beltran, Aileen Orbecido, Mylah Villacorte-Tabelin, Vannie Joy Resabal, Michael Angelo Promentilla, Marlon Suelto, Pablo R. Brito-Parada, Yves Plancherel, Anne D. Jungblut, Robin Armstrong, Ana Santos, Paul F. Schofield, and Richard Herrington, “Working with the Community for the Rehabilitation of Legacy Mines: Approaches and Lessons Learned from the Literature,” *Resources Policy* 98 (2024): 105351; Sarah

However, the socio-economic and reclamation gaps in IA and mining regulation are *purposeful* and are not simply an oversight in policy research or implementation. Within (neo)extractivist logics, restoration, reclamation, or remediation are always framed as an avenue to a better (utopic, sustainable, reconciliatory) future—and as another opportunity for economic benefit.¹⁰⁰ Structures of extractive colonialism, including IA, rely on the promise of reclamation – both as a solution to the waste externalities of profit accumulation and as the creation of a ‘new frontier’ of accumulation via the industrial management of waste itself. And yet, reclamation is continually off-loaded to the future. The absence of accountability for reclamation and socio-economic equity is not an overlooked gap but is “a ‘policy-in-absentia’ that works to reproduce the extractive state.”¹⁰¹ In other words, the promise of an ‘ecological fix’ justifies contemporary colonial extractivism, while impacted communities find themselves with few avenues to demand recourse for inequity and stagnating restorative action.¹⁰²

So, while impact assessment and reclamation propose to ‘break’ the resource curse by mitigating or repairing the damage of extraction, they (strategically) fail to account for the underlying infrastructures of theft. A resource curse is not simply a trap in which wealth is transferred from peripheries to cores, or a problem that can be solved by colonial state investment in environmental mitigations, infrastructure and services. Instead, a resource curse is cast by colonial state powers, manifest and maintained through specific legal, financial, and cultural infrastructures that perpetuate the theft of Indigenous jurisdiction over land, water, and

Holcombe, Sandy Woren and Arn Keeling, “Comparative Perspectives on the Social Aspects of Mine Closure and Mine Site Transition in Canada and Australia,” in *Mining and Indigenous Livelihoods*, ed. Thierry Rodon, Sophie Thériault, Arn Keeling, Séverine Bouard, and Andrew Taylor (London, UK: Routledge, 2024).

¹⁰⁰ Hall and Pryce, “Colonial Continuities in Closure;” Kyle Powys Whyte, “Settler Colonialism, Ecology, and Environmental Injustice,” *Environment & Society: Advances in Research* 9 (2018): 125-144; Dana Powell - “Unsettling Ruin and Loss”

¹⁰¹ Hall and Pryce, “Colonial Continuities in Closure,” 16.

¹⁰² Melanie Yazzie, “Decolonizing Development in Diné Bideyah,” *Environment and Society* 9, no. 1 (2018): 25–39.

community. The resource curse extracts wealth from land-community relations and leaves the externalities of that process for those same communities to live with in perpetuity.

But the resource curse, and the colonial infrastructures that enable it, are not complete or all-powerful.¹⁰³ In resistance to the cursed colonial infrastructures of resource extraction, including IA and reclamation, Indigenous scholars, activists, and Nations construct their own processes that institute and reinforce existing self-governance structures; articulate accountability for colonial theft; and provide avenues for justice and healing from colonial violence. Many Indigenous communities have been in this process of reclaiming Land, language, culture, and governance for decades and they offer concrete alternatives to seemingly pervasive imperial capitalism:

Something I'm trying to impress upon settlers is that, given their shallow (hundred-odd year) connection to place versus Indigenous (millennia-deep) relations to place, we need settler scientists to sit back and listen when we say repair is actually possible in our lifetimes."¹⁰⁴

Specific examples of such processes include Indigenous-led impact assessment and community-based reclamation, including the reclamation of critical infrastructures such trail networks, Land stewardship, ceremonial practices, and language.¹⁰⁵ While an anti-colonial approach to reclamation must reckon with and detail the many infrastructures of theft and the consequences of that theft, it must also support alternatives for justice, care, and healing.

¹⁰³ Stephan Bocking, "Indigenous Knowledge and the History of Science, Race, and Colonial Authority in Northern Canada," in *Rethinking the Great White North: Race, Nature, and the Historical Geographies of Whiteness in Canada*, ed. Andrew Baldwin, Laura Cameron, Audry Kobayashi (Vancouver: UBC Press, 2011), 41.

¹⁰⁴ Todd, "Environmental Destruction."

¹⁰⁵ Spice, "Fighting Invasive Infrastructures;" Pasternak et. al, "Infrastructure, Jurisdiction, Extractivism;" Grenz, "Healing the Land;" Christine Daly, "Exploring Co-Reclamation: Gesturing Towards Intercultural Collaboration and the Renewal of Indigenous Cultural Landscapes after Oil Sands Extraction in the Fort McKay First Nation Traditional," (PhD Diss., Environmental Design, University of Calgary, 2023).

2.3 Reclamation as anticolonial justice, care, and healing

When investigating the connections between contaminated sites, inequity, and racism – and implementing mechanisms for justice, care and healing – Environmental Justice (EJ) literature is a go-to conceptual framework, especially for activist, participatory action-based research. EJ frameworks focus on the material effects of inequality, the geographies of toxicity, power, and racism, and the lived experiences of contamination and environmental destruction. Traditional EJ approaches analyze how contamination and power is distributed, who participates in decision making, and who is recognized as ‘impacted.’¹⁰⁶ However, simply applying an EJ framework to cases of injustice in Indigenous communities does not address underlying structures of settler colonialism and land theft.

Building from general EJ approaches, Indigenous EJ researchers, activists, and Land Stewards, show direct connections between colonialism and environmental contamination, violence, displacement, abuse, addiction, mental health, employment and education.¹⁰⁷ Most importantly Indigenous EJ re-articulates notions of justice outside of Western legal systems and includes inter-generational, more-than-human justices that are founded in relationality,

¹⁰⁶ Robert D. Bullard, “Environmental Justice: It’s More Than Waste Facility Siting,” *Social Science Quarterly* 77, no. 3 (1996): 493–499; David Pellow, “Environmental Inequality Formation: Toward a Theory of Environmental Injustice,” *American Behavioral Scientist* 43, no. 4 (2000): 581–601; P. Mohai, D. Pellow, and J. T. Roberts, ““Environmental Justice’.” *Annual Review of Environment and Resources* 34, no. 1 (2009): 405–430; Julien Agyeman, *Speaking for Ourselves: Environmental Justice in Canada* (Vancouver, BC: UBC Press, 2009); D. Schlosberg, “Theorising Environmental Justice: the Expanding Sphere of a Discourse,” *Environmental Politics* 22, no. 1 (2013): 37–55.

¹⁰⁷ K. Czyzewski, “Colonialism as a Broader Social Determinant of Health,” *International Indigenous Policy Journal* 2, no. 1 (2011); M. Greenwood, S. de Leeuw, and N. M. Lindsay, *Determinants of Indigenous Peoples’ Health*. 2nd Edition (Toronto, ON: Canadian Scholars); Women’s Earth Alliance and Native Youth Sexual Health Network, *Violence on our Land, Violence on our Bodies* (2016); Brittany Luby, *Dammed: The Politics of Loss and Survival in Anishnaabe Territory* (Winnipeg, MB: University of Manitoba Press, 2020); Sue Moody and CCSG, Aja Mason and Yukon Status of Women Council and Lois Moorcroft, “Never Until Now: Indigenous and Racialized Women’s Experiences Working in Yukon and Northern British Columbia Mine Camps,” prepared for Liard Aboriginal Women’s Society (August 2021).

reciprocity, and responsibility rather than individual ‘human rights.’¹⁰⁸ In engaging with various systems of Indigenous environmental governance, there is a spectrum of types of reciprocity and relationality, but fundamentally, Indigenous philosophies stress an ethics of relatedness to the more-than-human.¹⁰⁹ As John Borrows notes, Indigenous justice is “more a conversation of interrelationship and interdependency of spirit, law and cultural conventions,”¹¹⁰ it is a matter of viewing the world and environmental governance through a lens of ‘relatives’ rather than ‘resources.’¹¹¹

Self-determination is foundational to achieving Indigenous EJ grounded in relationality and cultural resurgence:¹¹² “This is less a process of governments obtaining consent, but rather an active maintenance of Indigenous authority.”¹¹³ Linked to Pasternak et al.’s articulation of Indigenous jurisdiction and infrastructure – this authority comes from acts of resistance and refusal that support a particular Indigenous Nation’s governance structures:

In the context of an extractive settler political economy... refusal of [colonial] infrastructures is not just a stand against, but a stand for... where relations are formed, sovereignty and resistance are built, and where Indigenous resurgence gathers strength.¹¹⁴

In this sense, Indigenous EJ is more than a social justice movement or environmental conservation initiative; it provides alternative frameworks of justice that link sexual violence,

¹⁰⁸ Clint Carroll, *Roots of our Renewal: Ethnobotany and Cherokee Environmental Governance* (Minneapolis: University of Minnesota Press, 2015); Hernandez, *Fresh Banana Leaves*.

¹⁰⁹ Carroll, *Roots of our Renewal*.

¹¹⁰ John Borrows, *Recovering Canada: The Resurgence of Indigenous Law* (Toronto, ON: University of Toronto Press, 2002), 46.

¹¹¹ LaDuke, *Recovering the Sacred*; Matthew Wildcat, Mande McDonald, Stephanie Irlbacher-Fox, Glen Coulthard, “Learning from the Land: Indigenous Land Based Pedagogy and Decolonization,” *Decolonization: Indigeneity, Education & Society* 3 no. 3: 1–XV; McGregor, “Mino-Mnaamodzawin.”

¹¹² Eve Tuck and K. Wayne Yang, “Decolonization is not a Metaphor,” *Decolonization: Indigeneity, Education, & Society* 1, no. 1 (2012): 1–40; J. Dhillon, “Introduction: Indigenous Resurgence, Decolonization, and Movements for Environmental Justice,” *Environment and Society* 9, no. 1 (2018): 1–5; Hernandez, *Fresh Banana Leaves*.

¹¹³ Pasternak and King, *Land Back*, 19.

¹¹⁴ Audra Simpson, *Mohawk Interruptus: Political Life Across Settler States* (Durham, NC: Duke University Press, 2014).

gendered violence, intergenerational trauma, and environmental violence to settler colonialism, capitalism, and theft through the accumulation and contamination of Land.¹¹⁵ Importantly, Indigenous EJ also connects extractivism and Land theft directly to police and state violence against Indigenous communities.¹¹⁶ By linking the impacts of extractivism to colonial-state practices, Indigenous EJ rejects victimized stereotypes of Indigenous communities and instead confronts the notion of Land as property for settlement or extraction:

Remaking Native land as a settler home involves the exploitation of environmental resources... but it also involves a deeply complex construction of that land as either always already belonging to the settler... or as undesirable, unproductive, or unappealing: in short, as wasteland.¹¹⁷

Using community specific articulations of justice, Indigenous EJ frameworks transcend these structures of domination and lay pathways for the restoration of Indigenous ontologies and place-based relationships of mutual obligation between Land and people.¹¹⁸

Framed within Indigenous EJ, reclamation is not just a process with the potential to fix environmental harms. Instead, Indigenous frameworks for EJ ask fundamentally different questions of reclamation projects and require the interconnection of scientific approaches to

¹¹⁵ Yazzie, “Decolonizing Development.”

¹¹⁶ Dhillon, “Introduction: Indigenous Resurgence;” Yellowhead Institute, injunction report; Leah Temper, “Blocking Pipelines, Unsettling Environmental Justice: from Rights of Nature to Responsibility to Territory,” *Local Environment* 24, no. 2 (2019): 94-112.

¹¹⁷ Voyles, *Wastelanding*, 7; B. Coombes, J. T. Johnson, and R. Howitt, “Indigenous Geographies I: Mere Resource Conflicts? The Complexities in Indigenous Land and Environmental Claims,” *Progress in Human Geography* 36, no. 6 (2012): 810–821.

¹¹⁸ Carroll, *Roots of our Renewal*; Paul Berne Burow, Sandra Brock, and Michael R. Dove, “Unsettling the Land,” *Environment and Society* 9, no. 1 (2018): 57-74; Dhillon, “Introduction: Indigenous Resurgence;” Deloria, *God is Red*; McGregor, “Mino-Mnaamodzawin;” Middleton, “A Political Ecology of Healing;” Kyle Powys Whyte, “Environmental Justice in Native America,” *Environmental Justice* 4, no. 4 (2011): 185-186; Wiebe, *Everyday Exposure*; Whyte, “Settler Colonialism;” Coulthard and Simpson, “Grounded Normativity;” McGregor, “Mino-Mnaamodzawin;” Liboiron et. al. “Toxic Politics;” Bawaka Country et. al., “Co-becoming Bawaka: Towards a Relational Understanding of Place/Space,” *Progress in Human Geography* 40, no. 4 (2016): 455–475; Tsosie, “Indigenous Peoples and the Ethics of Remediation,” 271; Nunn, Neil. “Toxic Encounters: Settler Logics of Elimination, and the Future of a Continent.” *Antipode* 50, no. 5 (2018): 1330-1348.

reclamation with cultural approaches and the resurgence of Indigenous self-determination.¹¹⁹ For example, assimilation and loss of culture are often cited as barriers to effective land reclamation: "how can Indigenous people reclaim the land without the language to do so?"¹²⁰ In response, Yaqui legal scholar Rebecca Tsosie calls for an anti-colonial, place-based "ethics of reclamation," which seeks to *heal* degraded Land through the integration of local values, restorative justice, reconciliation, and Indigenous governance.¹²¹ An anticolonial ethics of reclamation resists corporate social responsibility processes that obscure ongoing colonial theft, tokenize Indigenous knowledges, and rely on romanticized ideals of restoring the past.¹²²

Grounding reclamation research and practice in Indigenous EJ and an 'ethics of reclamation' provides a guide for moving from the detailing of colonial theft to the dismantling of those structures and the (re)building of alternatives:

How we approach restoration of land depends, of course, on what we believe that 'land' means. If land is just real estate, then restoration looks very different than if land is the source of subsistence economy and a spiritual home. Restoring land for production of natural resources is not the same as renewal of land as cultural identity. We have to think about what land means.¹²³

While technical reclamation processes risk depoliticizing mining, an Indigenous ethics of reclamation centres questions of justice, accountability, self-determination and healing.

Indigenous EJ points to the need for reclamation projects to reckon with historical violences,

¹¹⁹ Melissa Checker, "But I know it's true: Environmental Risk Assessment, Justice, and Anthropology." *Human Organization* 66, 2 (2007): 112-124.

¹²⁰ Pasternak and King, *Land Back*, 33; J. Yerxa, "Gii-kaapizigemin Manoomin Neyaashing: A Resurgence of Anishinaabeg Nationhood," *Decolonization: Indigeneity, Education & Society* 3, no. 3 (2014): 159-166; S. C. Larsen, and J. T. Johnson, *Being Together in Place: Indigenous Coexistence in a More than Human World* (Minneapolis, MN: University of Minnesota Press, 2017); Leanne Betasamosake Simpson, *As We Have Always Done* (Minneapolis, MN: University of Minnesota Press, 2017).

¹²¹ Tsosie's ethics of reclamation is reflected in Simpson and Coulthard's call for 'grounded normativity' where theory, practice, Land, and day-to-day life are bound up in community governance, education, and responsibility: Coulthard and Simpson, "Grounded Normativity."

¹²² Willow, "Indigenous extrACTIVISM;" J. Curnow, and A. Helferty, "Contradictions of Solidarity," *Environment and Society* 9, no. 1 (2018): 145-163.

¹²³ Kimmerer, *Braiding Sweetgrass*, 328.

ongoing injustices, and demands for change and compensation. An ethics of reclamation can help prioritize the need for healing, cultural resurgence, and alternative structures of care for Land and communities. If we were to see habitats and ecosystems as societies with ethical structures, and inter-species agreements, an ethics of reclamation would include obligations to care for and maintain these relationships.¹²⁴

The phrase ‘care and maintenance’ is used pervasively in the mine closure and reclamation world. The term usually refers to temporary closures or the liminal period between closure and a ‘finished,’ remediated site. In the academic fields of political ecology and science and technology studies, the concepts of care, maintenance, and repair have been interrogated and challenged in generative ways.¹²⁵ These researchers outline the iterative and ongoing processes of repair and maintenance, framing reclamation as a repetitive form of care.¹²⁶ Such theories of repair, maintenance, and care offer opportunities for creativity, adaptation, and shifting relationships: "maintenance and repair are moments of learning and of politics, as values and orders are being negotiated and re-made in and through restoration and reproduction."¹²⁷ These scholars articulate care and maintenance as a fragile process of ‘getting to know’ and ‘making time for things,’ aligning with a PAR methodological approach.¹²⁸ However, while much of this research draws on the work of community activists involved in various dimensions of

¹²⁴ Watts, “Indigenous Place-Thought;” Leanne Betasamosake Simpson, “Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation,” *Decolonization: Indigeneity, Education & Society* 3, no. 3 (2014): 1–25.

¹²⁵ Beckett and Keeling, “Rethinking Remediation;” Papadopoulos et. al. *Ecological Reparations*.

¹²⁶ J. Denis, and D. Pontille, “Beyond Breakdown: Exploring Regimes of Maintenance,” *Continent* 6 (2017): 13–17; Ureta, “Chemical Rubble;” Ureta, “Caring for Waste.”

¹²⁷ Houston, et. al., “Values in Repair.”

¹²⁸ Papadopoulos et al. *Ecological Reparations*.

environmental and community health care, it does not engage deeply with Indigenous scholars' theorization on relationality and reciprocity in environmental governance.¹²⁹

Merged with Indigenous scholars' theorization of place-based relationality, *daily acts of care* at contaminated sites not only address environmental damage but are a form of politicized resistance to colonial-capitalist exploitation of life and a resurgence of alternatives.¹³⁰ For example, Hernandez emphasizes how the concept of 'conservation' translates into the Zapotec language as 'taking care of' or 'looking after', which applies to all beings, including invasive plants or mine wastes.¹³¹ Reflecting Indigenous EJ literature, care for Lands that have been harmed is about shifting mindsets from resource to relations, from extraction to care:

Colonialism and capitalism are based on extracting and assimilating. My land is seen as a resource. My relatives in the plants and animal worlds are seen as resources. My culture and knowledge are a resource... The act of extraction removes all of the relationships that give whatever is being extracted meaning... The alternative is *deep reciprocity*.¹³²

Both mining and reclamation processes have restricted the abilities of Indigenous communities to care for their Land, and *for Land to care for them*.¹³³ In response, daily acts of care, resurgence, and resistance through stewardship, ceremonies, language, and assertions of Indigenous jurisdiction are all examples of what Simpson and Coulthard call "grounded normativity."¹³⁴

¹²⁹ Tuck and Mackenzie, *Place in Research*. Important exceptions include: Hall, *Refracted Economies*; Middleton, "A Political Ecology of Healing."

¹³⁰ Papadopoulos et al. *Ecological Reparations*, 5; Hall and Ascough, "Care Through Closure;" Bauhardt, Christine and Wendy Harcourt. *Feminist Political Ecology and the Economics of Care: In Search of Economic Alternatives* (London and New York: Routledge, 2018).

¹³¹ Hernandez, *Fresh Banana Leaves*, 214.

¹³² Emphasis added, Leanna Betasamosake Simpson, quoted in: Naomi Klein, "Dancing the World into Being: A Conversation with Idle No More's Leanne Simpson," *Yes! Solutions to Journalism*, March 6, 2013.

¹³³ Glen Coulthard, "Place Against Empire: Understanding Consciousness, and the Politics of Empowerment," *Affinities: A Journal of Radical Theory, Culture, and Action* 4, no. 2 (2010): 79-83.

¹³⁴ Coulthard and Simpson define 'grounded normativity' as transformative acts that are not based in victim narratives or state recognition, but in taking back Indigenous space for Indigenous purposes: Coulthard and Simpson, "Grounded Normativity."

Such daily acts of care and resistance directly answer calls for justice and imagine alternative futures. Tuck and McKenzie argue that reciprocity with land is both a notion *and* an action.¹³⁵ Similarly, Bawaka Country et. al. contend that it is in *doing* that knowing and being emerge *with* Land.¹³⁶ Therefore, an anticolonial ethics of reclamation, merged with theorizing on ‘grounded normativity,’ care, and reciprocity, is not just a moral code or a line of questioning, but also a set of actions that quite literally ‘make space’ for a multiplicity of relations.¹³⁷

Acts of reciprocity *implement* an Indigenous ethics of reclamation. For example, waste management can be articulated as a continuous act of care, grounded in daily water treatment, monitoring, and the expectation of, and preparation for, failure. In this understanding, waste management entails the investigation of “temporary and experimental ways to involve all the concerned parties in the search for alternative ways to live with our waste, in material, ethical and political terms.”¹³⁸ Bawaka Country et. al. call this ‘Land-knowing’ or ‘co-becoming,’ which enacts a Land-ethic that is based on presence, experience, and an ‘embodied responsiveness.’¹³⁹ It is not a matter of caring *for* Land but caring *as* Land.¹⁴⁰

¹³⁵ Tuck and McKenzie, *Place in Research*.

¹³⁶ Bawaka Country et. al, “Caring as Country: Towards an Ontology of Co-becoming in Natural Resource Management,” *Asia Pacific Viewpoint* 54 (2): 185-197.

¹³⁷ Doreen Massey, *For Space* (London, UK: SAGE Publications, Inc, 2005); Eve Tuck and K. Wayne Yang, “Journals Make Terrible Time Machines,” *Critical Ethnic Studies*, no. 116 (2018): 1–4.

¹³⁸ Ureta, “Caring for Waste,” 1532.

¹³⁹ Lawson, 2007; Bawaka Country et. al., “Co-becoming Bawaka,” M. Scott Mamoday – “Land Ethic” essay (1971) – a gap exists between the field of environmental ethics and environmental justice – responsibility to nature and each other. Keeping land ethics separate from justice facilitates ongoing land/wealth dispossession (Dina Gilio-Whitaker, ASLE Conference, July 2023 – “Beyond Leopold and Mamoday – towards a Land Ethic”)

¹⁴⁰ Deborah Bird Rose, “Decolonising the Discourse of Environmental Knowledge in Settler Societies,” in *Culture and Waste: The Creation and Destruction of Value*, ed. G. Hawkins and S. Muecke (Lanham, ML: Rowman and Littlefield Publishers, 2002); Tamar Cohen, “Bringing Country Back? Indigenous Aspirations and Ecological Values in Australian Mine-Site Rehabilitation,” in *ExtrACTION: Impacts, Engagements and Alternative Futures*, ed. K. Jalbert (New York: Routledge, 2017).

Ethically, this means that humans hold similar obligations to water, plants, animals and Land as they would to other people.¹⁴¹ Jennifer Grenz reflects on this inter-species reciprocity in her work reclaiming landscapes across British Columbia:

Restoration work is physically exhausting. However, it allows me to connect to the landscapes that are foreign to me as a displaced Indigenous woman. I strongly believe that we must build relationships with the Indigenous peoples whose land we occupy as well as the lands themselves. This means that we must provide our services and build these relationships through actions that support them both. I navigate new foreign landscapes knowing that they carry someone's animal and plant relatives, and these places are where someone's ancestors and spiritual guides continue to navigate.¹⁴²

Seen as an iterative practice of care, reclamation can be an entry point into an extended vision of ecology that includes humans, our shaping of the worlds around us, and vice versa.¹⁴³

An anticolonial ethics of reclamation – based in care as Land – lays the groundwork for *healing through reclamation*. In Indigenous EJ scholarship, healing is often linked to a ‘sense of place’ and can include ceremonies, external and internal acknowledgements of trauma, the recovery of Land, and the reclaiming of Indigenous institutions and sovereignty – among many other community-specific traditions and practices.¹⁴⁴ For example, Métis education scholar, Sarah Loutit, describes human and nonhuman elements of the oil sands-damaged landscape as “growing with one another, engaging in healing as a relational process.”¹⁴⁵ LaDuke finds healing in the intergenerational process of recovering what is ‘sacred’:

Debates on how the past is understood and what the future might bring have bearing on genetic research, reclamation of mine sites, reparations for broken treaties, and reconciliation between descendants of murderers and their victims. At stake is nothing less than the

¹⁴¹ Vine Deloria Jr. and Daniel Wildcat, *Power and Place: Indian Education in America* (Golden, CO: Fulcrum Publishing, 2001); Simpson, *As We Have Always Done*.

¹⁴² Hernandez, *Fresh Banana Leaves*, 217.

¹⁴³ Papadopoulos et. al., *Ecological Reparations*.

¹⁴⁴ Middleton, “A Political Ecology of Healing;” Czyzewski, “Colonialism as a Broader Social Determinant;” Simpson, *Mohawk Interruptus*; Michelle Daigle, “Awawanenitakik: The Spatial Politics of Recognition and Relational Geographies of Indigenous Self-determination,” *Canadian Geographer* 60, no. 2 (2016): 259–269; Storm, *Post-Industrial Landscape Scars*.

¹⁴⁵ Joly, “Growing (with) Muskeg,” 16; Hall and Ascoug, “Care Through Closure,” 7.

ecological integrity of the land base and the physical and social health of Native Americans throughout the continent.¹⁴⁶

Healing Land requires a kind of reclamation that ‘recovers the sacred,’ bringing together justice and daily acts of care with intergenerational mechanisms of healing and governance that operate outside of settler-government recognition and colonial environmental management.

Contemporary mechanisms for governance, care, and healing based on the multiplicity of ontologies and Land-based ethics of reciprocity, *already exist*.¹⁴⁷ Indigenous practices and methods for care with Land abound across geographic and cultural differences and are integral to community healing practices.¹⁴⁸ Programs for reclaiming Land across cultural-environmental dichotomies--such as the Choooutla Residential School Remediation Project,¹⁴⁹ the Cowichan Nation’s reclamation of Ye’yumnuts,¹⁵⁰ the Fort McKay First Nation’s co-reclamation approach to oil sands clean-up,¹⁵¹ and the Cherokee Nations’ Ethnobotany Program¹⁵²--all offer examples of ways that Indigenous communities resist extractivism, demand justice, and reclaim Land despite dominant colonial infrastructures.¹⁵³

¹⁴⁶ LaDuke, *Recovering the Sacred*, 11.

¹⁴⁷ See for example, national programs such as Indigenous Guardians program in Canada (<https://www.ilinationhood.ca/our-work/guardians/>), or the Australian Indigenous Rangers Program (<https://www.countryneedspeople.org.au/>) and local programs such as Nunamta Aulukestai in Alaska, the Dechinta Bush University in the Northwest Territories (<http://dechinta.ca/>) the Inuit Guardian Program (<http://arcticjournal.ca/featured/inuit-guardians/>), and the Nunatsiavut self-government agreement (<http://www.nunatsiavut.com/>), among many others; J. Price, “Tukisivallialiqtakka: The Things I Have Now Begun to Understand: Inuit Governance, Nunavut, and the Kitchen Consultation Model” (Master’s Thesis, University of Victoria, 2007); Simpson, *As We Have Always Done*.

¹⁴⁸ Coulthard and Simpson, “Grounded Normativity;” Whyte, “Settler Colonialism.”

¹⁴⁹ For more information, see: <https://www.yukonminers.org/index.php/presentations/46-carcrosstagish-frist-nation-chooutla-residential-school-reclamation/file> and <https://www.cbc.ca/news/canada/north/carcross-choutla-school-cleanup-1.4241266>

¹⁵⁰ Jennifer Grenz, *Medicine Wheel for the Planet: A Journey Toward Personal and Ecological Healing* (Toronto: Alfred A. Knopf Canada, 2024), see also: <https://www.yeyumnuts.ca/>.

¹⁵¹ Daly, “Exploring Co-Reclamation;” Daly, Christine Anne and Grandjambe, Ryan and L’Hommecourt, Jean and Donald, Gillian and Arrobo, Bori and Gerlach, S. Craig and McCarthy, Dan and McIntyre, Don, “Reclaiming Homeland - an Evaluation of Traditional Land Use Planning in Oil Sands Mine Closure and Reclamation Plans,” (forthcoming).

¹⁵² Carroll, *Roots of our Renewal*.

¹⁵³ Burow et. al., “Unsettling the Land.”

Practical actions and accountability are an important part of ensuring that narratives of justice, care, and healing don't obscure or greenwash ongoing theft, while also navigating the messy realities of day-to-day life.¹⁵⁴ For example, the Cherokee Nations' ethnobotany program takes a grounded approach to how environmental governance can be transformative in a settler-dominated world of resource-based land management.¹⁵⁵ While Cherokee philosophy stresses "a relatedness to other-than-human beings that fundamentally shapes the ethics of human life,"¹⁵⁶ community members often need to work strategically in a world dominated by resource-based economies – choosing what types of activities best facilitate their own resiliency and sovereignty. Clint Carroll details how the Cherokee Ethnobotany Program is directly connected to broader (re)negotiations about environmental governance and sovereignty – making small and slow transformations so that Cherokee governance can better align with Cherokee worldviews and resist settler-colonial society, while still ensuring community services, jobs, and education. Through the actions of gathering plants and negotiating the best way to share and use that knowledge, Cherokees members are (re)producing *sovereign landscapes*.¹⁵⁷ Carroll calls this negotiation the "politics of plants," and directly connects the work of reclamation of plants, knowledge, and language with the theoretical work of achieving justice and sovereignty.¹⁵⁸

Similarly, Tłı̨cho community members, speaking about mine reclamation in the Northwest Territories, argue that newly introduced extractive regimes have "disrupted reciprocal

¹⁵⁴ Coulthard, *Red Skin White Masks*; Simpson, *As We Have Always Done*; Smith, *Decolonizing Methodologies*; Sundberg, 2014; Todd & Todd, 2014; Tuck, "Suspending Damage;" Tuck and Yang, "Decolonization if not a Metaphor"; Wiebe, *Everyday Exposure*; Wilson, *Research is Ceremony*.

¹⁵⁵ Carroll, *Roots of our Renewal*.

¹⁵⁶ Ibid., 180.

¹⁵⁷ Ibid., 173.

¹⁵⁸ Ibid; Whyte, "Settler Colonialism;" Dana E. Powell, "Toward Transition? Challenging Extractivism and the Politics of the Inevitable in the Navajo Nation," in *ExtrACTION: Impacts, Engagements and Alternative Futures*, ed. Kirk Jalbert, Anna Willow, David Casagrande, and Stephanie Paladino (New York, NY: Routledge, 2017); McGregor, "Mino-Mnaamodzawin."

relationships,” necessitating “new forms of care, as community members mourn the changes to their environmental and social landscapes, while still centering caring labour as creating a post-extractive future.”¹⁵⁹ When asked about how mine reclamation should or could be Indigenous-led, Tłıcho community members expanded on technical approaches to reclamation, “expressing the labour of remediation in terms of relations to land and past and future generations that make the state/industry understanding of ‘mine life’ diminutive, in comparison.”¹⁶⁰ When faced with mine closure, many community members positioned their “visions of economy recovery from mine closure in care and repair, pointing to the land itself as sustaining the community through closure.”¹⁶¹ Hall and Ascough frame these priorities and activities as “powerful acts of everyday decolonizing resistance – the truest expression of Northern ‘pluck,’ ‘bravery,’ and ‘imagination’.”¹⁶²

Grounded in Indigenous theorizing on justice, reciprocity, care and healing, reclamation represents a vision of the future premised on Indigenous jurisdiction over, and relationships with, their Lands. In other words, justice via reclamation can only be achieved if projects confront violence, renew relationships and reciprocity with Land, heal intergenerational trauma, and centre Indigenous self-determination.¹⁶³ Strategies for achieving justice through reclamation can include compensation, reparations, apologies, memorialization, land stewardship programs, language restoration, or the transfer of jurisdiction and management, among other things.¹⁶⁴

¹⁵⁹ Hall and Ascough, “Care Through Closure;” Bauhardt and Harcourt. *Feminist Political Ecology*.

¹⁶⁰ Hall and Pryce, “Colonial Continuities in Closure,” 10.

¹⁶¹ Hall and Ascough, “Care Through Closure,” 14.

¹⁶² Ibid.

¹⁶³ Cohen, ““Bringing Country Back,” 137; Carroll, *Roots of our Renewal*; John Borrows, *Freedom and Indigenous Constitutionalism*. (Toronto, ON: University of Toronto Press, 2016); Coombes et. al. “Indigenous Geographies I;” Dhillon, “Introduction: Indigenous Resurgence;” LaDuke, *Recovering the Sacred*; Lee Maracle, *My Conversations with Canadians* (Toronto, ON: BookThug, 2017); Hernandez, *Fresh Banana Leaves*.

¹⁶⁴ Tsosie, “Indigenous Peoples and the Ethics of Remediation,” 271; Papadopoulos et. al., *Ecological Reparations*.

Attempting a ‘more ethical’ reclamation process is not a matter of more consultation¹⁶⁵ – it is a discussion about the relationships we have with Land, and it is a mechanism to unsettle the structures that deem some places and bodies ‘wasteable.’¹⁶⁶

2.4 Building infrastructures for a Resource Cure

Time and time again reclamation has proven to be frustratingly complex, even ineffective, when it comes to containing pollution or ‘healing’ landscapes.¹⁶⁷ This is not because engineers are bad at their jobs. Instead, it is because reclamation is continually confined to extractive, colonial logics and regulatory infrastructures that rely on theft and contamination to drive private profit.¹⁶⁸ In this framing, the resource curse is not emblematic of extracted peripheries and wealthy cores but is instead (or is also) the web of settler jurisdiction and infrastructure that render Indigenous Lands and livelihoods ‘extractable’. Therefore, although reclamation is often framed as a hopeful process of regeneration, the danger is that it can recreate ‘colonial contact zones,’ including ‘co-management regimes’ or greenwashing spectacles, that prioritize state power over Indigenous lifeways and perpetuate the resource curse.¹⁶⁹

¹⁶⁵ Jay T. Johnson, Richard Howitt, Gregory Cajete, Fikret Berkes, Renee Pualani Louis, and Andrew Kliskey. “Weaving Indigenous and Sustainability Sciences to Diversify our Methods.” *Sustainability Science* 11, no. 11 (2016): 1-11; N. Kermoal and I. Altamirano-Jimenez, *Living on the Land: Indigenous Women’s Understanding of Place* (Edmonton, AB: Athabasca University Press, 2016); Larsen and Johnson. *Being Together in Place*.

¹⁶⁶ Tsosie, “Indigenous Peoples and the Ethics of Remediation;” Tuck and Yang, “Decolonization is not a Metaphor”; Todd, 2014, Tuck and McKenzie, *Place in Research*.

¹⁶⁷ Citations from top of the chapter, looking at the lack of examples of ‘completed’ reclamation projects

¹⁶⁸ Langhorst and Bolton, “Reframing The Postindustrial;” Joly, “Growing (with) Muskeg.”

¹⁶⁹ Patricia Butler, *Colonial Extractions: Race and Canadian Mining in Contemporary Africa* (Toronto, ON: University of Toronto Press, 2015); Carly A. Dokis, *Where the Rivers Meet: Pipeline, Participatory Resource Management, and Aboriginal-State Relations in the Northwest Territories* (Vancouver: UBC Press, 2015); Tara Joly, “Making Productive Land: Utility, Encounter, and Oil Sands Reclamation in Northeastern Alberta, Canada,” (PhD Diss., Anthropology, University of Aberdeen, 2017).

To confront and dismantle these colonial infrastructures, reclamation practitioners must question *what* it is we are reclaiming, and for whom. A practical beginning in post-extractive, anticolonial reclamation is to take seriously Indigenous claims to land and communities' histories of theft.¹⁷⁰ Therefore, following Pasternak et. al., and building on the conceptual framework outlined in this Chapter, this dissertation outlines the infrastructures of theft used to steal Kaska Land and analyzes how these infrastructures have morphed in contemporary environmental regulation and impact assessment.¹⁷¹ In other words, I outline how the Faro Curse was cast, and how it is being maintained.

And yet, the resource curse, and the infrastructures that it relies on, are not totalizing or complete. Indigenous conceptualizations of Land have long been used in resistance to colonialism and capitalism.¹⁷² Framing an ethics of remediation within an Indigenous EJ framework, focused on relationality, scaffolds reclamation as an Indigenous place-based practice that does not deny different ontological positions, but rather deepens understanding of relationality without making invisible the historical, cultural, and social contexts from which people experience and live in the world.¹⁷³ Indigenous EJ connects reclamation to notions of remedy, resurgence, and resistance and puts relationalities at the “forefront of engagements across frontiers of difference.”¹⁷⁴

In reaction to colonial-capitalist infrastructures of theft, Cowan and Laduke use the term *alimentary infrastructure* to conceptualize systems and actions that are fundamentally anti-

¹⁷⁰ Tuck and Yang, “Decolonization is not a Metaphor.”

¹⁷¹ Max Liboiron and Josh Lepawsky, *Discard Studies: Wasting, Systems and Power* (Cambridge: The MIT Press, 2022).

¹⁷² Simpson, *Mohawk Interruptus*; Sara Hunt, “Ontologies of Indigeneity: The Politics of Embodying a Concept,” *Cultural Geographies* 21, no. 1 (2014): 27–32.

¹⁷³ Tsosie, “Indigenous Peoples and the Ethics of Remediation.”

¹⁷⁴ McGregor, “Mino-Mnaamodzawin.”

colonial and life giving, rather than extractive.¹⁷⁵ For example, if a river is seen as a *critical infrastructure*, it's something that requires constant maintenance and care: "if our attention is drawn to those healthy relations, then we are going to treat these infrastructures differently."¹⁷⁶

Pasternak et. al. build on the term alimentary infrastructure, arguing that while the settler state is grounded in an ontology of supply, Indigenous jurisdiction is grounded in an ontology of care; alimentary, or care-based, infrastructures are built in resistance to state extraction – "makeshift, temporary, or vernacular and built by gleaning and salvage."¹⁷⁷

An ethics of reclamation calls for both the dismantling of extractive colonial infrastructures that facilitate theft *and* the building of careful, alimentary infrastructures that reclaim Indigenous jurisdiction while healing the wounds of extractive violence and imagining alternative anti/decolonial futures. An anticolonial ethics of reclamation demands accountability from settler scientists, government and industry, and asks them to make space for Indigenous-led, Land-based healing. An anti-colonial ethics of remediation critically questions how humans can better co-exist in place and across different ontologies.¹⁷⁸

Reclamation, as a cure to the resource curse, is a process of rearticulating resources to relations (extractivism to care); it is a political resistance against what is 'wasted'; and it is the "maintenance of life through subtle and often 'minor acts' and processes of repair, healing and care."¹⁷⁹ However, even framed within place-based and community-directed work, an ethic of reclamation is a tangle of relationships and responsibilities – not all of which are inherently 'good', as state actors and corporations can appropriate remedial actions for the purposes of

¹⁷⁵ Winona LaDuke and Deborah Cowen, "Beyond Wiindigo Infrastructure," *South Atlantic Quarterly* 119, no. 2 (2020): 243-268.

¹⁷⁶ Pasternak et. al, "Infrastructure, Jurisdiction, Extractivism," 3.

¹⁷⁷ Pasternak et. al, "Infrastructure, Jurisdiction, Extractivism," 5-6.

¹⁷⁸ Tuck and McKenzie, *Place in Research*; Sarah de Leeuw and Sarah Hunt, "Unsettling Decolonizing Geographies," *Geography Compass* 12, no. 7 (2018): 1-14.

¹⁷⁹ Papadopoulos et. al., *Ecological Reparations*, 3.

profit.¹⁸⁰ Therefore, implementing a place-based ethics of reclamation does not mean that clean-up projects will automatically decolonize or reconcile toxic spaces; there is always the potential for these places to become ‘toxic’ again. An anticolonial ethics of reclamation is ultimately an infrastructure of continual care and healing that will have to be re-negotiated over generations.

¹⁸⁰ Beckett and Keeling, “Rethinking Remediation;” A. Martin, N. Myers, and A. Viseu, “The Politics of Care in Technoscience,” *Social Studies of Science* 45, no. 5 (2015): 625–641; M. Murphy, “Unsettling Care: Troubling Transnational Itineraries of Care in Feminist Health Practices,” *Social Studies of Science* 45, no. 5 (2015): 717–737.

CHAPTER 3: THE FARO MINE CURSE (1950-1970)

3.1 Introduction: casting a curse

“Well before the mine was there... we used that for a food basket for people here in Ross River, go down there... there's salmon and everything in Blind Creek and from there, they go up the mountain and get all the food you want... was a good time before the mine. Everything was really good, set-up good.”¹

Tū Łídlīni Dena have long known about the rusty outcrops and mineral features punctuating the mountains, valleys, and plateaus now known as Vangorda and Faro. The Tū Łídlīni Dena families from that region know the characteristics of the land intimately, where iron, lead, zinc, water, and oxygen come together to produce the tell-tale, bright orange features sought by prospectors.² Dzeł Jedé mountain, meaning ‘rusty’ or ‘rotten’ rock in Kaska, looms over the Rose Creek Valley (Figure 1.4). Large sections of the slopes of Dzeł Jedé, K’esba Tsel, and Tsē Zūl, the mountain for which the region is named, have been excavated, processed, and are now spread across the Rose Creek Valley bottom in thousands of tonnes of dusty tailings and conical piles of waste rock.³ The disintegration of rock from mountain to tailings pond took place over decades as rock was blown apart, segregated into waste and ore, and then transformed into

¹ Tū Łídlīni Dena Elder 1, interview with author, July 17, 2019.

² Norman Sterriah, interview with author, July 2019; Martin Weinstein, “Just Like People Get Lost: A Retrospective Assessment of the Impacts of the Faro Mining Development on the Land Use of the Ross River Indian People.” Prepared for Ross River Dena Council (June 1992).

³ There are 70 million tonnes of tailings and 320 million tonnes of waste rock: Department of Indian Affairs and Northern Development, “Faro Mine Remediation Project, Section 1.0 Introduction and Overview, 2019 Project Proposal,” (July 2019), 18. Waste rock are economically nonviable material excavated to reach ore-bearing rock. Waste rock is usually stored piles at the surface of the mine. Tailings are ground rock particles resulting from ore processing or milling. Tailings are usually pumped or transported into tailings storage facilities, that need to be managed over time: Bruno Bussière and Marie Guittonny, *Hard Rock Mine Reclamation: From Prediction to Management of Acid Mine Drainage* (Baco Raton: CRC Press, Taylor and Francis Group, 2021), xix.

either tailings or lead-zinc concentrates. As the waste rock piles grew and the tailings deposit expanded down the valley, exposing sulphide rock to air, the remnants of Dzeł Jedé, K'esba Tsel, and Tsē Zūl began to leach acidic compounds into surrounding waterways.⁴ Today the acidic waters at Faro Mine creep through groundwater reservoirs, daylighting in seepage, and pulsing through runoff, eventually surfacing in Rose and Vangorda Creeks, and flowing north toward the Pelly River.

Dzeł Jedé, K'esba Tsel, and Tsē Zūl were chewed up, divvied up and left to turn to generate acidic drainage. In parallel, Kaska Dena territories and sovereignty were picked apart and pushed aside. As ore was processed at Faro Mine and concentrate was shipped around the world, Tū Łídlíni Dena community members experienced the violence and instability that so often accompanies extractive projects on Indigenous lands.⁵ Tū Łídlíni Dena homes, traplines, cemeteries, and fish camps were fragmented by resource roads, mining pits, and settler communities.⁶

The community of Tū Łídlíni has previously documented and shared their story of the Faro Mine in many forms and on their own terms, including research reports, media interviews, and oral storytelling.⁷ One of Ross River Dena Council's (RRDC) research objectives was to compile and summarize this existing work and to update it with contemporary interviews and

⁴ Acid rock drainage (ARD) can occur if meteoric water (from precipitation) and atmospheric oxygen come into contact with sulphide minerals that are exposed through mining, either through waste rock or tailings. Although there are no official, widely recognized definitions for the different types of ARD, generally ARD refers to any mine waste sample (water or rock) with pH values below 6, where sulfate is the dominant ion. The process of ARD often causes other metals to leach from the rock. Metal leaching can occur in a variety of geological environments with pH's ranging from 0-9: Bussière and Marie Guittonny, *Hard Rock Mine Reclamation*, 2.

⁵ Women's Earth Alliance and Native Youth Sexual Health Network, *Violence on our Land, Violence on our Bodies* (2016), 1-116; Joan Scottie, Warren Bernauer, and Jack Hicks, *I Will Live for Both Of Us: A History of Colonialism, Uranium Mining and Inuit Resistance* (Winnipeg: University of Manitoba Press, 2022).

⁶ Shiri Pasternak and Hayden King, *Land Back: A Yellowhead Institute Red Paper*, Yellowstone Institute (2019).

⁷ Brian Ladue, *Tse Zul* (film), prepared for Ross River Dena Council, 2018; Peter Dimitrov and Martin Weinstein, "So That the Future Will Be Ours: Volume 1 and 2," prepared for Ross River Dena Council (1984); Weinstein, "Just Like People Get Lost"; Ross River Dena Council, "Kaska Traditional Land & Resource Use in the Vicinity of Mount Mye, Yukon," prepared for Faro Project Management Team (2009).

additional archival information. The result of that work can be found in the co-authored, community report: *The Tū Āīdīni Dena's True Story of the Faro Mine*.⁸ The community report is purposefully formatted to centre Tū Āīdīni Dena Elders' voices and memories, and to present their story on their own terms, without the constraints of a PhD dissertation. Much of the archival narrative outlined in this chapter is reflective of key themes developed by that community report. Questions, provocations, and memories from the community report were used to direct archival research, as reflected in the Elders' quotes that frame each section of this chapter.⁹

This chapter builds from the observations and analysis of Tū Āīdīni Dena Elders to point towards the structures and systems that *caused* the negative impacts associated with the Faro Mine. Focusing on the front-end of mining at Faro – claim staking, land permitting, infrastructure construction, and government services – this chapter identifies key moments and mechanisms of land and cultural dispossession.¹⁰ This approach follows Pasternak and King's call for an understanding, detailing, and dismantling of 'infrastructures of theft' – the structures that are created and used to 'legally' (in a Western sense) steal Indigenous land.¹¹ Following this call, I use archival documents to strategically detail, interrogate, and dismantle corporate and settler colonial narratives embedded within historical settler-state records and the corporate myths of Faro.¹² I also summarize and analyze what is suspiciously absent in archival collections.

⁸ This report is currently being published by Ross River Dena Council, and is not yet available for public sharing.

⁹ All Elders' quotes used in the PhD and in the Community Report were reviewed by the Elders Council and Ross River Dena Council leadership and research advisors. Quotes were also reviewed one-on-one with Elders to ensure that they were happy with the quote being shared and to confirm that they wanted their name associated with the quote. In cases where Elders wanted quotes included, but did not want their name associated, they were anonymized. We also discussed authorship and publication throughout multiple Elders Councils and RRDC meetings. Elders advised that they wanted this story told publicly and would like to claim authorship, including the use of names for quotes.

¹⁰ David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2005); Tanya Li, *Land's End: Capitalist Relations on an Indigenous Frontier* (Durham: Duke University Press, 2014).

¹¹ Pasternak and King, *Land Back*.

¹² I follow Lianne Leddy's lead on this, inspired by her use of archival documents to expose the colonial structures leading to contamination on Serpent River First Nation Territory: Lianne C. Leddy, *Serpent River Resurgence: Confronting Uranium Mining at Elliot Lake* (Toronto: University of Toronto Press, 2022).

The point of this archival research is not to validate or prove Tū Łídlīni Dena Elders' memories of Faro – those stand on their own. Instead, I use archives to sketch the scaffolding of the government regulations, corporate tools, and settler-state strategies used to steal and extract Kaska land.¹³ Archival sources point to structural gaps in information about Faro Mine and to *how* land and cultural dispossession was facilitated through bureaucracy, infrastructure, and settler media. As outlined in detail throughout this chapter, the key regulatory, corporate, and legal scaffolding that legitimated land and cultural theft at Faro include: the Yukon mineral staking regime; corporate tactics used to leverage government permitting, funding, and infrastructure; state policies and programs such as Roads to Resources; the construction of a mining town; the implementation of settler government services alongside extractive development; and federal assimilation strategies reflected in residential institutions and community relocation. Despite the inequity and social erosion of extractive dispossession, Faro Mine is, more importantly, a story of intergenerational community resistance. Archival evidence and interviews both detail the many ways that Ross River Dena have resisted extraction and continue to govern and steward their lands– they have never ceded their territory.

This interwoven history of theft, broken promises, and resistance are made manifest in the story of the Faro Curse. As outlined in the previous chapter, the term 'resource curse' usually refers to the economic and geographic circumstance of a community, region, or nation becoming reliant on one or more resources, without the ability (or state support) to diversify economies, resulting in drastic economic booms and busts, environmental consequences, and social

¹³ To ensure accountability to the Ross River Dena Council, the archival research used within Chapters 1, 2 and 3 has also been scanned, catalogued, and synthesized in a searchable format to provide a community reference system for Faro Mine related documents.

instability.¹⁴ At the time that Faro was staked and developed, the Canadian government, influenced by the economic scholarship of Harold Innis and Mel Watkins and post-war welfare state politics, attempted to confront the spectres of such a curse.¹⁵ They put in place infrastructure, policies, and agreements that were supposed to ensure economic diversification, regional investment, and social supports, alongside expanding mineral extraction and settlement across the North.¹⁶

As this and subsequent chapters show, the federal government arguably failed to avoid a regional ‘resource curse’ at Faro. Settler Yukon communities were continually exposed to the consequences of mineral reliance, including economic crashes, fluctuating utility costs, dramatic in-and-out migration, and town abandonment.¹⁷ However, the story of the Faro Curse encompasses much more than economic booms and busts. The Canadian state’s attempts to evade the resource curse across the North were couched within colonial modes of theft, extraction, and control of resource profits. Federal and territorial programs meant to ensure

¹⁴ Roger Hayter and Trevor Barnes, “Innis’ Staple Theory, Exports, and Recession: British Columbia, 1981-86,” *Economic Geography* 66, no. 2 (1990): 156-173; Richard Auty, *Sustaining Development in Mineral Economies: the Resource Curse Thesis* (London and New York: Routledge, 1993); Arn Keeling, ‘Born in an atomic test tube’: landscapes of cyclonic development at Uranium City, Saskatchewan,” *Canadian Geographies* 54, no. 2 (2010): 228-52; Brenda Parlee, “Avoiding the Resource Curse: Indigenous Communities and Canada’s Oil Sands,” *World Development* 74 (2015): 425-436.

¹⁵ Harold Innis, *Settlement and the Mining Frontier* (Toronto: University of Toronto Press, 1936); Mel Watkins, “A Staple Theory of Economic Growth,” *The Canadian Journal of Economics and Political Science* 29, no. 2 (1963): 141-158.

¹⁶ Liza Piper, *The Industrial Transformation of Subarctic Canada* (Vancouver: UBC Press, 2009); Arn Keeling and John Sandlos, “Ghost Towns and Zombie Mines: The Historical Dimensions of Mine Abandonment, Reclamation and Redevelopment in the Canadian North,” in *Ice Blink: Navigating Northern Environmental History*, ed. Stephan Bocking and Brad Martin, 377-420 (Calgary: University of Calgary Press, 2017); Jean-Sébastien Boutet, “Welfare Mines: Extraction and Development in Postwar Northern Canada” (PhD Diss., KTH Royal Institute of Technology, 2024).

¹⁷ Lee Huskey and Chris Southcott, “That’s Where my Money Goes:’ Resource Production and Financial Flows in the Yukon Economy,” *Polar Journal* 6, no. 1 (2016); Gertrude Saxinger, “The FIFO Social Overlap – Success and Pitfalls of Long-Distance Commuting in the Mining Sector,” in *Extractive Industry and the Sustainability of Canada’s Arctic Communities*, ed. Chris Southcott, Francis Abele, David Natcher and Brenda Parlee (Montreal: McGill Queens University Press, 2022): 123-145; Gertrude Saxinger, “Social Dimensions of Mining in Yukon Territory,” in *The Economy of the North 2020*, ed. S. Glomsrød, I. Aslaksen, and G. Duhaime, G., (Oslo: Arctic Council Secretariat, 2021): 116-118.

economic diversification, regional investment, and social support were inequitable – favouring profit, business opportunities, and land grabs for settlers. Specific supports put in place for Indigenous communities were assimilationist, designed to enrol Indigenous peoples into settler state politics and economies, rather than respecting nation-to-nation agreements and Indigenous governance.¹⁸ The negative consequences of *both* the booms and the busts were felt most acutely by Indigenous communities, as the rhetoric of social welfare and economic opportunity obscured state and corporate theft of land, water, and culture.¹⁹ The Faro Curse was cast by settlers through particular extractive legislation and policies – the infrastructure of theft – strategies that were, paradoxically, framed as mechanisms to ensure social welfare and regional wealth.

In this chapter, my conceptualization of the Faro Mine Curse, based in Elders’ stories and analysis of the Faro Mine, pushes beyond the classic theorizations of ‘resource curses,’ and instead centers the resistance of Kaska people *against* land dispossession and environmental injustices. Faro is cursed not only because of economic booms and busts and the associated violence, but also because, at various points in Faro’s story – from staking to town development, operations, and closure – promises to the land and its people were broken. The Faro Curse began when promises made by prospectors to include Tū Łídlīni Dena families in the wealth of Faro were broken; it has continued as promises continue to be broken and Tū Łídlīni Dena community members, and their land, continue to resist theft. The Curse materializes in untimely deaths, fires, dam failures, and the seemingly perpetual inability to contain the acid seeping from Dzel Jedé, K’esba Tsel, and Tsē Zūl. At the same time the Curse – placed on the founders, funders, and operators of the Faro mine – upsets colonial narratives based on neutral discovery and extraction.

¹⁸ Tee Wern Lim, Arn Keelng and Terre Satterfield, “We Thought It Would Last Forever: The Social Scars and Legacy Effects of Mine Closure at Nanisivik, Canada’s First High Arctic Mine,” *Labour/ Le Travail* 91 (Spring 2023): 15-146; Boutet, “Welfare Mines.”

¹⁹ Parlee, “Avoiding the Resource Curse.”

The Faro Curse narrates the many lines of infrastructural theft, and importantly, points to the ways in which both land and people fight back.

Detailing and reckoning with the colonial histories of Faro is central to lifting the Curse and moving towards reclamation. In identifying specific tools and timelines of dispossession, this research places tangible points of responsibility and accountability on government and industry, linking the corporate and regulatory history of the Faro Mine with the ongoing Faro Remediation Project and contemporary settler environmental governance frameworks. By identifying these tools and structures, I hope to provide some direction for how to target actual change in reclamation practices – change that goes beyond contaminant containment and calls instead for a reckoning of how mining regions approach long term care of land in the context of Indigenous sovereignty and self-determination. Re-storing the histories of Faro as ones of ‘infrastructures of theft’ must go hand-in-hand with “concrete and promising practices to re-assert jurisdiction in a good way”²⁰ - including reclamation of community, culture, language, and land, all of which are central to decolonial processes that resist patriarchal, Western, and exclusionary approaches to land reclamation.

3.2 Mineral staking: stealing land and language

“Al Kulan was really poor in those days – he would sleep in the corner of the tent. Mom would patch him up and give him moccasins and everything – he never turned around and looked at us or gave us anything. He built his own house down there – if I knew how to do these things, it would have been my house, I would have done it. You can’t trust anybody. Al Kulan teach all the people not to trust.”²¹

²⁰ Pasternak and King, *Land Back*.

²¹ Elder Grady Sterriah in Caitlynn Beckett and Brittany Tuffs, “Ross River Elder’s Council Workshop on the Faro Remediation Project,” prepared for Ross River Dena Council (June, 2019), 29.

The ‘point of discovery’ – when a claim stake is driven into the ground – is key in settler emplacement and mining narratives, valorizing places of extraction and using the story of discovery to shift relationships with, and power over, Land.²² Stories surrounding the mineral staking and discovery in Canada are central to settler narratives that legitimate and ‘legalize’ land dispossession, perpetuating a free-entry system that assumes an inherent right to minerals:

The assertion of discovery and demand for surrender as the basis of Crown sovereignty is the overt form of colonization in Canada... Indigenous nations and bands who did not sign treaties have also been presumed to live under Canadian law on Crown Lands, despite the fact that they did not ‘alienate’ their lands under the provisions of the Royal Proclamation.... On treaty and non-treaty lands, Indigenous territorial authority has been extremely compromised, conditioning the possibilities of massive extractive regimes.²³

The glorification of settler-based narratives that focus on claim staking and ore discovery serve to obscure broader histories of mineral development, colonialism, contamination, infrastructure, and state sovereignty.²⁴ Settler-based mining histories also tend to erase the role of Indigenous mineral and geographic knowledge, to support unsubstantiated claims of ownership of ‘vacant’ lands, and to unjustly ensure settler access to land and minerals in the name of Canadian sovereignty.²⁵ Such stories of discovery continue to be enacted every day, in ongoing structures of land theft: “Each of these enactments performs a denial of Indigenous authority over their lands and waters.”²⁶

Many Indigenous Nations with major mines on their territories have long fought against these settler stories, showing instead that ore bodies were in fact known and actively used long

²² Dawn Hoogeveen, “Sub-surface property, free-entry mineral staking and settler colonialism in Canada,” *Antipode* 47, no.1 (2015): 112; Emilie Cameron, *Faro Off Metal River* (Vancouver: UBC Press, 2015).

²³ Pasternak and King, *Land Back*.

²⁴ John Sandlos and Arn Keeling, *Mining Country: A History of Canada’s Mines and Miners* (Toronto: James Lorimer & Company Ltd., Publishers, 2021); Martín Arboleda, *Planetary Mine: Territories of Extraction under Later Capitalism* (London: Verso, 2020).

²⁵ Sarah Gordon, “Narratives Unearthed, or, How an Abandoned Mines Doesn’t Really Abandon You,” in *Mining and Communities in Northern Canada: History, Politics, and Memory in Mining and Communities*, ed. Arn Keeling and John Sandlos (Calgary: University of Calgary Press, 2015).

²⁶ Pasternak and King, *Land Back*, 17.

before settler-pro prospector staking.²⁷ The Klondike Gold Rush story of George Washington Carmack, Shaaw Tláa (Kate Carmack), and Skookum Jim is just one such example. Faro is another.²⁸ In the settler stories of the discovery and development of the Faro deposit there are few mentions of Tū Łídlīni Dena prospectors or community members. References that do exist place Kaska Dena culture and land governance firmly in the past, alongside romantic ideals of wilderness and plucky white prospectors. For Tū Łídlīni Dena Elders, the heroic narratives of the discovery of the Faro Mine (told time and time again) have nothing to do with ‘discovery’ and progress but rather, are centered around land theft and broken promises.²⁹

According to Grady Sterriah, daughter of Dena Cho (Jack Sterriah), the story of theft at Faro Mine begins at staking. Rather than glorifying the prowess and tenacity of settler prospectors, Grady tells a parallel story of betrayal, one that Ross River Elders today want to share widely.³⁰ At the time Faro was first staked in the 1950s, many Ross River Dena members, in addition to being hunters and community leaders, were prospectors, surveyors, line cutters and road builders, with extensive mineral, geologic, and geographic knowledge.³¹ Grady remembers her family, and other Kaska families, assisting Al Kulan and other kuskāni prospectors, providing them with food, clothing, and guidance.³² In the early 1950s, Dena Cho and his son Jack Sterriah Jr. noted a mineralized outcropping near Charlie Creek (now called Vangorda

²⁷ Cameron, *Faro Off Metal River*; Sandlos and Keeling, *Mining Country*.

²⁸ Mica Jorgenson, “Mined Earth: Global Gold Rushes and Canadian Nature,” in special series “Seeds: New Research in Environmental History,” *NiCHE: Network in Canadian History & Environment* (October 3, 2016); For an example see: Yellowknives Dena First Nation Land and Environment Committee, “Giant Mine: Our Story: Impact of the Giant Mine Gold Mine on the Yellowknives Dene, A Traditional Knowledge Report,” prepared for the Department of Indian and Northern Affairs Giant Mine Remediation Project (October, 13, 2005).

²⁹ Sterriah, interview with author.

³⁰ Beckett and Tuffs, “Ross River Elder’s Council Workshop.”

³¹ John Acklack, interview with author, July 17, 2019; Clifford McLeod, interview with author, July 18, 2019; Louie Tommy, interview with author, October 4, 2021; John Atkinson, interview with author, October 4, 2021; Willie Atkinson, interview with author, October 6, 2021; Annie Jepp, personal communication with author, June 22, 2023.

³² Kuskāni is the Kaska term for a white or non-Indigenous person. Grady Sterriah in Beckett and Tuffs, “Ross River Elder’s Council Workshop”; For more information on Joe Ladue, see Shaun Ladue, “Joseph Ladue and Joe Ladue: Who Were They?”, assignment for History 140Z, Yukon College (2013).

Creek) while hunting in the Tsē Zūl area.³³ In 1953, Joe Ladue, Dena Cho, Jack Ladue Jr., Arthur John, and Robert and Joe Etzel shared this finding with Al Kulan.³⁴

Grady also remembers that these Kaska Dena men received promises that mineral claims would be staked in their names and profits would be shared.³⁵ Dena Cho and his fellow Kaska men, could not stake a mineral claim under Canadian law unless they traveled to Whitehorse and took a course to be a certified prospector.³⁶ Without this certificate, Ross River community members assisted kuskāni prospectors based on verbal agreements that claims would be staked on their behalf and that future profits from sales would be shared, or that they would be paid for transferring claims.³⁷ Such promises were quickly shattered.

After being shown the mineralization found by Dena Cho and his son, and being fed and clothed by Kaska women such as Broden Sterriah (Grady's mother), Kulan hammered several metal stakes into the ground, naming the claim after Del Vangorda, a local kuskāni trapper.³⁸ Kulan and his business partner, Bert Law, recorded these claims under their own names, leaving out the names of the Ross River Dena men who originally found the ore body.³⁹ Kulan and Law then optioned their claims to Prospectors Airways, who funded a million-dollar exploration

³³ Dennis Shorty, personal communications with author, February 23, 2023.

³⁴ Jane Gaffin, *Cashing In* (Altona: D.W. Friesen & Sons Ltd, 1980).

³⁵ Grady Sterriah in Beckett and Tuffs, "Ross River Elder's Council Workshop," 26.

³⁶ Bob Sharp, "Changes in Ross River During the Anvil Mine Development," in "Yukon Case Studies: Alaska Highway and Ross River," prepared for University of Canada North (Yukon), Research Division (Whitehorse, June 1977).

³⁷ This was brought up in multiple interviews and is also briefly mentioned in Weinstein, "Just Like People Get Lost" and in Gaffin, *Cashing In*.

³⁸ Vangorda was a white trapper in the area in the early 1900s. The creek that passes through the current town of Faro and the school in Faro are also named after him.

³⁹ Years later, there was a court case between Bert Law and Al Kulan over ownership of claims. It is unclear if Kulan and Law simply didn't register claims under these men's names, or if they did and then subsequently purchased the claims for a small fee – both accounts exist, likely it was a mix of both. Testloa Smith, interview with author, November 11, 2019. See also Gaffin, *Cashing In*.

program, carried out between 1953-1955.⁴⁰ Prospector Airways, which was soon taken over by Kerr Addison Gold Mine Ltd., continued exploration from 1953 to 1956 and staked hundreds of claims throughout the region, including around Desdele Mené, (Swim Lakes), Tsē Zūl (Mount Mye), Dzel Jedé, K'esk'ale Hés (Mount Aho) and Dzeh Tsedle Chō (Mount Kulan) (Figure 1.4). They abandoned further work when cash for exploration ran dry amidst plummeting international mineral markets.⁴¹ Even though exploration was stalled, the mineral claims staked in the 1950s continued to be held and maintained by kuskāni companies. Over the coming decades, these claims were further explored and sold to other companies. Many of these mineral claims persist to this day, on land stolen from Kaska Dena.⁴²

The stories of mineral discoveries by Kaska men, as well as the Kaska names of mountains and rivers in the region, were obscured and pushed aside as Kulan, Law, and other prospectors quickly shattered the initial promises they had made to the Tū Łídlīni Dena families who led them to these areas and provided shelter, food, guidance, and labour.⁴³ Mountains were staked, claimed, and renamed, creating a space for colonial extraction. Kulan and the miners, government bureaucrats, and regulators who would later develop, operate, and oversee the Faro

⁴⁰ Prospector Airways Ltd. of Toronto staked the Grum occurrence (close to the initial Vangorda claim) on behalf of Noranda Mines Ltd. and Kerr Addison Gold Mine Ltd. in 1955. Prospector then formed Vangorda Mines Ltd. In 1956 Kerr Addison took control of Vangorda Mines Ltd. and Prospector Airways Ltd. and staked the Faro deposit. Al Kulan continued to work for Kerr Addison: Richardson Securities of Canada, "Dynasty Explorations Ltd." (1965), Yukon Archives, PAM 1969-0134 c.1; Gaffin, *Cashing In*; Clifford McLeod and John Acklack, interview with author, October 4, 2021.

⁴¹ Richardson Securities of Canada, "Dynasty Explorations Ltd."

⁴² Many of these claims and exploration sites are still being developed today, including sites along the North Canol, Swim Lakes, and Vangorda: Leslie H. Stobbe, "Who will discover tomorrow's mines in the Yukon? An interview with Dr. Aaro Aho, president of Dynasty Explorations Ltd.," *British Columbia Business Journal* 1, no. 4 (1969), Yukon Archives, PAM 1969-0152.

⁴³ In many media reports and historic reflections on the 'discovery' of the Faro Mine, it is noted that Kulan and his partner, Bert Law, did pay for the Kaska men's assistance. These narratives center on how Kulan and Law paid for the Kaska families' groceries and how Kulan and Law really got along well with the "Indian people". Gaffin also notes that some claims were in fact registered in the names of Kaska men, but these were later sold to Kulan and Law in a court proceeding. Despite this veneer of good relations, the claims were always in the 'care of' Kulan and his lawyers and the Kaska men saw none of the eventual profits of mining: Jane Gaffin, *Cashing In*.

and Vangorda mines continually betrayed the trust, expertise, and generosity, of the Tū Lídlini Dena families who assisted them, and who's land and relations were torn apart by mining. According to Tū Lídlini Elders, because of their actions, these men and the Faro Mine were cursed by Dena Keyah.⁴⁴

3.2.1 *The Tintina Rush: maintaining mineral rights through government-backed theft*

“When I was just a young fella about 14 years old, I worked for Al Kulan... and I was out there working doing soil sampling for them. Not knowing I'm, you know, giving my land away... but that's all we had for jobs. Back then there was no jobs, but the mining companies were here, and everybody was working for mining companies, staking... and all the young fellows they got well known for working hard and getting things done... I worked staking claims... just helping them find the ore and stuff and we were paid peanuts.”⁴⁵

Kulan didn't have to wait long to capitalize on his broken promises. In the 1958 Federal election campaign John Diefenbaker ran on a platform that centered the opening and development of the Canadian North. Diefenbaker's “Northern Vision” was sold to southern Canadians as a source of national identity, a promise of new sources of untapped wealth, and as an assurance of sovereignty in the context of the Cold War. According to Diefenbaker, all of this could be easily attained with federal investments in Northern infrastructure.⁴⁶ Soon after Diefenbaker's election as Prime Minister, the newly minted Department of Northern Affairs and

⁴⁴ Elder Grady Sterriah in Beckett and Tuffs, “Ross River Elder's Council Workshop”; Sterriah, interview with author, July 2019; Gordon Peter, interview with author, November 16, 2019; Robbie Dick, interview with author, December 11, 2019; Clifford McLeod and John Acklack, interview with author, October 4, 2021.

⁴⁵ Atkinson, interview with author.

⁴⁶ Stephen Hay, “Appendix 3: Faro Mine Chronology,” in Anthony Hodge, Nadja Kunz, Stephen Hay, Isabel Carmen, Connor Hamely and Bulgan Batdor, “Through a Prism of Time: Faro Retrospective Initiative, Phase 1 Report,” Robert M. Buchan Department of Mining Engineering, Queens University (2021); Heather Exner-Pirot, “Canada's Northern Economic Development Paradigm and Its Failures,” in *Canada's Arctic Agenda: Into the Vortex*, ed. J. Higginbotham and J. Spence (Waterloo: Centre for International Governance Innovation, 2019), 15; Philip Isard, “Northern Vision: Northern Development during the Diefenbaker Era,” (Masters Thesis, University of Waterloo, History, 2010); Coates and Morrison, *Land of the Midnight Sun*.

National Development produced a *National Development Policy* in 1958, which included the first Road to Resources program.⁴⁷ The Road to Resources program set aside \$260,000 for the reopening of the South Canol road in 1962 and ushered in the construction of the Robert Campbell Highway from Watson Lake to Carmacks.⁴⁸ The Department of Northern Affairs and National Development then introduced the Northern Mineral Exploration Assistance Programme, which provided grants of up to 40 percent of approved exploration expenditures. To further support extractive industries, Diefenbaker also changed the federal *Income Tax Act* to allow for tax breaks and royalty waivers for mining companies.⁴⁹

This large government investment in the Northern infrastructure represented a post-war shift towards a Euro-Canadian vision of the resource extraction as a large-scale industrial, nation-building opportunity.⁵⁰ Such nation-building programs strategically obscured settler responsibilities for treaty making outlined in *The Royal Proclamation* (1763) and the *British North America Act* (1867) and pushed ahead with the infrastructures necessary for large-scale mining and oil extraction, ignoring Northern Indigenous communities' calls for sovereignty and

⁴⁷ The Canadian Government created the Department of Northern Affairs and National Resources in 1953 (the precursor to the Department of Indian and Northern Affairs, then Indigenous and Northern Affairs Canada, then Crown Indigenous Relations and Northern Affairs Canada). The first Road to Resources program also targeted road development for Clinton Creek Mine and funded upgrades to the Alaska Highway: Department of Northern Affairs and National Resources Editorial and Information Division, "Major Road Programme for the North (Resources and Development – Northern Development in Canada," (1958), University of Saskatchewan Archival Collections, John G. Diefenbaker fonds, VI/5871.1.

⁴⁸ The Robert Campbell was named for the Hudson Bay Company trader and explorer, who travelled throughout the Kaska Dena territory in the early 1800s and bestowed many of the settler names now commonly used in Kaska territory: George W. Miller, "The Economic Acculturation of an Indian Band," prepared for The Northern Science Research Group, Department of Indian and Northern Development (Ottawa, 1971). For a summary of the construction of infrastructure surrounding the staking and development of the Cyprus Anvil Mine, see Kenneth J. Rea, *The Political Economy of Northern Development* (Ottawa: Science Council of Canada, 1967).

⁴⁹ Hay, "Appendix 3: Faro Mine Chronology," 7-8; G. Faulkner, "A Federal Role in Resource Development in Northern Canada," in "Prospects for Mineral Resource Assessments on Public Lands: Proceedings of the Leesburg Workshop," ed. S. B. Green, S.M. Cargill (Geological Survey of Canada, 1986), 26-28.

⁵⁰ Boutet, "Welfare Mines."

treaty-making.⁵¹ Diefenbaker's "Northern Vision" claimed the North for settler Canadians, fulfilling the state's desire to nationalize a Canadian, Northern identity and secure land for extraction.

Creating a 'Northern Vision' of industrialization and extractive profits was premised on a narrative of empty, extractable, and sparsely populated spaces, which the Canadian state in turn attempted to create in concrete ways. In the early 1960s, the village of Ross River was forcibly moved from the confluence of the Ross River and Pelly River, across to the south-west bank of the Pelly River so that the government could more easily provide services and exert control through the *Indian Act* reserve system.⁵² The introduction of the Alaska Highway (1942), the Canol Road (1943) and the Robert Campbell Highway (1969), increased state and church access to these communities, resulting in increased numbers of students being taken to residential schools.⁵³ The simultaneous creation of an *Indian Act* reserve system in Ross River, the forced movement of village housing, the removal of children to residential schools, and the creation of police and federal service departments in Ross River between the mid 1950s and 1960s, alongside government funded mineral exploration, was not simply a convenient coincidence.

By the mid 1960s, the federal government's financial support for mining in the Yukon and booming international mineral markets converged, resulting in a staking rush on Kaska Dena land, referred to as the Tintina Rush. Kulan, who was then working for Kerr Addison Ltd.,

⁵¹ Asserting that the North is the homeland of Northern Indigenous Peoples was not new. In Yukon, in the early 1900s, Kishxóot (Chief Jim Boss) of the Ta'an Kwäch'än petitioned the Government of Canada for the protection of the home of Yukon First Nations peoples and their hunting grounds from the increasing presence of settler populations: Jen Jones, "Confronting Settler Colonialism when Assessing the Impact of Mining on Indigenous Peoples' Health and Well-Being" (PhD Diss., Geography, University of Guelph, 2020).

⁵² Weinstein, "Just Like People Get Lost"; Yukon Indian Peoples, "Together Today for Our Children Tomorrow: A Statement on Grievances and an Approach to Settlement by the Yukon Indian People," (Whitehorse: January 1973), 12.

⁵³ Julie Cruikshank and Bob Sharp, "Yukon Case Studies: The Alaska Highway and the Anvil Mine Development," prepared for University of Canada North (Yukon) Research Division (Whitehorse, 1977).

partnered with Dr. Aaro Aho, Gordan Davies, and Ronald Markham, creating Dynasty Exploration Ltd. (Dynasty) in 1964. As Aho tells the story, in June 1965 they were running low on funds and as a last-ditch effort to find the ‘big one’, they made a 12 mile hike with a bulldozer and trailer, traveling north of Swim Lakes and the Vangorda claims, arriving at their destination at six in the morning and setting camp “right on top of the huge Faro orebody without knowing it, but hoping it might be so.”⁵⁴ In naming the claim ‘Faro’, Dynasty attempted to erase the Kaska relationships with the surrounding mountains (Figure 1.4).⁵⁵ Somewhat ironically, the name ‘Faro’ comes from a gambling game popular during the Klondike gold rush - a game infamous for cheating and dealer-rigged card boxes.⁵⁶

Repeating history, Dr. Aho and his Dynasty crew strategically overlooked the key role that Joe Ladue played in finding the Faro mineral deposit. As a friend of Joe Ladue’s later wrote:

Joe’s trapline in past years, was located where the Faro pit and the mine are located today. Even today, all around the mine site, this trap line is operated by his sons and friends. On one of his prospecting adventures in this area, Joe discovered a very rich deposit of lead and zinc and other minerals. The news spread rapidly of the find, setting off a series of events, from claim staking, and exploration, to strong control over the discovery of the deposit... From my understanding, there were crafty transactions rapidly taking place in order for ownership to be settled. Joe Ladue received a few dollars and little recognition for his input.⁵⁷

⁵⁴ Stobbe, “Who will discover tomorrow's mines in the Yukon,” 4.

⁵⁵ McLeod and Acklack, interview with author.

⁵⁶ The card game ‘Faro’ (an English derivative of the French name *Pharaon*, or Pharaoh, a common image on French playing cards) originated in France in the 18th century. It spread to North America in the 19th century and was extremely popular until the early 1900s, being the game of choice in Dawson City gambling houses during the Klondike Gold Rush. The game was easy to learn and, when played honestly, the odds for a player were good. However, the game was also infamous for cheating because of rampant rigging of the ‘house controlled’ dealing boxes. *Hoyle's Rules of Games* began their Faro section by warning readers that not a single honest Faro bank could be found in the United States. *Hoyle* editors, when describing how Faro banks were opened and operated, noted that: “To justify the initial expenditure, a dealer must have some permanent advantage”: Joe Zentner, “Faro – Card Game of the Southwest,” *Desert USA Newsletter*, n.d.

⁵⁷ Duke Lawson, “The Man I Knew as Joe,” in *Madmen and Dreamers*, The Pelly Historical Society (1993), Yukon Archives, 971.097 191 Pell; Tū Lídlini Dena Elder 4, interview with author, Oct 6, 2021.

Joe Ladue later died in a tragic car accident with a Faro ore truck.⁵⁸ His family continued to use that trapline, despite mining and a lack of recognition for Joe.⁵⁹ Many other Tū Łídlíni Dena families continued to hunt, trap, and fish in the Tsē Zūl region as mineral exploration proceeded, taking on part-time wage labour to supplement the seasonal round of hunting and traveling between camps.⁶⁰

Within a year, Dynasty's staking of the Faro claims resulted in widespread exploration of Kaska Dena land, again without their consent or treaty negotiations. The staking of the Faro deposit in June 1965 was followed by a summer of extensive exploration in the Tsē Zūl Valley (along the Tintina Trench), as Dynasty rushed to define and delineate potential lead-zinc deposits before other companies caught wind.⁶¹

The camp, with an exhilarating air of excitement, was bursting with 117 people, 22 tents, two helicopters, a double cook tent running three shifts, and people sleeping on the floors. Cats, bombardiers, and other vehicles rumbled through at all hours, more drills were being brought in, a rough access road and 3800 foot air strip were built, and mountains of supplies were freighted in while the nights darkened, frosts turned flame, and snows dusted the peaks. By late October a total of 2400 claims had been staked.⁶²

After staking thousands of claims in the summer of 1965, Dynasty Explorations went public and formed a joint venture with Cyprus Mines Corporation based out of Los Angeles. Dynasty and Cyprus Mines actively stoked the flames of 'rush rumors', directly contributing to media and mining magazine articles that extolled the quality and quantity of lead, zinc, and silver finds.⁶³

As a result, the Tintina Trench and its surrounding mountain ranges quickly became the target of widespread mineral speculation, resulting in the largest staking rush in the Yukon's

⁵⁸ Lawson, "The Man I Knew as Joe."

⁵⁹ Tū Łídlíni Dena Elder 4, interview with author.

⁶⁰ Weinstein, "Just Like People Get Lost," 89.

⁶¹ Hoogeveen, "Sub-surface property," 134-35.

⁶² Cyprus Anvil Mining Corporation, "Birth of a Giant" (1970), Yukon Archives, PAM 1970-0036, 8.

⁶³ Stobbe, "Who will discover tomorrow's mines in the Yukon"; Paul Friggens, "Anvil! The Yukon's Fabulous Mine," *Readers Digest* (1973), Yukon Archives PAM 1969-0152, 30.

history since the Klondike.⁶⁴ In 1965, across the Yukon, more than 11,000 claims were staked and more than four and a half million dollars of mineral assessment work was recorded, 50 percent of which occurred on Tū Łídlīni Dena territory.⁶⁵ Through the winter of 1965-66 more than twenty companies flew in by helicopter to stake claims, even though Dynasty and Kerr Addison had already claimed much of the most promising finds. By the end of 1966 almost all the sixty-five kilometres between Ross River and Blind Creek, as well as about seventy kilometres downstream from Blind Creek, were staked (Figure 3.1).⁶⁶ Of the 15,708 claims staked in Yukon during 1966, nearly 10,000 were in the Tsē Zūl area. The Department of Indian Affairs and Northern Development dubbed 1966: “one of the most dynamic in the history of northern development” and recorded five million dollars’ worth of work.”⁶⁷

⁶⁴ While there were fewer individuals flocking to the region, as occurred during the Klondike, several major companies staked thousands upon thousands of claims over a matter of 4 years. Such companies included: Cyprus Mines Corporation, Cominco, Canadian Superior Oil, Imperial oil, Standard oil, New Consolidated Gold Fields of South Africa, Hudson Bay Mining and Smelting, Nippon Mining Co., Placement Development, Kerr Addison, Newmont Mining, McIntyre Porcupine Mines, KJ. Springer and Associates, Conwest, Falconbridge and others; Aho, “Intensified Exploration on Yukon’s Central Plateau”; Bob Sharp, “The Impact of the Anvil Mine on Ross River,” presentation to the Berger Commission Hearings, Yukon Archives 307 Sha, May 1976.

⁶⁵ Stobbe, “Who will discover tomorrow’s mines in the Yukon?”

⁶⁶ Sharp, “Changes in Ross River During the Anvil Mine Development,” 61; Dimitrov and Weinstein, *So That the Future Will Be Ours*, 45.

⁶⁷ 80 percent of these claims eventually lapsed, but some have been re-staked and are still maintained to this day: Department of Indian Affairs and Northern Development, “Annual Report Fiscal Year 1966-67,” issued under the authority of Honourable Arthur Laing, P.C., M.P., B.S.A., Minister of Indian Affairs and Northern Development (1967), n.p.; Dynasty Explorations Ltd., “Dynasty Explorations Limited: Second Annual Report 1966,” (1966), C.B. “Bud” Johnson Library at University of Western Ontario.

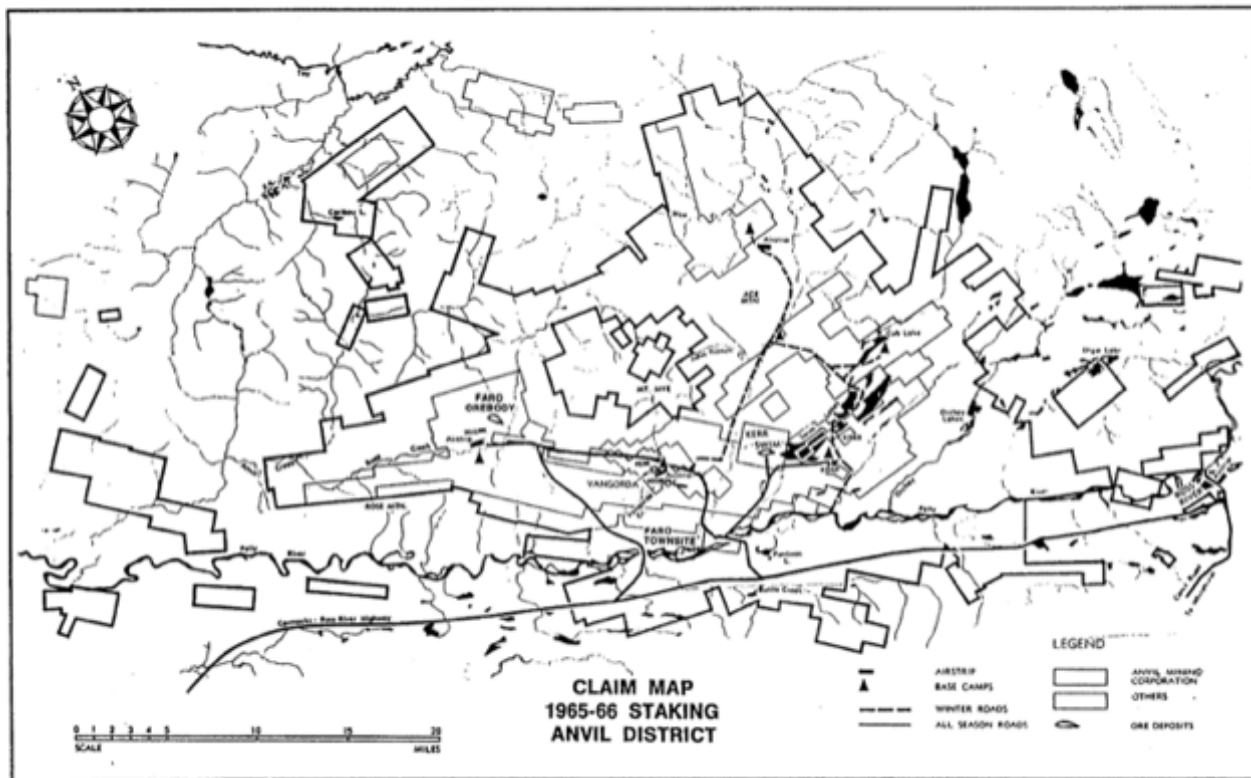


Figure 3.1 Claims staked during the 1965-66 staking rush in the Anvil District around Faro and Ross River. Northern Resource & Land Use Policy Study (1978), taken from Weinstein, “Just Like People Get Lost.”

Invasive exploration activities quickly radiated out from the claim posts driven into Kaska ground. Tū Łídlīni Dena Elders vividly remember the cutting noise of survey helicopters and the rapid construction of exploration roads with no regard for the gravesites, traplines, hunting areas, camps, or sacred sites that Tū Łídlīni Dena had used for countless generations.⁶⁸ In contrast, as a result of the staking, exploration, and development spree, Dynasty’s stock rose

⁶⁸ Brian Mackenzie, “The Anvil Project: Preliminary Economic Analysis of a Mineral Development Opportunity,” prepared for the Department of Northern Affairs and Natural Resources (September 1966), Yukon Archives 622.344 Mac 1966-09; Aaro E. Aho, “Intensified Exploration on Yukon’s Central Plateau,” *Western Miner* 39, no. 1 (January, 1966), Yukon Archives PAM 1966-00577, 3.

from forty cents to \$20.00 per share, an investment that catapulted them towards mine development.⁶⁹

3.3 An infrastructure of theft: roads, power and people

“I showed you that gravesite... and they ploughed that road right clean through, don't think that mine company did that, but the government built that road to put the ferry there, but that mine got them to put that ferry in... They destroyed our gravesite. And you know ... they didn't even bother trying to fix it or anything. Give us the money, we'll fix it.”⁷⁰

“Company found all kinds of excuses to keep people out.”⁷¹

Kaska land was first stolen through free-entry claim staking and ore body delineation (e.g. drilling and bulk sampling). This very literal land theft was then translated to paper, via mining land use permits and agreements made between mining companies and settler governments. Beyond the boundaries of mine permits and mineral property lines, settler governments also issued land use permits for roads and town construction, without signing treaties. These bureaucratic infrastructures of theft were then entrenched and managed via government offices. The RCMP and the Department of Northern Affairs and Natural Resources set up shop in Ross River and Faro in tandem with extraction. This ongoing theft of land was legitimated through media and state narratives that promoted romanticized stories of the discovery and construction of Faro Mine. Meanwhile, the other arms of dispossession –

⁶⁹ Friggens notes that when the “rush” occurred, Dynasty stock soared from 40 cents to \$15 and then to \$20 on the Vancouver Exchange: Friggens, “Anvil! The Yukon’s Fabulous Mine,” 30; See also Mackenzie, “The Anvil Project: Preliminary Economic Analysis of a Mineral Development Opportunity.”

⁷⁰ McLeod and Acklack, interview with author. Other Elders also referred to the destruction of the gravesite at Blind Creek: Tū Lídlini Dena Elder 1, interview with author; W. Atkinson, interview with author.

⁷¹ Elder Arthur John in Weinstein, “Just Like People Get Lost,” 110.

residential schooling, marginalization from jobs and housing, and racialized and gendered violence, further removed Tū Łídlīni Dena people from their lands and their culture.

With a rising share price in their pocket, between 1965-1967 Dynasty and Cyprus Anvil moved swiftly to corner government support and capital investment. Alongside material land grabs in the form of staked claims and resource roads, Dynasty Explorations Ltd. and Cyprus Anvil began assembling the bureaucracy, cash, and infrastructure needed for extraction. Dynasty and Cyprus Anvil employed three narratives to garner this support: 1) the promotion of their use of innovative science and technology; 2) the possibility of a Northern smelter as a hub for further extraction; and 3) the promise of hefty government support and public investment in infrastructure. Narratives of scientific prowess were particularly prominent in early promotional material: "Unlike the thousands of hopefuls who stampeded up the Klondike trail in 1898, a new breed of men uncovered Anvil, waging a combined ground-air attack with the most advanced techniques of geology, geophysics, geochemistry."⁷² In the context of a post-war push for industrial and sovereignty-focused development in the Canadian North, Cyprus Anvil also made vague promises of a Northern smelter and extensive exploration in the surrounding region, ushering in supposed long-term economic wealth.⁷³ Such promotional stories were used to garner government support and infrastructure, which in turn, was used to collect private investment and contracts.

Riding the wave of early promotional material and the excitement of the so-called Tintina Rush, in November 1965 Cyprus Anvil contracted Parsons-Jurden Corporation of New York to complete a feasibility study. Parsons-Jurden Corporation, these days known as Parsons, would

⁷² Friggens, "Anvil! The Yukon's Fabulous Mine," 28. Friggens also notes that the technology used to survey from helicopters was originally developed for the detection of submarines during WW2; see also Cyprus Anvil Mining Corporation, "Birth of a Giant" (January, 1970).

⁷³ Coates and Morrison, *Land of the Midnight Sun*; Kenneth J. Rea, *The Political Economy*.

go on to receive the construction contract for the Faro townsite and other contracts at Faro Mine over decades, including the current care and maintenance contract for the Remediation Project, valued at \$108 million for two years of work.⁷⁴ At the same time, General Enterprises, today called Pelly Construction (another company with contemporary contracts at Faro), was busy constructing the Robert Campbell Highway and planning for an additional road to Faro.⁷⁵ Implicit in Parsons-Jurden's feasibility review was the assumption that government would fund additional services and infrastructure: "The operation would be contingent upon the Canadian government supplying power at a reasonable cost, a townsite to accommodate mining personnel, and transportation facilities in the form of extension of existing roads to tidewater or a railroad."⁷⁶ Parsons-Jurden's 1965 feasibility study determined that the operation would cost Cyprus Anvil \$56 million to develop, not including the public infrastructure and townsite needed.⁷⁷ Subsequently, Cyprus Anvil made a request to the federal government for assistance in the following areas: 1) construction and operation of a power facility; 2) provision of an all-weather road transportation to tidewater; and 3) development and construction of a townsite.⁷⁸

In response to Cyprus Anvil's requests, two internal government reviews of Parsons' feasibility report highlighted several gaps in their options analysis.⁷⁹ One of those internal reports argued that:

Assuming that the firm is able to select its optimum [processing and transportation] alternative, it does not appear that the development of this project is contingent on the

⁷⁴ Lawrie Crawford, "Twenty years of mining in Faro, means billions of tax dollars for care and clean-up," *Yukon News*, February 19, 2022.

⁷⁵ The Pelly Historical Society, *Madmen and Dreamers* (1993), Yukon Archives 971.097 191 Pell, 6.

⁷⁶ Government documents and correspondence connected these demands and requests to the infrastructure developments made for the Pine Point mine: Janet Macpherson, "Cyprus Anvil Mine," in *Northern Transitions: Northern Resource and Land Use Policy Study*, (Ottawa: Canadian Arctic Resources Committee, 1977), 121.

⁷⁷ Anvil Mining Corporation Ltd., "Program for Anvil Mining Corporation Ltd.," (1966), Yukon Archives PAM 1966-0124.

⁷⁸ Kenneth Lieber, President of Anvil Mining Corporation, letter to Arthur Laing, Minister of Northern Affairs and National Resources on June 27, 1966, in Macpherson, "Cyprus Anvil Mine," 12.

⁷⁹ Mackenzie, "The Anvil Project," 11.

provision of transportation and townsite facilities by the Government. Taking into account the remote area, the uncertainties inherent in mineral development opportunities appear attractive even if the investors provide the above-mentioned facilities...⁸⁰

Anvil pushed back, emphasizing that the construction of a smelter would not be economically feasible without government support: “To induce Anvil to pursue the processing metal alternative, the Government would have to provide some form of large direct subsidy and perhaps market support.”⁸¹ Despite internal misgivings, the proposal was quickly taken up by DIAND and slated for development, couched within the promises of northern mineral wealth and settler sovereignty via smelting.

In a matter of two years, Faro went from claim staking to approval for major development. Within four years, all the town, power, and transportation infrastructure were completed. As Dr. Aho stated in a magazine interview in 1969, the speed of permitting was a benefit of working in the North: “Even though it is more costly to explore in the North, virgin new finds can still be seen on surface and it is still relatively unstifled by regulations, red tape, conservation, taxation, etc., which is driving mining away elsewhere.”⁸² At Faro, the ability to claim wealth was directly connected to the ability to claim land within colonial mining regulation and settler notions of property. The structures of *extractive colonialism* that resulted in theft of land and extraction of wealth (claim staking and mine permitting), worked hand in hand with *settler colonialism* (the establishment of the Faro townsite).⁸³ The remainder of this section

⁸⁰ Mackenzie, “The Anvil Project,” 114.

⁸¹ Macpherson, “Cyprus Anvil Mine,” 125.

⁸² Stobbe, “Who Will Discover Tomorrow’s Mines in the Yukon,” 4.

⁸³ Heather Green, “The Tr’ondek Hwech’in and the Great Upheaval: Mining, Colonialism, and Environmental Changes in the Klondike, 1890-1940” (PhD diss., History and Classics, University of Alberta, 2018); Shiri Pasternak, Deborah Cowen, Robert Clifford, Tiffany Joseph, Dayna Nadine Scott, Anne Spice and Heidi Kiiwetinepinesiiik Stark, “Infrastructure, Jurisdiction, Extractivism: Keywords for Decolonizing Geographies,” *Political Geography* 101 (2023): 102763.

sketches out the scaffolding of paperwork, permitting, and policies that built the infrastructures of theft at the Faro mine after mineral staking and exploration.

3.3.1 *The Anvil Agreement – the bureaucracy of theft*

*“That’s our land... to make billions of dollars out of it, they made a road for all the workers right to Faro... from Faro to here was the roughest. We had people, you know, die on that road because it was so rough... accidents and stuff like that. We never got anything. We got the richest territory in the Yukon, we got mines, but we’re not benefiting from it, you know.”*⁸⁴

At a late-night cocktail party in Whitehorse in August 1967, an agreement between Cyprus Anvil and the federal government was drafted:

Meeting Arthur Laing, then Minister of Indian Affairs and Northern Development, an Anvil official told him: ‘We’ve got a very fine orebody, but no roads, no power, no people.’ Laing asked to meet the group again at 11 o’clock that same evening – with happy results.⁸⁵

The result of this late-night agreement over cocktails was the *Anvil Agreement*, which was signed in August 1967. The *Anvil Agreement* outlined the transfer (or rather theft) of Kaska land to Cyprus Anvil for mine and townsite development, detailed government financial supports, and stipulated employment expectations. The federal government, preoccupied with industrial-scale extraction in the North, were highly motivated to see smelting and processing facilities constructed to support additional and existing base-metal mines, such as Pine Point, Polaris, and Nanisivik.⁸⁶ Cyprus Anvil played on these preoccupations to secure large subsidies and

⁸⁴ Atkinson, interview with author.

⁸⁵ Arthur Laing was the Minister of Indian and Northern Affairs Canada from 1963-1966, under the Lester B. Pearson Liberal government. He spoke extensively about the so-called advancement, betterment, and protection of Indigenous peoples. In one speech, given the same year as the signing of the *Anvil Agreement*, Laing stated: “The Indian lands are a trust held by the government on behalf of the Indian people of today and of the future. As a trust, the land must be used for the best interests of the beneficiaries. There are 2 000 reserves comprising 6 000 000 acres. Much of it is valuable. This estate is capable of producing many benefits for many Indian families”: Macpherson, “Cyprus Anvil Mine,” 121.

⁸⁶ Sandlos and Keeling, *Mining Country*.

infrastructure supports. With approvals from government in hand, by the end of 1967 Cyprus Anvil signed contracts worth \$300 million with Mitsui Mining and Smelting Company Ltd. and Toho Zinc Company Ltd., two large smelting and refining companies based out of Japan. Additional contracts were later made with Metalgesellschaft A. G. of Germany.⁸⁷

The *Anvil Agreement* provided the framework for considerable financial assistance from the federal government and was essentially a list of promises heavily skewed towards government support for the company, with little real accountability placed on Cyprus Anvil. Estimated to total about \$28 million (about \$250 million in 2024 dollars), subsidies included direct funding for the construction of access roads, bridges, and a townsite. In addition to these supports, the *Anvil Agreement* outlined tax and royalty exemptions for the first three years of production.⁸⁸ In return, Cyprus Anvil was asked to try to hire locally, with a goal of reaching 25 percent Indigenous employment, and to complete a feasibility study for a smelter – neither of which came to fruition.⁸⁹ Dynasty Explorations Ltd. summarized the *Agreement* for their shareholders, writing:

The Government of Canada agreed to provide power facilities, to assist in access roads and a bridge across the Pelly River, to provide services and mortgages for a townsite, and to keep the Canol Road open and operate a ferry across the river until the Carmacks-Ross River road and Pelly River bridge were built.⁹⁰

They did not mention any of their own commitments, beyond the promise to extract ore.

⁸⁷ Equivalent to \$2 billion in 2023 dollars. All of these companies are smelting and refining companies that still exist today and are multi-million dollar international companies. Cyprus Anvil Mining Corporation, “Birth of a Giant.”

⁸⁸ This was a common practice – it was introduced as a part of *Income Tax Act* changes in the late 1950s that allowed for mining companies to be exempt from income taxes/royalties for the first years of production. This was part of a broader suite of tax and subsidy incentives meant to drive mining in the North. Huskey and Southcott, “That’s Where My Money Goes.”

⁸⁹ If a smelter was demonstrated to be financially feasible, the company would have to build a smelter or else pay 1\$ per ton of concentrate. Indian Affairs and Northern Development and Anvil Mining Corporation, *Anvil Agreement: Agreement between Her Majesty the Queen and Anvil Mining Corporation Limited* (August 21, 1967).

⁹⁰ Dynasty Explorations Limited, “Dynasty Explorations Limited: Sixth Annual Report 1970,” (1970), Yukon Archives PER 0274-1970, 15. See also Department of Indian Affairs and Northern Development, “Annual Report Fiscal Year 1969-1970,” (1970).

In signing the *Anvil Agreement*, the federal government promised to provide indirect assistance through highway upgrades and the installation of water services, power lines, and telecommunication networks. In September 1967, a shipping agreement was signed between the White Pass and Yukon Corporation and the Anvil Mining Corporation.⁹¹ The total upgrades paid for by White Pass and Yukon Corporation amounted to about \$22 million (\$197 million in 2024), including a new ship, new terminal facilities in Skagway, Alaska, a large fleet of specially designed trucks, ore containers, and new railway beds, tunnels, and bridges.⁹² These new and upgraded transportation routes followed the same routes used by Klondike gold stampedeers 70 years earlier, crossing Southern Tutchone and Tlingit territories. In many ways, Faro represented a return to those so-called glory days and was built on the foundations of Klondike legacies.

Considerable demands were also put on the Yukon electrical and telecommunications grids. The Northern Canada Power Commission, a federally owned Crown Corporation that served as an electrical utility in Northern Canada, upgraded power facilities in Whitehorse and constructed a new transmission line to Faro. Alongside transmission lines, Canadian National Telecommunications installed a communications network.⁹³ Together, these upgrades and lines cost an estimated \$20 million (\$179 million in 2024). In the early 1970s, further demands for power for Faro led to the development of the controversial Aishihik River Dam at Otter Falls, which flooded and fundamentally altered Champagne and Aishihik First Nations' territories and

⁹¹ Indian Affairs and Northern Development and Anvil Mining Corporation, *Anvil Agreement: Agreement between Her Majesty the Queen and Anvil Mining Corporation Limited* (August 21, 1967).

⁹² Stobbe, "Who will discover tomorrow's mines in the Yukon"; Hay, "Appendix 3: Faro Mine Chronology," states that \$14 million was spent on improvements to the White Pass and Yukon Route Railroad, road transit and bulk loading facilities at Skagway.

⁹³ Canadian National Telecommunications (CN-Telecommunications) was the precursor to Northwestel, which was established in 1979.

cultural practices.⁹⁴ However, with cheaper coal options nearby in Carmacks (Tantalus Butte Coal) and Ross River (Ross River Coal Project), in the late 1970s Cyprus Anvil purchased these coal deposits and used coal to power their operations, leaving the bill for hydro development to Yukoners.⁹⁵

While the exact amount of public dollars spent on the development of Faro is hard to pinpoint, available government documents show that *at least* \$60 million (\$538 million in 2024) was invested by governments, the White Pass and Yukon Corporation, and the Northern Canada Power Commission.⁹⁶ Reporting slightly higher numbers, in 1967, Dynasty Exploration estimated \$100 million (\$897 million in 2024) in total public expenditures on support services (including indirect public expenses).⁹⁷ The capital cost to Cyprus Anvil to build the mine rang in at \$68 million (\$610 million in 2024).⁹⁸

⁹⁴ Champagne and Aishihik First Nations, “Champagne and Aishihik First Nations Reviews and Recommendations for Yukon Energy Corporation’s Aishihik Generating Station Three-Year Renewal,” (2019), YESAB Registry 2019-0035-8935; Champagne and Aishihik First Nations, “Champagne and Aishihik First Nations: Review and Recommendations for Aishihik Dam,” (2020), YESAB Registry 2020-0123-0110.

⁹⁵ These coal mines have yet to be remediated. The Aishihik project proved extremely costly to Yukon consumers, who paid for the cost of the dam through their monthly electricity bills. Coates and Morrison, *Land of the Midnight Sun*; Huskey and Southcott, “That’s Where My Money Goes.”

⁹⁶ Because of conflicting government memoranda, information on subsidies and government support is piecemeal and inconsistent. For a breakdown of direct government financial commitments made in the Anvil Agreement, see Macpherson, “Cyprus Anvil Mine.” In addition, Rea states that over \$25 million in public funds was provided for access road, power supplies, communications facilities, townsite development and a worker training program: , *The Political Economy of Northern Development*, 68. For detailed estimates on the development costs of the townsite and roads, see: Thompson, Berwick, Pratt and Partners, “Anvil Townsite Yukon Territory: Report No. 2R: Townsite Location and Development,” prepared for the Territorial Government of the Yukon in Association with Anvil Mining Corporation, (1968), Yukon Archives 307 Tho n.2R, Section 11; and Golder, Brawner and Associates Ltd., “Highway Adequacy Study: Whitehorse to Anvil Junction Yukon,” (1968), Yukon Archives 625. 704 2 GBA 1968.

⁹⁶ Indian Affairs and Northern Development and Anvil Mining Corporation, *Anvil Agreement*.

⁹⁷ Dynasty Explorations Ltd., “Dynasty Explorations Limited: Third Annual Report 1967”, 4; For a contemporary breakdown of the private and public start-up costs for the Cyprus Anvil mine see Appendix 5 in Hodge et. al., “Through a Prism of Time.”

⁹⁸ \$42 million was borrowed from commercial banks (Toronto Dominion, First National City Bank, the Banker’s Trust Company and the United California Bank), \$18 million came from Cyprus and Dynasty, \$4 million from the Yukon Central Mortgage and Housing Corporation, and the remainder from Metallgesellschaft: Stobbe, “Who will discover tomorrow’s mines in the Yukon”; Macpherson, “Cyprus Anvil Mine.”

Despite the intentions of the *Anvil Agreement*, there is no evidence that any resources or serious effort went into maintaining aspects of the *Agreement* that were supposed to bring benefits to local people or to nearby Indigenous communities. None of the millions invested by the federal government, regional service corporations, or Cyprus Anvil went to the Tū Łídlīni Dena for their stolen land or livelihood. No government or company analysis was completed to measure the success or failure of the *Anvil Agreement*, or to evaluate the effects on Ross River Dena Council members.⁹⁹ The *Anvil Agreement* became a premise for the federal government to permit and subsidize the mine, and little more. After staking ‘Crown Land’ based on the colonial assumption that this land was empty and in need of improvement,¹⁰⁰ the founders and investors of the Faro Mine were actively paid by the state to enact the infrastructures of land and economic theft through transportation, power, and telecommunication networks.

3.3.2 Faro – a town built on theft

“I was displaced from there when the mine was discovered. And my grandfather... he's a traditional land steward of that area. So, when the mine was operating, my grandpa was displaced from there and we ended up in Lapie Lakes... the game wasn't as plentiful as it was around the Blind Creek area.”¹⁰¹

“The town of Faro itself is an impact on us... I think the impacts when we look at it are huge culturally.”¹⁰²

⁹⁹ Indian Affairs and Northern Development and Anvil Mining Corporation, *Anvil Agreement*; Macpherson, “Cyprus Anvil Mine”; Weinstein, “Just Like People Get Lost”; Hodge et. al., “Through a Prism of Time.”

¹⁰⁰ Hoogeveen, “Sub-surface property”; Cole Harris, “How did Colonialism Dispossession? Comments from an Edge of Empire,” *Annals of the Association of American Geographers* 94, no. 1 (2004): 65-182; Harvey, *The New Imperialism*; Li, *Land's End*.

¹⁰¹ Sterriah, interview with author.

¹⁰² Chief Jack Caesar, in Beckett and Tuffs, “Ross River Community Workshop,” 34.

This theft was further solidified by the rapid construction of the town of Faro. Almost immediately after the signing of the *Anvil Agreement* in 1967, James Smith, the Commissioner of the Yukon, announced that:

The Minister will set aside land for the development area which is to be constructed to accommodate initially 1000 to 1500 inhabitants, and the Minister will request the Commissioner, subject to the laws of the Territory, to... select the location of the proposed development area in consultation with Anvil.¹⁰³

The Yukon Government entered into an agreement with the Cyprus Anvil Mining Corporation to jointly develop the townsite, and planned for those living in Ross River to eventually assimilate into the new community at Faro.¹⁰⁴ The Yukon Government agreed to either construct or provide funding for all municipal services, including surveys, streets, sewers, lighting, water distribution, recreational facilities, schools, fire and police stations, and health services.¹⁰⁵ They also sold fee simple land to Anvil at development cost.¹⁰⁶ The Yukon Government gave Cyprus Anvil unceded Kaska land, with no treaty, land claims agreement, or consent.

The federal and territorial governments also paid the mine company to construct the townsite. Cyprus Anvil was hired as the “prime contractor for the study and for the actual development of the townsite so that the townsite development may be geared directly to the

¹⁰³ See Yukon Office of the Commissioner, “Commissioner’s Order 1968-14 Area Development Ordinance,” Whitehorse, Yukon, (January 2, 1968) in Thompson, Berwick, Pratt and Partners, “Anvil Townsite Yukon Territory: Report No. 2R: Townsite Location and Development,” prepared for the Territorial Government of the Yukon in Association with Anvil Mining Corporation, 1968, Yukon Archives, 307 Thon. 2R.

¹⁰⁴ Dynasty Explorations Ltd., “Annual Report,” (1968), Yukon EMR Library, ARM008942; Sharp, “Changes in Ross River,” 64.

¹⁰⁵ INAC paid Anvil \$50 000 to hire designers and engineers to finish the townsite plans. Appendices include all of the documentation to approve the construction of the townsite and the loans from the federal government. The townsite plans also include the YTG’s breakdown of their expected costs to develop and run the municipality and a proposed municipal budget. Arthur Laing ‘promises’ in a letter to James Smith that these expenses will be considered in the Federal Government’s estimations of transfers. There is also a report on the estimated benefits accruing to the Territory. Yukon Territorial Government Members of Council, “Anvil Townsite Proposal: Session Paper No. 7, 1968 (3rd Session),” Yukon Archives LB 0194.

¹⁰⁶ Development costs included permitting, licensing, land preparation, and installation of utilities.

mining development.”¹⁰⁷ Yukon Government saw Faro as a future resource hub: “The idea was to put in a town that would develop into something more than a mining camp; it was not to be a company town, but rather an open municipality...”¹⁰⁸

The townsite area chosen by Cyprus Anvil sits on two tiers of riverbank plateaus along the northeast side of Tu tí - the remnants of old flood plains and even older glacial movements. This area was considered an ideal location because of the flat grades, the lack of permafrost, river views, exposure to sun, and easy transportation to the Cyprus Anvil mine.¹⁰⁹ The urban planners and architects designing the town for the Cyprus Anvil considered the words ‘Anvil’ and ‘Faro’ to be unsuitable for a town name, preferring local inspiration: “In honour of the Native people of the region and in the interests of perpetuating the legend of the land, names from Athapaskan language are considered most appropriate.”¹¹⁰ Suggestions included: Tyga (River), Tun Tyga (Ice River) or Tintina (Broad Valley). In choosing to name the town Faro, the Yukon Government enforced a version of Yukoner identity that represented Klondike romanticisms of wilderness, gambling and pioneer whiteness while attempting to erase Dena names and further deny any acknowledgment of the long histories and language of Kaska lands.

¹⁰⁷ Thompson, Berwick, Pratt and Partners, “Anvil Townsite Proposal,” prepared for the Territorial Government of the Yukon and Anvil Mining Corporation (1967), Yukon Archives, 307 Anv 1967.

¹⁰⁸ Murrah Hampton, “Minerals and Mayhem,” in *Madmen and Dreamers*, ed. The Pelly Historical Society (1993), Yukon Archives, 971.097 191 Pell, 8-9.

¹⁰⁹ Thompson, Berwick, Pratt, and Partners, “Anvil Townsite Proposal,” (1967).

¹¹⁰ Thompson, Berwick, Pratt, and Partners, “Anvil Townsite Yukon Territory... (Revised),” (1968).

Beyond naming, part of creating the town of Faro necessitated creating a narrative of modern mining culture and opportunities for a wealthy, settler-family lifestyle. Town designs provided another tool through which Tū Łídlíni Dena land was annexed and made available for settler consumption (Figure 3.2). Promotional narratives revolved around two dialogues: 1) selling a vision of prosperity to prospective settlers, and 2) creating ‘empty space’ for adventure and wealth accumulation. Similar to other planned mining-town developments in this period, the first narrative promoted a vision of a desirable lifestyle

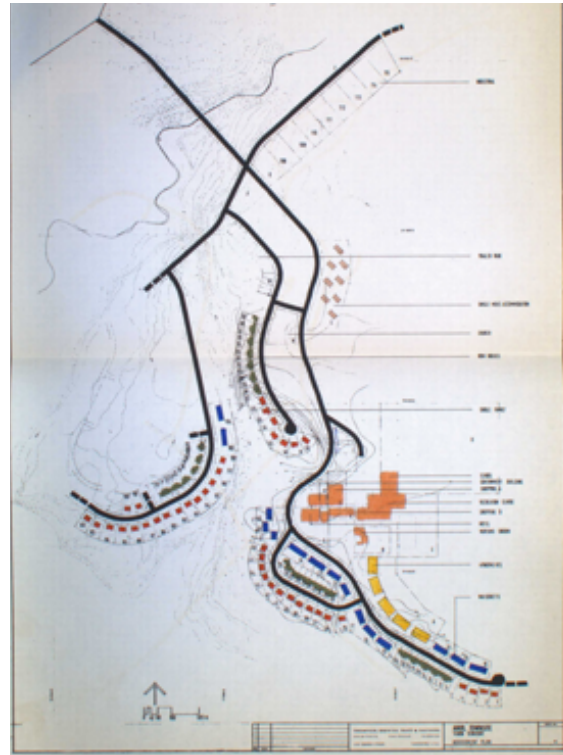


Figure 3.2 Layout of the proposed Faro townsite. Thompson, Berwick, Pratt and Partners, “Anvil Townsite Yukon Territory: Report No. 2R: Townsite Location and Development – Revised,” prepared for the Territorial Government of the Yukon in association with Anvil Mining Corporation, Yukon Archives, 307 Thon n.2R.

and avoiding the notion that Faro would be a short lived boom and bust mining town.¹¹¹ Despite the fact that Cyprus Anvil would own much of the housing, urban planners and bureaucrats focused on facilitating the eventual creation of an ‘open town’ that would be the hub for mineral exploration across southeastern Yukon.¹¹² In town planning and promotional materials, the lure of living in a modern townsite was sold through idealistic images focused on the provision of southern-style services, schooling, and comforts that would be offered within a self-sufficient, family-focused community (Figure 3.3). The first editions of the town newspaper, *The Raven*,

¹¹¹ John Sandlos and Arn Keeling, “Claiming the New North: Mining and Colonialism at the Pine Point Mine, Northwest Territories, Canada,” *Environment and History* 18, no. 1(2012): 5-34; Thierry Rodon, Arn Keeling and Jean-Sebastien Boutet, “Schefferville Revisited: The Rise and Fall (and Rise Again) of Iron Mining in Québec-Labrador,” *The Extractive Industries and Society* 12 (2022): 101008.

¹¹² Thompson, Berwick, Pratt, and Partners, “Anvil Townsite Proposal,” (1967), 3.

reflected these sentiments: “Inspired by the relentless dream of prospectors and explorers, we are stepping into their snowshoes to trek the frontier and mould it to a new civilization... our proud legacy to our children and the world.”¹¹³

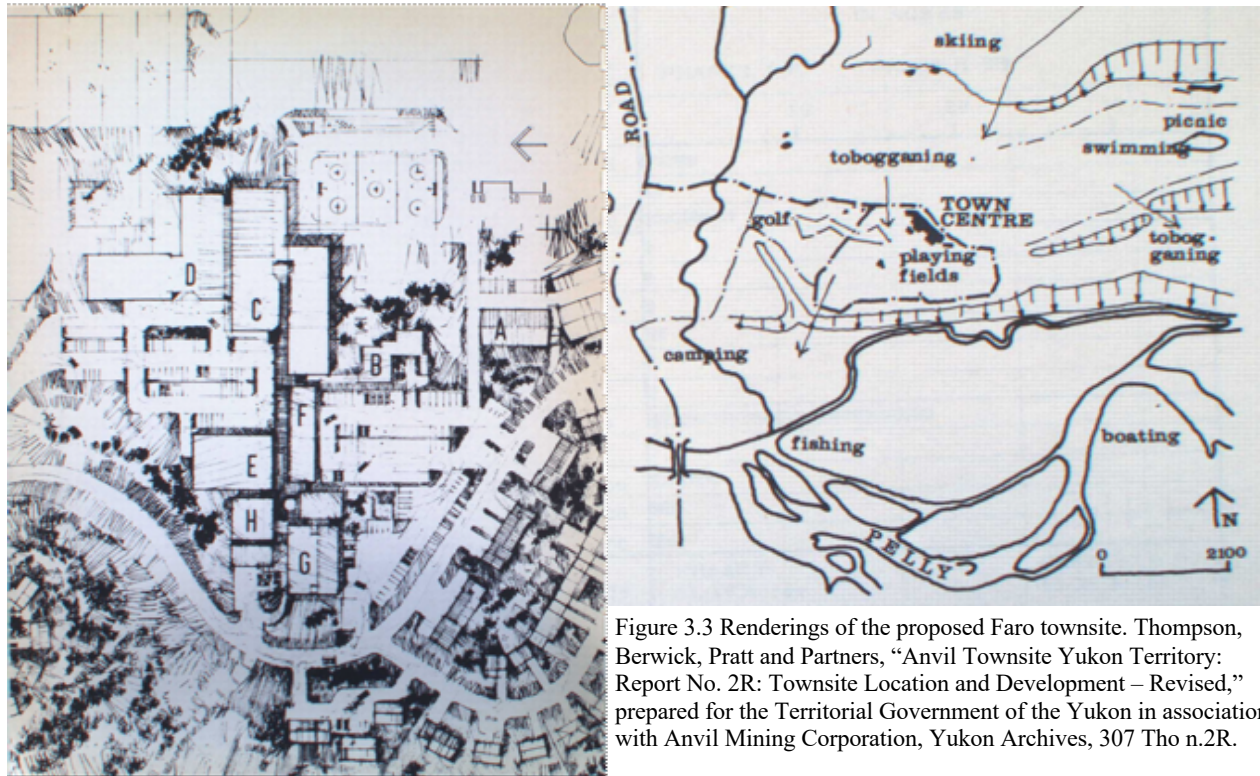


Figure 3.3 Renderings of the proposed Faro townsite. Thompson, Berwick, Pratt and Partners, “Anvil Townsite Yukon Territory: Report No. 2R: Townsite Location and Development – Revised,” prepared for the Territorial Government of the Yukon in association with Anvil Mining Corporation, Yukon Archives, 307 Thon.2R.

The second narrative used to attract settlers emphasized that there was “no existing population other than a scattering of self-sufficient families.”¹¹⁴ One promotional film entitled, *A New World in the Yukon* poetically described the openness and opportunity of the region:

The beauty of the land, the interesting terrain, the virgin quality of forests, lakes, and rivers appeals to the pioneer spirit in everyone. More importantly, the picture lays out a vast panorama of opportunity.¹¹⁵

In similar promotional material there was no mention that the so-called “self-sufficient families” were the Tū Łídlíni Dena, who have inhabited and stewarded that region for countless

¹¹³ Andrea E. Sweeney, “Faro – Call it a Dare,” *The Raven*, March 12, 1970, 3.

¹¹⁴ Thompson, Berwick, Pratt, and Partners, “Anvil Townsite Proposal,” (1967), 11.

¹¹⁵ Anvil Mining Corporation Ltd., “A New World in the Yukon” (film, 1970), Yukon Archives PAM 1972-0067.

generations. During the exploration and construction of the mine, several Tū Łídlíni Dena families set up a small, semi-permanent community near where the access road bridged the Pelly River. Some of these people, such as Dena Cho (Jack Sterriah) and Louie Tommy, took on wage labour work while continuing their hunting, fishing, and trapping practices.¹¹⁶ In contrast to promotional materials, in internal documents, Cyprus Anvil and their consultants framed this community as a problem:

They live in tents, crude shacks, or small construction shelters that were left behind when the bridge and town were built... the entire group is generally unaccepted in Faro. Ironically, one of the residents of the Indian community is the man who led the way to the original mineral showing... The growing Indian community at the Pelly River bridge is not generally recognized by the Faro residents. This area and its inhabitants may generate problems for Faro in the future.¹¹⁷

Town planning, government permitting, and Cyprus Anvil promotional material carefully sculpted a public image of an empty, wild landscape – a blank slate for the creation of wealth and community for white settlers.¹¹⁸

The town plan was finalized by May 1968 and within weeks, telephone poles were erected, surveys were completed, and 230 miles of transmission line were strung across the region.¹¹⁹ Just over a year later, as construction neared completion, on June 12-13, 1969, the Faro Curse materialized as fire. First, 500 feet of powerline was destroyed on June 12. Then, on Friday, June 13, a second lightning strike hit a dry mountainside two and a half miles northwest of the townsite; “within three hours the burgeoning town was a smoldering ruin.”¹²⁰ The fire destroyed 50 houses, in addition to damaging equipment and town facilities, with losses

¹¹⁶ Tommy, interview with author; Nora Ladue, interview with author, October 6, 2021.

¹¹⁷ William Ganfield Laatsch, “Yukon Mining Settlement: An Examination of Three Communities,” (PhD diss., Department of Geography, University of Alberta, 1972), 155-161.

¹¹⁸ Traci Brynne Voyles, *Wastelanding: Legacies of Uranium Mining in Navajo Country* (Minneapolis: University of Minnesota Press, 2015); Max Liboiron, *Pollution is Colonialism* (Durham: Duke University Press, 2021).

¹¹⁹ Plans for the townsite were submitted to the government in November 1967 and were finalized by May 1968: Thompson, Berwick, Pratt and Partners, “Anvil Townsite Yukon Territory.”

¹²⁰ Whitehorse Star, “Fires Ravage the Yukon – Faro Gone, Maybe Pelly,” *The Whitehorse Star*, June 14, 1969.

estimated at \$700 000, not including costs to the Northern Canada Power Commission.¹²¹ Despite this set back, with access to fast funding and settler bureaucratic power, “Faro.. like the Phoenix, rose from its own ashes and reconstruction started immediately.”¹²² The first settler families moved into Faro in September 1969. With the backing and funding of the federal and territorial governments, the town of Faro was fully constructed, serviced, and staffed within a year of the fire. By the end of 1970, the townsite had 180 family dwellings, housing for single employees, municipal services, a school, a nursing station, a community church, a bank, a general store, a motel, restaurant, cocktail lounge, and service station.¹²³

The vast resources the federal and territorial governments were willing to put into developing services and housing in support of the mine stood in stark contrast to the resources dedicated to Ross River in years leading up to the Faro mine, and those since. As mine employees moved into new housing at Faro, the community of Ross River received far fewer dollars, engineers, or urban planners. A long-term vision of a thriving community was denied to the Tū Łídlīni Dena as the Yukon Government pushed for assimilation into the new, settler community of Faro.

According to Tū Łídlīni Dena Elders, the townsite of Faro is central to land dispossession and environmental injustices. The Yukon Government’s land ordinance, the uneven implementation of municipal services, and the construction of a town to entice settler employees were all infrastructures of theft used to settle on and extract from Tū Łídlīni Dena territory, without consent. This relationship is materially reflected when driving south on the Robert Campbell highway from Carmacks: just past the paved turnoff for Faro, the remainder of the

¹²¹ Whitehorse Star, “Special Anvil Project Issue,” *The Whitehorse Star*, January 29, 1970.

¹²² Cyprus Anvil Mining Corporation, “Anvil” (1970).

¹²³ Anvil Mining Corporation Ltd., “A New World in the Yukon.” See also Friggens, “Anvil! The Yukon’s Fabulous Mine,” 30; and Miller, “The Economic Acculturation of an Indian Band.”

road to Ross River and Watson Lake abruptly transitions to gravel. Paved roads were built for ore, its extractors, and transporters.

3.3.3 *Attempted theft of labour and wealth*

“We've been chased out of there by the Faro people and you know, we don't have anywhere else... we came up to Ross, but [Blind Creek] was where we stayed most of the time and... not very good experience with Faro Mine. I even tried to get a job there and I was turned away from the very place where I was born.”¹²⁴

“Faro Mine. Well, a lot of people got rich from that place. A lot of people got rich, at our expense. Didn't give a shit about us. You can quote me on that.”¹²⁵

In the 1950s, many Indigenous communities in Yukon were in economic crisis due to crashing fur markets and a loss of seasonal employment associated with military projects during World War II. After the Taylor and Drury trading post in Ross River closed, many young families moved to other Yukon towns, particularly Watson Lake, in search of seasonal labour to supplement hunting, fishing, and land stewardship activities.¹²⁶ These local labour patterns shifted in the 1960s when mining exploration boomed. In implementing Diefenbaker's 'Northern Vision,' DIAND was keen to ensure local and Indigenous employment at the Faro Mine: “It is expected that [Cyprus Anvil] will make special provisions for the training and employment of Yukon residents and will be able to draw heavily on the Indian population of the Territory.”¹²⁷ Not only were these jobs seen as a mechanism for developing local economies within a specific western-capitalist framework, but also as an opportunity to assimilate Indigenous communities

¹²⁴ Minnie Besner, interview with author, October 7, 2021.

¹²⁵ Sterriah, interview with author.

¹²⁶ Weinstein, “Just Like People Get Lost,” 84.

¹²⁷ Department on Indian and Northern Development, “Press Release,” (March 20, 1967), 1, in Janet Macpherson, “Cyprus Anvil Mine,” in *Northern Transitions: Northern Resource and Land Use Policy Study*, Canadian Arctic Resources Committee (Ottawa: 1977), 128.

into settler society. And at first, many young Kaska men did return to take jobs in exploration and surveying.¹²⁸

The *Anvil Agreement* stated that once the mine entered the production stage, Cyprus Anvil would make a bona fide effort to “employ competent local residents, particularly Indians and Eskimos, to the extent of at least 5 percent of the total number of employees within the first year, rising to 10 percent in the second year and 25 percent in the fifth year.”¹²⁹ During the mine and townsite construction period about 500 people were employed, only 15 of whom were from Ross River or identified as Indigenous.¹³⁰ According to statistics prepared by DIAND in the early 1970s, although Indigenous employment at Faro Mine was ten percent in the second year of operation, it quickly declined to approximately one percent after that, with no consequences for the company.¹³¹

Tū Łídlīni Dena who had worked in exploration and initial mine development indicated that they were unsatisfied with the unskilled work, and that they were isolated from family while having to work long shifts and stay in a bunkhouse. As one community report from the 1980s noted, “From the standpoint of Ross River residents... the *Anvil Agreement* was of little relevance... Apparently, little thought was given by the company [or government] to the lack of preparedness [or desire] of local people to step into the mine jobs.”¹³² Interviews conducted by the Ross River Indian Band revealed that, for most Ross River people, employment with Cyprus Anvil was neither attractive nor realistic within their family, hunting and stewardship

¹²⁸ Weinstein, “Just Like People Get Lost,” 38.

¹²⁹ Indian Affairs and Northern Development and Anvil Mining Corporation, *Anvil Agreement*, 4.

¹³⁰ Macpherson, “Cyprus Anvil Mine,” 128.

¹³¹ Macpherson, “Cyprus Anvil Mine.”

¹³² Sharp, “Changes in Ross River,” 78; Macpherson, “Cyprus Anvil Mine,” 128; Dimitrov and Weinstein, “So That the Future Will Be Ours.”

commitments and people had little interest in positions that exposed them to dust and contaminants.¹³³

Racism was also pervasive. In an interview in the early 1970s, the personnel manager at Cyprus Anvil stated: “This group is the worst of the lot. We have tried to hire them, but they don't work out well.”¹³⁴ Such racism extended to housing, which Cyprus Anvil had complete control over. Apartments had initially been provided for Indigenous employees, but the manager stated that this didn't work out: “One family... even brought a moose into the living room and butchered it up on the rug.”¹³⁵ Many Elders shared memories of being unable to get jobs, or if they did receive employment, they felt ostracized and were unable to secure company housing.¹³⁶

Between 1970 and 1997, overall employment numbers at the Faro Mine fluctuated between 220-740 employees.¹³⁷ Until the mid 1990s, the various owners of Faro Mine did not keep track of how many Indigenous employees they hired.¹³⁸ Assuming a consistent one percent employment rate between 1972 to the mid 1990s, an average of 5 Indigenous people (not specifically Kaska Dena), or fewer, worked at Faro from year to year. However, Elders have few memories of family or community members working at the mine after the exploration phase, so the number is likely even lower. In addition, until the mid 1990s there were no agreements or other mechanisms in place to ensure that benefits flowed to Ross River Dena Council

¹³³ Tommy, interview with author; Dimitrov and Weinstein, “So That the Future Will Be Ours.”

¹³⁴ Miller, “The Economic Acculturation of an Indian Band,” 80.

¹³⁵ Ibid.

¹³⁶ See Appendix 6, Section 6 in this dissertation for Elder’s memories of these experiences.

¹³⁷ See the annual reports from Dynasty, Cyprus Anvil, Curragh and Anvil Range from 1970-1998. Annual reports can be found at the Yukon Archives, Corporate Archives, COR ACC 2005/155. These reports are summarized in Hodge et. al., “Through a Prism of Time,” Appendix 5.

¹³⁸ In monthly and annual reporting, there is no evidence that Cyprus Anvil or Curragh (the mine owner in the 1980s) kept track of Indigenous employment, training, or benefits. This kind of employment data was eventually monitored in the 1990s by the Anvil Mining Corporation.

members.¹³⁹ With no legal consequences for breaking promises, and with no requirement for the monitoring of employment or training goals, the *Anvil Agreement* did not lead to the successful establishment of an Indigenous workforce at the mine or of any kind of community benefit structures.¹⁴⁰

The *Anvil Agreement* was an attempt to contractually ensure that benefits and job opportunities from mining development accrued to the region. Across Canada, similar approaches were being taken at other purpose-built company towns.¹⁴¹ These attempts at securing local benefits were reflective of broader economic and resource development strategies across Canada at the time, thinly veiled programs that centered on land dispossession and extraction across the ‘empty’ spaces of the North.¹⁴² Agreements such as the *Anvil Agreement* were perceived as attempts to promote local industry and avoid mining booms and busts. However, in the absence of treaties, self-government agreements, or acknowledgement of Indigenous sovereignty, these mining agreements proved better at facilitating and maintaining land grabs, than anchoring wealth in local and Indigenous communities. Postulations for local benefits, including gestures towards Indigenous engagement and employment, failed to provide

¹³⁹ In their review of the Anvil Agreement, Hodge et. al. note that there is no documentation of how the commitments made in the *Anvil Agreement* were (or were not) carried forward to future mine owners. It seems that once the initial requirements were met, the provisions of the *Anvil Agreement* were mostly ignored: Hodge et. al, “Through a Prism of Time.”

¹⁴⁰ Reflecting on this agreement in 1975, the Minister of Indian and Northern Affairs at the time, Judd Buchanan, stated that “he was disappointed in the small number of Indian people working at the Cyprus Anvil Mine near Faro.” Buchanan goes on to say that he will be having a frank discussion with the operators of the mine: Philip Koring, “Buchanan takes new look at our Northern policies,” *The Financial Post*, November 8, 1975.

¹⁴¹ C.W. Hobart, “Wage Employment and Cultural Retention: the Case of the Canadian Inuit,” *International Journal of Comparative Sociology* 23, no. 1–2 (1982): 47–61; Jean-Sébastien Boutet, Arn Keeling, and John Sandlos, “Historical Perspectives on Mining and the Aboriginal Social Economy,” in *Northern Communities Working Together: The Social Economy of the Canadian North*, ed. Chris Southcott (Toronto: University of Toronto Press, 2015), 198–227; Sandlos and Keeling, *Mining Country*; Tee Wern Lim, Arn Keeling and Terre Satterfield, “We Thought It Would Last Forever: The Social Scars and Legacy Effects of Mine Closure at Nanisivik, Canada's First High Arctic Mine,” *Labour/ Le Travail* 91 (Spring 2023): 15–146.

¹⁴² Piper, *The Industrial Transformation of Subarctic Canada*; Stephan Bocking and Brad Martin (eds.), *Ice Blink: Navigating Northern Environmental History* (Calgary: University of Calgary Press, 2017); Boutet, “Welfare Mines.”

meaningful benefit, while resulting in environmental harm and the obstruction of land-human-wildlife relationships that sustained communities both materially and culturally.

3.3.4 Attempted cultural theft

“I remember... there was me and a whole bunch of kids, at that time we came back from... school and we... I don't know what happened, because the families from down at Blind Creek ended up going up here [to Ross River] ... when we come up here all our... all the cabins were moved from across here, over on this side, all kinds of stuff.”¹⁴³

“When the kids got taken away all my uncles and grandpa's and stuff... they lost their job as teachers, as uncles, that took the young ones out... teach them how to hunt, how to preserve, how to respect animals and how to take care of meat, dogs, and everything. And the auntie's, they were teachers, storytellers. Some... I remember some of our storytellers, man, they were just like watching a movie. They talk Dene k'èh and everything... it was a whole family. I tell you about maybe 30 people all related... that's how many people lived there [Blind Creek]. We hunt and travel. After that everything was gone... all the people didn't know what to do. No kids. The job was gone. And a lot of them turn to alcohol because they missed their kids and stuff. Ross River was a big place at one time. Most of the people from Watson Lake are from here. They move down there to be closer to their kids that were put in Lower Post residential school.”¹⁴⁴

“Well, some of the bad experience I experienced down there, we lost a lot of family and alcohol has become pretty prominent and it.... it destroyed everything - our family values, our history and I think our family was really impacted by it... every time when I go up there and go right up to the mine road... were we used to pick berries and stuff like that... it just brought back too many bad memories, and I don't want to... I don't know, I have this feeling of loss. A lot of big loss... because of family.”¹⁴⁵

As the first stakes for the Vangorda and Faro mines were being hammered into the ground in the 1950s and 60s, the Canadian government was cooperating with Christian churches to facilitate the relocation of Indigenous communities and the construction of residential schools

¹⁴³ Besner, interview with author.

¹⁴⁴ W. Atkinson, interview with author.

¹⁴⁵ Besner, interview with author.

across the North.¹⁴⁶ In 1953, a new school was constructed in Lower Post and the Chooutla Residential School in Carcross was expanded. In 1960, another school was constructed in Whitehorse.¹⁴⁷ Many families followed their children to Lower Post (Watson Lake) and Whitehorse.¹⁴⁸ The village at Tū Łídlīni, the traditional meeting place of both Dena people and two rivers – the Ross and Pelly – was covertly relocated from the north to the south bank of the Pelly River in the early 1960s, while most community members were away at fall hunting camps and children were in residential school.¹⁴⁹ The land surrounding the relocated Dena village was surveyed and later sold or leased to settlers, such as Al Kulan, who came to the area for mining opportunities.¹⁵⁰

Increased state and church access to Tū Łídlīni Dena lands and people via the re-opened Canol road and the new Robert Campbell Highway, the expansion of residential school systems, and the movement of the village across the Pelly River, facilitated increasingly direct control over Kaska families and livelihoods. As argued by Ross River Dena Council in the 1980s:

The relocation of the Ross River Indian people to a site not of their choice, and the predominance of whites that were later to move into the new subdivision was viewed by government planners, at least initially, as a model 'integrated community'. The harsh present-day reality, however, is that today's Ross River is an integrated community in name only, with the settlement split by the North Canol road along ethnic lines.¹⁵¹

¹⁴⁶ Crystal Fraser shows that despite national inquiries and resistance to residential schools in the first half of the 1900s, new schools continued to be built across the North in the 1950s and 60s, even as southern schools were being closed: Crystal Fraser, "T'aih k'iighe' tth'aih zhit diidich'ùh (By Strength, We Are Still Here): Indigenous Northerners Confronting Hierarchies of Power at Day and Residential Schools in Nanhkak Thak (the Inuvik Region, Northwest Territories), 1959 to 1982" (PhD diss., University of Alberta, Department of History, 2019).

¹⁴⁷ National Centre for Truth and Reconciliation (NCTR), "Lower Post Residential School Narrative;" "Yukon Hall Narrative;" and "Chooutla Residential School Narrative."

¹⁴⁸ W. Atkinson, interview with author; Nora Ladue and Mary Maje, interview with author, October 4, 2021.

¹⁴⁹ Additional unceded RRDC land near the Canol Road was surveyed, parceled, and sold for individual ownership through a title purchase system in Whitehorse. The allocation of land reserved for 'Indian Use' through the *Indian Act* Band Council system restricted the services that could be offered in the Dena area of the community; Sharp, "Changes in Ross River."

¹⁵⁰ Al Kulan's family still owns property in Ross River, which is rented to Ross River Dena Council, Dena Nezziddi Development Corporation and various mining companies for office space.

¹⁵¹ Dimitrov and Weinstein, "So That the Future Will Be Ours," 78.

State control via roads, services, housing, police, and residential school, alongside massive mineral exploration campaigns, was no small coincidence. As mineral staking was occurring, the bureaucratic mechanisms of settler colonialism were used alongside the tools of extractive colonialism to not only steal land from Tū Łídlīni Dena, but to attempt cultural assimilation and pave the way for future wealth accumulation via mineral extraction.

In the late 1960s, while Dynasty and Cyprus Anvil pitched their mine development project to the federal government, gathered investments, rushed to secure permits, and built the Faro townsite, the recently relocated village of Ross River changed dramatically. Industry and governments forcefully constructed their vision of Ross River as a temporary Northern hub of extraction. Dr. Aho of Dynasty Exploration recounted this time through the lens of a settler:

Ross River has exploded with development. In 1965 it contained only about 30 people, mostly Indians and a small trading post, with minimal facilities, no schools, no electricity, little or no supplies, no sewer or water... A few short months later, spurred by the heat of the exploration activity, Ross River attained a development area status and boasts a fixed wing and helicopter base... electricity and water, a school, a modern motel and restaurant, several new permanent houses, two new churches, a large and well stocked store, fuel and propane depot, and many other facilities of an organized community.¹⁵²

What Aho fails to note is that almost all the new businesses in Ross River village were owned and operated by white settlers new to the area. The boom in settler businesses corresponded with the establishment of territorial and federal services in Ross River – RCMP, Department of Territorial Engineering, Yukon Forest Services, and Public Health all constructed and staffed offices in Ross River between 1966 and 1970.¹⁵³ A Chief and Council reserve system was established by the Department of Indian Affairs in 1966, building on a history of the federal

¹⁵² Aho, “Intensified Exploration on Yukon’s Central Plateau,” 3.

¹⁵³ Sharp, “The Impact of the Anvil Mine on Ross River.”

government implementing *Indian Act* provisions alongside resource extraction, representing a key mechanism of extractive colonialism.¹⁵⁴

Ross River Dena received few benefits from this short-lived boom in business opportunities and increased services. Many people who got jobs as assistant prospectors and explorers were not paid the same amount as their white counterparts.¹⁵⁵ The settler families who moved to Ross River (and eventually Faro) during this mineral boom quickly sought to replicate the governance, recreational facilities, and schooling that they were accustomed to – this desire was underlain with racism and a refusal to learn from, accommodate, or respect Dena ways.¹⁵⁶ Such racism was reflected in infrastructure - services established in town favoured the ‘white side of town’. The water line was located on the white side of town, roads on the white side of town were graveled and maintained, and the British Columbia curriculum was taught in schools.¹⁵⁷ Newcomers also asserted their “right to hunt and have access to game resources” and used the new webs of resource roads to access Kaska land without consent, leading to overhunting in key Kaska areas.¹⁵⁸

The services and infrastructure installed in Ross River, as inequitable as they were, were also temporary. There was

... substantial doubt on the part of the Territorial and Federal Government agencies that the community of Ross River would continue to exist after the construction of Faro was completed. All governmental installations, except the road maintenance garage, were portable structures.¹⁵⁹

¹⁵⁴ Sharp, “Changes in Ross River;” Sandlos and Keeling, *Mining Country*; Green, “The Tr’ondek Hwech’in and the Great Upheaval.”

¹⁵⁵ Dimitrov and Weinstein, “So That the Future Will Be Ours;” Sharp, “The Impact of the Anvil Mine on Ross River.”

¹⁵⁶ Sharp, “The Impact of the Anvil Mine on Ross River;” Miller, “The Economic Acculturation of an Indian Band.”

¹⁵⁷ Dimitrov and Weinstein, “So That the Future Will Be Ours.”

¹⁵⁸ Weinstein, “Just Like People Get Lost,” 105. In the 1980s, research directed by RRDC created land use maps illustrating the shift away from using the Tsē Zūl and Dzel Jedé regions – because Tū Łídlīni Dena felt uncomfortable near the town of Faro and were fearful of contamination, causing social disruptions, deaths and outmigration.

¹⁵⁹ Sharp, “Changes in Ross River,” 64.

The Yukon Territorial Government planned for Ross River community members and services to assimilate into the modern town of Faro, with the Ross River junction remaining simply as a crossroads for further mineral development.

When Tū Łídlīni Dena Elders speak of the history of Faro, their stories often return to the community's relocation, residential school, overhunting, and discrimination in services and economic benefits. They were detached from their land and community because of the mine *and* because of residential school and the various other mechanisms of cultural assimilation and theft.¹⁶⁰ Their land and culture were strategically 'made open' for extraction. The combined colonial tools of resource roads, relocation, residential schools, and racialized public services had drastic impacts on the Tū Łídlīni Dena community, including out migration, increase in alcohol and drug addiction, gendered violence, a lack of housing, and hunting scarcity: "raids by the construction workers to abduct women from the village were not uncommon."¹⁶¹ According to research completed by Ross River Indian Band in the mid 1970s, between 1967 and 1973, mortality rates in Ross River climbed from 3.3 deaths/1000 to 6.7 deaths/1000. Many of these deaths were associated with alcohol-related tragedies.¹⁶² There was a particularly high incidence of death among families from the Tsē Zūl region – between 1966 and 1989, 82 percent of alcohol related deaths were members of families from those areas.¹⁶³ The dispossession of territory through staking and mineral permitting *was and still is* bound up in the dispossession of land,

¹⁶⁰ Annie Jepp, personal communication with author, October 6, 2021; Willie Atkinson, interview with author, October 6, 2021; Minnie Besner, interview with author, October 7, 2021.

¹⁶¹ Weinstein, "Just Like People Get Lost," 100; Ladue, interview with author; Sterriah, interview with author; Besner, interview with author; Moody et. el., "Never Until Now."

¹⁶² Alcohol access and use was limited during the fur trade era but greatly expanded alongside mining and settler prospectors and developers set up bars and imported alcohol in larger quantities: Weinstein, "Just Like People Get Lost," 106. See also, Dimitrov and Weinstein, "So That the Future Will Be Ours," 88.

¹⁶³ Weinstein, "Just Like People Get Lost," 107-108.

culture, language, and governance, resulting in pervasive community wellness and healing challenges.¹⁶⁴

3.4 The Faro Curse strikes

“All the people that got rich all get.... Cause they mistreat people here. It backfired... So, whatever you do, it always comes around... And then in 69 they had fire... burned that town. And they had built it up pretty good too. And the fire was up on top of the mountain there and it went down... down towards the town, burned the whole thing. I was out in the bush that time, waiting for an exploration crew... was really hot... Dry lightning, there was dry lightning all over the place, just clear skies.”¹⁶⁵

As Elder Gordon Peter recounts, the Faro Curse first manifest in the fire that burnt down the newly constructed Faro townsite in June 1969 (Figure 3.4 and Figure 3.5).¹⁶⁶ The Curse materialized again and again over the coming decades, targeting those directly involved in the broken promises surrounding Faro. Initially, both Kulan and Aho became heroic characters in the Faro Mine narrative and in the re-molding of the Yukon as a modern mining hub. Aho and Kulan filled magazine and newspaper articles with accounts of their daring explorations and scientific prowess: “these men remain immortal within the Yukon mining fraternity... Their geologic theories, ideas and boundless energies helped discover millions of tons of open-pit ore that sparked a base metal rush and hurled the Yukon into world prominence.”¹⁶⁷ Companies owned

¹⁶⁴ Leanne Betasamosake Simpson, *As We Have Always Done* (Minneapolis: University of Minnesota Press, 2017); Cindy Holmes, Sarah Hunt and Amy Piedalue, “Violence, Colonialism and Space: Towards a Decolonizing Dialogue,” *ACME: International E-Journal for Critical Geographers* 14, no. 2 (2015): 539-570; Melody E. Morton Ninomiya, Nicole Burns, Nathaniel J. Pollock, Nadia T.G. Green, Jessica Martin, Janice Linton, Jenny R. Rand, Laura Jane Brubacher, Arn Keeling, and Alex Latta, “Indigenous Communities and the Mental Health Impacts of Land Dispossession Related to Industrial Resource Development: a Systematic Review,” *The Lancet Planetary Health* 7, no. 6 (2023): e501-e517.

¹⁶⁵ Tū Łídlíni Dena Elder 1, interview with author, July 17, 2019

¹⁶⁶ Gordon Peter, interview with author, November 16, 2019.

¹⁶⁷ Jane Gaffin, “Aaro Aho: The Mine Finder,” *The Yukoner Magazine*, no. 29 (March 2005), 58.

and operated by Aho, Kulan, and others involved in the development of Faro would go on to stake thousands more claims across Ross River Kaska territory – including claims that are still in the pipeline of development.¹⁶⁸



Figure 3.5 Group of people watching the Faro Fire, June 13, 1969. Hartmut Dege fonds, Yukon Archives ACC 2018/3 PHO 724.



Figure 3.4 The aftermath and wreckage of the Faro Fire, June 15, 1969. Hartmut Dege fonds, Yukon Archives ACC 2018/3 PHO 724.

But neither Aho nor Kulan would see these projects come to fruition. After leaving the mineral industry in Yukon for ‘greener pastures’ in British Columbia, Aho was killed in May 1977 in a tractor accident on his farm.¹⁶⁹ Kulan, who became extremely wealthy, decided to move south to “live it up in Vancouver,” but soon returned to Yukon: “It’s beautiful [in Vancouver], but I found that my money only brought new problems... and I got sick of begging letters.”¹⁷⁰ Kulan built a house in Ross River with red carpeting and red-and-gold brocaded furniture. At one point he drove a Rolls-Royce in the Yukon bush and he owned the bar in Ross River. Kulan’s house is now owned by the territorial government. Additional property, still owned by Kulan’s family is rented to businesses in Ross River.¹⁷¹ But all his wealth could not

¹⁶⁸ Claims staked during this time period that are now exploration developments include: BMC Mineral’s Kudz Ze Kayeh Project, Fireweed Metal’s Macpass and Mactung Projects, and Selwyn Chihong Mining’s Selwyn Project.

¹⁶⁹ Cyprus Anvil Mining Corporation, “Cyprus Anvil 1977 Annual Report,” (1977), Yukon Archives 658 CAMC AR 1977.

¹⁷⁰ Friggens, “Anvil! The Yukon’s Fabulous Mine,” 32; Miller, “The Economic Acculturation of an Indian Band,” 74.

¹⁷¹ Tū Łídlīni Dena Elder 4, interview with author; Tū Łídlīni Dena Elder 1, interview with author.

save him from the Faro Curse. A few months after Aho's death, on September 14, 1977, Kulan was shot in the bar in Ross River by a disgruntled business partner, John "Jack" Rolls Sr:

Kulan was sitting with associates at a table in the bar of the Welcome Inn around 9:30 pm Monday when a man came in the door. He simply walked over to Kulan, pointed a .357 Magnum pistol at his head and fired at point blank range... The gunman walked up to the bar, set the pistol down and told the barmaid: 'There. Now call the RCMP.'¹⁷²

Elders tell stories of several other miners associated with Faro who also suffered tragic deaths.¹⁷³

The Faro Curse struck first as fire, and then through the untimely deaths of prospectors, and it continues to haunt Faro today. The Faro Curse is not just a ghost story or an economic narrative of lost wealth, it is a story about justice for the land and the community – and the ways in which both land and people fight back:

Because what happened there was... it was just injustice. People were left out. You hear stories about Arthur John helping Al Kulan, living like he was a homeless man here and our people took sympathy upon him and invited him into their homes and fed him and he was asking for a rock, you know, reluctantly they showed him where this rock was. And you know, from then on it was history and you hear stories about people that were involved in that mine, they were... they died a violent death. Just, I think it's because of the injustice that was... that took place upon our land, and it was our land, you know, showing that what they did was wrong. And then too... the town of Faro being burned down was another factor of like, what took place was wrong... it's pretty tough. Just hearing the stories and hearing about it, you know, there's a sense of mystery there and a sense of like, you know what...why were our people left out?¹⁷⁴

The moment of staking and the stories that surround the discovery of a mine are central to creating and legitimating space for extraction within settler legal structures: "Settler colonialism

¹⁷² Whitehorse Star, "Ross River 'in Shock,'" *The Whitehorse Daily Star*, September 14, 1977.

¹⁷³ Morris Andrew, who worked with Al Kulan in Ross River in the 1950s committed suicide near Lapie Lakes in the early 1960s. Art Jellinek, one of the founding members of the Yukon Chamber of Mines and a colleague of Al Kulan's disappeared in the wilderness in 1967. In 1973, Kulan's fellow prospector, Ted Skonseng, fell in a bath tub of scalding water in the Regina Hotel in Whitehorse and died from his injuries. One of the major themes in the rumour mill was that Kulan may have played a role in these mysterious deaths. These rumours were enough to convince John Rolls, whom Kulan had dealings with in Ross River, that Kulan was also planning to do away with him. Peter, interview with author; Acklack, interview with author; John Firth, "The lore of the Faro Mine is worth preserving," *The Whitehorse Star*, July 4, 2014, A12.

¹⁷⁴ Robbie Dick, interview with author, December 11, 2019.

is particularly evident in the case of mineral claim staking regimes in Canada that, in many ways, continue to trump claims to Indigenous title.”¹⁷⁵ Free-entry mineral staking depends upon and precipitates asymmetrical power relations. Within a free-entry staking regime, free entry is framed as the ‘right of conquest’ – claims to property, are in effect, claims to sovereignty.¹⁷⁶ These asymmetrical power relations are further entrenched throughout construction and operations, and then overlooked during reclamation. At Faro, the moment of discovery and the lore surrounding the men involved in staking and development, represents a broken promise and the spark of the Curse to come. The Tintina Rush and the colonial-state agreements around land permitting, infrastructure, and town development that followed functioned as the tools of theft, claiming Kaska land as extractable within the ledgers of the Canadian state. But Tū Łídlíni Dena and Kaska land have always fought back.

3.5 Resisting theft

*“We never gave our land away. What is ours, should be ours and that's including Faro.”*¹⁷⁷

*“I see people are trying, but we need more than that, we need more togetherness, we need more community activities. I think everybody... everybody's been so hurt and displaced and... so they just cut off their feelings and we don't show the feelings... like... as I once seen. You know I used to... when I was a kid, two maybe... I can't remember how old I was, but you know, down at the cabin [at Blind Creek]... my grandparents had a bed there and I used to crawl into bed with them. And I always crawl down by their feet and tickle their feet. Things like that you know, like nowadays it's so hard to show that you love... because it's been taken... And I have been displaced and I... it's a hard thing, but I'm still here.”*¹⁷⁸

¹⁷⁵ Hoogeveen, “Sub-surface property,” 121.

¹⁷⁶ Ibid, 123; Glen Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014); Nicholas Blomley, “Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid,” *Annals of the Association of American Geographers* 93, no. 1 (2003): 121-141.

¹⁷⁷ John Atkinson, interview with author, October 4, 2021.

¹⁷⁸ Besner, interview with author.

In resistance to theft and violence, Tū Łídlīni Dena used and adapted many of the services and infrastructure built for Faro to facilitate self-determination and traditional practices on their own terms within a changing economy and community. Roads provided greater access to traditional territories, easier access to services and health care in other communities, and most importantly, telecommunication networks facilitated political organizing and familial relationships across territories.¹⁷⁹ In 1968 The Yukon Native Brotherhood was formed to fight for Indigenous rights and self-government and included representation from Ross River Dena Council (called the Ross River Indian Band at the time).¹⁸⁰ As the town of Faro was being constructed in 1968-69, Frank Calder and other Nisga'a Elders were suing the British Columbia government, arguing that their rights had never been extinguished;¹⁸¹ the federal government was tabling the White Paper (and receiving fierce resistance from Indigenous Canadians);¹⁸² and DIAND was pushing for further control of Northern resources after the Prudhoe Bay Oil strike in Alaska.¹⁸³

In response, Indigenous Nations across Canada organized to resist the federal government's attempts at assimilation and further land theft, sparking the contemporary

¹⁷⁹ This infrastructure was widely used by the Yukon Native Brotherhood for support and training services and the phone system was pivotal to political organizing throughout the Brotherhood: Sharp, "Changes in Ross River."

¹⁸⁰ The Yukon Native Brotherhood would later change its name to the Council for Yukon Indians (1973), and then to the Council of Yukon First Nations: Paul Nadasdy, "Boundaries Among Kin: Sovereignty, the Modern Treaty Process, and the Rise of Ethno-Territorial Nationalism among Yukon First Nations," *Comparative Studies in Society and History* 54, no. 3 (2012), 499-532; Glen Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press 2014).

¹⁸¹ Both the BC Supreme Court and the Court of Appeal rejected the Nisga'a claim. The Nisga'a then appealed to the Supreme Court of Canada. The Supreme Court of Canada ruled in 1973 that Aboriginal title had existed at the time of the *Royal Proclamation* (1763). This was the first case in Canadian courts to acknowledge the existence of Aboriginal title to land and that such title existed outside of colonial law. David Cruickshank, "Calder Case," *The Canadian Encyclopedia*, (September 2020).

¹⁸² The White Paper (1969) sought to abolish the *Indian Act* and treaty rights and assimilate Indigenous peoples, arguing that no Canadian citizen should have 'special rights.'

¹⁸³ Christopher Alcantara, Kirk Cameron and Steven Kennedy, "Assessing Devolution in the Canadian North: A Case Study of the Yukon Territory," *Arctic* 65, no. 3 (September 2012): 328-338; P. Clancy, "Politics by Remote Control: Historical Perspectives on Devolution in Canada's North," in *Devolution and Constitutional Development in the Canadian North*, ed. G. Dacks (Ottawa: Carleton University Press, 1990), 13-42.

Indigenous self-government and land claims movement.¹⁸⁴ In 1973, the Yukon Native Brotherhood, changing its name to the Council of Yukon Indians (CYI), travelled to Ottawa to present *Together Today for our Children Tomorrow*. This manifesto detailed the past injustices and dispossession that Yukon First Nations had faced, and it outlined a strategy for petitioning the federal government to legally recognize Indigenous communities' rights to govern themselves and to exercise authority over their homelands.¹⁸⁵ *Together Today for Our Children Tomorrow* marked the beginning of a very long struggle for land claim settlements for Yukon First Nations; a struggle that mirrored Tū Łídlíni Dena resistance to the Faro Mine.¹⁸⁶ Outside of the Yukon, the work of the CYI in the 1970s and 80s influenced national politics, including the Mackenzie Valley Pipeline Inquiry, the Alaska Highway Pipeline Inquiry, the negotiation of the *James Bay Northern Quebec Agreement* and changes to Canada's Constitution Act in 1982.¹⁸⁷

Linking these regional and national acts of resistance to the Faro Mine and townsite, Ross River Indian Band leadership were quick to document the connections between violence and marginalization in their community and the development of the Faro Mine on their unceded territory. In the 1950s, Tū Łídlíni Dena Elders foresaw settler state attempts to control hunting and trapping rights, and registered a group trapline for the Band, covering much of the Tū Łídlíni

¹⁸⁴ Coulthard, *Red Skins White Masks*.

¹⁸⁵ Yukon Indian Peoples. "Together Today for Our Children Tomorrow."

¹⁸⁶ Council of Yukon First Nations, "History of Land Claims", accessed Oct 25, 2021. See also Yukon Indian Peoples, "Together Today for Our Children Tomorrow."

¹⁸⁷ Changes included the addition of Section 35 to the Canadian Constitution, which ensures that "existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed" and widespread calls for Indigenous governance, self-determination and sovereignty across Canada: Roberta Rice, "Achieving First Nation Self-Government in Yukon, Canada: The Mediating Role of the Council for Yukon Indians (CYI), 1975-1995," in *Mediated Citizenship: The Informal Politics of Speaking for Citizens in the Global South*, ed. Bettina Lieres and Laurence Piper (London: Palgrave Macmillan, 2014): 203-218; Carly A. Dokis, *Where the Rivers Meet: Pipeline, Participatory Resource Management, and Aboriginal-State Relations in the Northwest Territories* (Vancouver: UBC Press, 2015); Glenn Icton, "Defining Space: How History Shaped and Informed Notions of Kaska Land Use and Occupancy" (PhD Diss., University of Saskatchewan, Department of History, 2019); William Morrison, "The Comprehensive Claims Process in Canada's North," in *The Modern North: People, Politics and the Rejection of Colonialism*, ed. Ken Coates and Judith Powell (Toronto: Lorimer, 1989).

Dena traditional territory, and taking control of trapping governance on their land.¹⁸⁸ During the construction and early operations of the Faro Mine, concerns about contamination, exclusion, and a lack of consent and treaty negotiations were repeatedly communicated to local governments and fed into multiple reviews for other extractive projects, including the Mackenzie Valley Pipeline Inquiry in the 1970s and the Macmillan Pass exploration project in the 1980s.¹⁸⁹ In 1973, Tū Łídlīni Dena leaders linked their concerns about the staking and development of the Faro Mine to the legacy of the Klondike gold rush, as recorded in *Together Today for Our Children Tomorrow*:

Although Indian people helped find the Klondike Gold, none were rich ten years later. With the Dynasty Discovery in 1965 leading to the development of Anvil Mine, the Indian people of Ross River were suddenly faced with large numbers of Whitemen moving in... Now there is a mine with an all-White payroll.¹⁹⁰

Building on the work presented in *Together Today for Our Children Tomorrow*, Ross River Indian Band completed research throughout the 1970s and early 1980s that outlined the need for local control over resource development. Through this research, they confronted the negative impacts of mining on their land, the lack of work opportunities, and the inequity in resource wealth distribution:

When the classic question of development is asked, ‘Who benefits and who pays’, it appears that, in this case, the interests of the mining company have prevailed followed by those of a few established white entrepreneurs and in-migrants. The interests of the Indian people of Ross River were given little consideration.¹⁹¹

¹⁸⁸ Weinstein, “Just Like People Get Lost,” 14.

¹⁸⁹ Miller, “The Economic Acculturation of an Indian Band”; Sharp, “Changes in Ross River”; Dimitrov and Weinstein, “So That the Future Will Be Ours”; Weinstein, Just Like People Get Lost; Ross River Dena Council v. Government of Yukon (2015), YKSC 45; Sue Moody and CCSG, Aja Mason and Yukon Status of Women Council and Lois Moorcroft, “Never Until Now: Indigenous and Racialized Women’s Experiences Working in Yukon and Northern British Columbia Mine Camps”, prepared for Liard Aboriginal Women’s Society (August, 2021).

¹⁹⁰ Yukon Indian Peoples, “Together Today for Our Children Tomorrow,” 12.

¹⁹¹ Sharp, “Changes in Ross River,” 87.

As documented in the following chapters, over the ensuing decades, Tū Łídlīni Dena Elders and leadership pushed hard for inclusion in economic benefits from mining and fought even harder to protect their lands and waters from contamination and over-hunting.¹⁹² Even while they were being pushed away from Tsē Zūl, K'esba Tsel, and Dzel Jedé, families from that region continued to monitor and steward the land, making regular trips to check on animals, water quality, and camp sites.¹⁹³ Despite decades of resistance, it was not until the mid 1990s that a mining company (not the government) would come to the table to discuss economic benefits. The government has yet to compensate Tū Łídlīni Dena for stolen land or the violation of their rights.

3.6 Conclusions

*"Now no one goes there. The mine tore up half the mountain. People from that country try other areas, could not find anything as good. After that, just like people get lost, don't know where to go. They tried back in there, up that way. Not as good as down there no more. So, people don't get good living like long time ago."*¹⁹⁴

*"To me, when I go there, it makes me upset and sad. It's just a giant hole there, they filled up the entire valley. It puts a hole in my heart too, not just the ground. I think it puts a hole in a lot of our hearts."*¹⁹⁵

The formal production phase of the Faro Mine began in September 1969, with the first shipment of lead-zinc concentrates arriving at the Port of Skagway on December 8. The day that Faro Mine went into production was not noteworthy in Ross River.¹⁹⁶ A world away, official ceremonies and celebratory banquets were held in Ottawa, Vancouver, Los Angeles, and Japan.

¹⁹² See Chapters 4 and 5.

¹⁹³ Weinstein, "Just Like People Get Lost," 120.

¹⁹⁴ Arthur John, as recorded by Weinstein, "Just Like People Get Lost," i.

¹⁹⁵ Josh Ladue, in Dena Kayeh Institute, "Dene K'eh Kusān: Always Will Be There," (film, November 2022).

¹⁹⁶ Sharp, "Changes in Ross River," 68-69.

At the celebration in Ottawa, Jean Chrétien, the Minister of the Department of Indian and Northern Development stated:

There are two things that strike me about this world-wide audience; it is a demonstration that there is a world community of mining, and it is a tribute to shared technology. To have brought such a large enterprise into production required the mobilization of those who understand mining as a new technology, those who market, and those who use minerals, together with those who finance large scale ventures. This combination of resources, markets, finances, and skill has made Anvil possible. Today we must all look ahead and plan, governments as well as mining companies, shipping companies, smelters, and fabricators... Within the last five years we have seen the North develop to the point where the first signs of its real potential are beginning to appear... Pine Point has shown itself in the Mackenzie, New Imperial, Clinton Creek, and of course Anvil in the Yukon.¹⁹⁷

Meanwhile, on Tū Lídlini Dena land, massive ore drills and shovels began dismantling hundreds of thousands of years of geologic, ecologic, and cultural relationships:

Removing about three cubic yards of waste for every ton of ore, the electric shovels will eventually have to strip 120 million cubic yards of waste material, posing the question of what Cyprus Anvil eventually will do about the awesome pit and mountains of overburden.¹⁹⁸

Almost immediately after uncaded Kaska land was stolen via free-entry claim staking, mine-permitting, and town development, it was torn up and used for waste storage as veins of wealth were transferred into far-away shareholders' bank accounts.

In a research report commissioned by Cyprus Anvil in 1972 to investigate community dynamics and challenges in Faro, Cyprus Anvil's consultant stated that: "Mining has been an *effective* agent for colonization," emphasizing the benefits and 'civilizations' that the mine and town of Faro had brought to the area.¹⁹⁹ This consultant goes on to state that: "development and colonization of the Canadian North will depend in the future, as in the past, mainly on the

¹⁹⁷ Macpherson, "Cyprus Anvil Mine," 122.

¹⁹⁸ Friggens, "Anvil! The Yukon's Fabulous Mine," 32.

¹⁹⁹ Laatsch, "Yukon Mining Settlement," 195, emphasis added.

development of its non-renewable resources of metals and minerals.”²⁰⁰ Concurrently, after widespread resistance to the White Paper (1969) and the Calder decision (1973), the federal government rushed to negotiate land claims in the North, hoping to render Aboriginal rights and title legible within the settler state.²⁰¹

Faro Mine was swiftly and strategically permitted and constructed in the midst of Indigenous resistance against land grabs and non-consensual industrial development.²⁰² The staking and development of Faro, the bringing of ‘civilizations,’ and economic development, were undertaken with no consultation and, ultimately, illegally and illegitimately.²⁰³ Only later, because of Indigenous activism and legal challenges, would the federal government be required to initiate land claims negotiations and engage with the Kaska and other Yukon First Nations. These negotiations would become key platforms of resistance to the operations at Faro over the ensuing decades.

Many changes occurred for the Tū Łídlíni Dena because of the staking rush in the 1950s-60s and the development of the Faro Mine. Some of these changes were regarded as benefits,

²⁰⁰ Laatsch, “Yukon Mining Settlement,” (1972), referencing Buck and Henderson, “The Role of Mineral Resources in the Development and Colonization of Northern Canada,” ed. V.W. Bladen, *Canadian Population and Northern Colonization* (Toronto: University of Toronto Press, 1962), 73.

²⁰¹ Coulthard, *Red Skin White Masks*; Glenn Icton, “Defining Space: How History Shaped and Informed Notions of Kaska Land Use and Occupancy,” (PhD Diss., University of Saskatchewan, Department of History, 2019); Ken Coates and Judith Powell, *The Modern North: People, Politics and the Rejection of Colonialism* (Toronto: Lorimer, 1989).

²⁰² There is evidence of Indigenous leaders throughout Yukon arguing for self-determination and treaty negotiations since the early 1900s. For example, Kishxóot Hunde-aelh (Chief Jim Boss), hereditary Chief of the Ta’an Kwäch’än, wrote two letters to Yukon Commissioner and Superintendent General of Indian Affairs in Ottawa in 1900 and 1902, urging the government to settle a claim with Yukon First Nations and to provide compensation for their lost lands and hunting grounds. The federal government avoided signing a treaty with Yukon First Nations, not wanting to risk ‘giving away’ land that could potentially have mineral wealth. Though the Crown did not sign early treaties in the Yukon, it did acknowledge Aboriginal title in the region, Kiri Staples, “Addressing cumulative effects in the context of sustainability and co-governance in Tr’ondëk Hwëch’in traditional territory, Yukon,” (PhD diss, Department of Social and Ecological Sustainability, Waterloo University, 2022), 92; Coates and Morrison, *Land of the Midnight Sun*, 115; Yukon Indian Peoples, “Together Today for Our Children Tomorrow: A Statement on Grievances and an Approach to Settlement by the Yukon Indian People,” Whitehorse, January 1973.

²⁰³ *Ross River Dena Council v. Canada (Attorney General)*, 2017, YKSC 58; *Ross River Dena Council v. Canada (Attorney General)*, 2017, YKSC 59.

others were detrimental – but what is essential to note here is that: “the conditions which gave rise to the change were not controlled nor appreciably influenced by the [Kaska] people.”²⁰⁴

Reflections on the history of the Faro Mine are less about a weighing of costs and benefits, and more about *who* controlled benefits, *who* had the resources to mitigate the costs, and *who* had the privilege to avoid harm. Kulan and Dr. Aho, along with their majority settler teams, were able to take every advantage of a legal and bureaucratic infrastructure that was pro-development, aimed solely at facilitating particular kinds of land ownership and extraction that favoured white-settlers, corporations, and Western nation-states.

According to Tū Łídlīni Dena Elders, the ongoing impacts of the Faro Mine on Kaska Dena people, without any form of consent, consultation, or agreement, are directly linked to the moment of staking: when a post is driven into the ground and the ‘right’ to a mineral is claimed through settler-state legal and bureaucratic frameworks. The exploration, state-issued land use permits, townsite construction, infrastructure, environmental harm, and land dispossession that follow are all tethered to this moment of staking. Such mineral rights are entrenched in even older colonial ideologies, such as the Doctrine of Discovery and the *Dominion Lands Act*. The theft stemming from mineral staking is “another form of slow violence that is linked to processes of alienation of Indigenous land.”²⁰⁵

Stemming from the staking of mineral claims, land dispossession at Faro came about in very specific ways – mining legislation and regulation, forceable relocation of the community, municipal land grabs, town designs, place naming, road building, inequities in services, employment discrimination, and the ongoing residential school system all created a bedrock of structural racism alongside, and in support of, land theft and extraction. The federal and

²⁰⁴ Sharp, “Changes in Ross River.”

²⁰⁵ Pasternak and King, *Land Back*, 27; Moody et. al., “Never Until Now.”

territorial governments played a central role in this land theft – through mineral and land permitting, the direct funding of infrastructure and services for the mine, and a complete lack of accountability to the employment expectations outlined in the *Anvil Agreement*. The racialized impacts of Faro are not a case of hindsight, or governments ‘knowing better now’. Despite changes to accommodate Indigenous consultation and additional environmental protections, how land is acquired, who owns the right to mine land, and who gets to make the final decision for mineral extraction, remains much the same. The specific modalities of extractive colonialism and theft that existed in the 1960s persist.

Today, the Faro Curse still weighs heavy in the air at Faro Mine. When working on site, employees and visitors comment that it ‘feels strange’; people whisper about the Curse – noting the unpredictability of the site, tension amongst contractors, and the every-day struggle of perpetual water management. After the mine opened, broken promises and thefts began to pile up, mirroring the stolen land that was dug up, crushed up, and dumped along the remaining slopes of K’esba Tsel and Tsē Zūl. The dust resulting from that process alights on gusts of wind, blanketing vegetation, and coating lungs: a physical reminder of broken promises yet to be mended. On the ground below, the exposed edges of stolen land are acidifying exponentially, steadily lowering the pH of surrounding waters. The Faro Curse lives on in acidic waters, the reaction of a mountain dismantled. As the following chapter demonstrates, though the Curse was born out of broken promises and stolen land, it was perpetuated through the contamination and regulation of water.

CHAPTER 4: THEFT OF TŪ: DISPOSSESSION THROUGH WATER POLLUTION AND REGULATION (1970-1999)

4.1 Introduction

In the 1970s, the Cyprus Anvil Mine was at the height of production and influence in Yukon. The mine quickly became Yukon's largest industrial project and the largest producer of lead in Canada – for several years it was also the largest open pit mine in the world.¹ The town of Faro became the second-largest town in Yukon, with a population hovering around 1500 throughout the 1970s and 1980s.² To many settler Yukoners, the mine was the new backbone of the territorial economy. In promotional material, Cyprus Anvil boasted:

Gross value of the Anvil mine is several times that of all the golden Klondike, and it is unfolding a new era of development and economic self-sufficiency for Yukon. Over a billion dollars in lead, zinc, silver, and other metals will flow from the earth's crust here.³

While it can hardly be said that these metals 'flowed' from the earth's crust, the mine did very much disrupt the flow and quality of water throughout the entire region, just as the 'golden Klondike' did before, and continues to do today.⁴ As volatile mine-community relations swung drastically between golden pay-days, closure, strikes, and layoffs – the waters of Tsē Zūl continued to flow through and permeate the site, activating the drawn-out process of widespread contamination.

¹ Lee Huskey and Chris Southcott, "That's Where My Money Goes: Resource Production and Financial Flows in the Yukon Economy," *Polar Journal* 6, no. 1 (2016), 1-11; Ken Coates and William Morrison, *Land of the Midnight Sun: A History of the Yukon* (Montreal and Kingston: McGill-Queen's University Press, 2005).

² Janet Macpherson, "Cyprus Anvil Mine," in *Northern Transitions: Northern Resource and Land Use Policy Study*, Canadian Arctic Resources Committee (Ottawa: 1977).

³ At the time Anvil was producing 8 000 ton of lead-zinc ore per day, Cyprus Anvil Mining Corporation, "Birth of a Giant: The Anvil Mine," 1970, 5, PAM 1970-0036.

⁴ Julien Gignac, "Yukon Wetlands Pushed to Tipping Point by Placer Mining, First Nations and Conservationists Say," *The Narwhal*, December 11, 2020.

Nestled at the bottom of the Tsē Zūl valley, Rose Creek is one of several streams draining the Anvil Range, collecting water destined for the Pelly River.⁵ The two tributaries of Rose Creek – Faro Creek and North Fork Rose Creek – flow from the northeast, funneling water collected throughout the Anvil Range into Rose Creek (Figure 4.1 and Figure 4.2). Before Cyprus Anvil’s digging and blasting began, Faro Creek meandered along the southern base of K’esk’ale Hés (Figure 1.4). As the Faro pit expanded in size, eating away at the valleys of K’esk’ale Hés, Dzel Jedé, and Tsē Zūl, Faro Creek was diverted along the eastern crest of the pit, skirting around growing waste rock piles to merge with the North Fork of Rose Creek, which was also eventually diverted around waste rock piles and under the haul road (Figure 4.2 and Figure 4.3). The diverted waters of Faro Creek and the North Fork of Rose Creek merge with the South Fork of Rose Creek, to form Rose Creek.

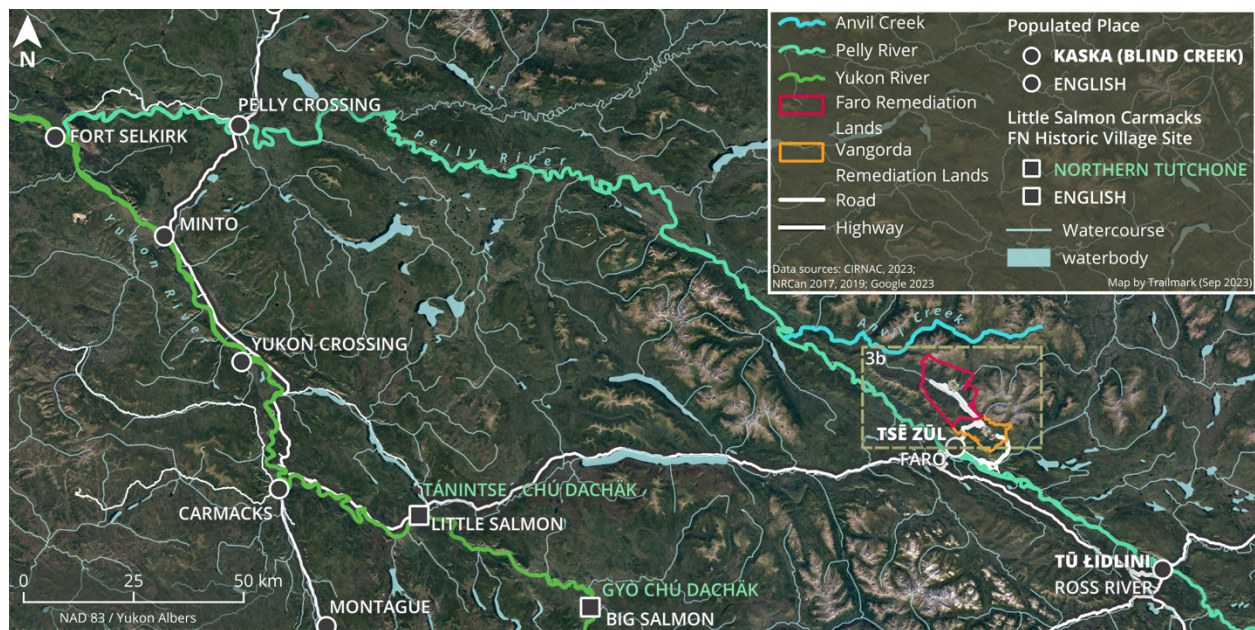


Figure 4.1 Map of the Tū tí (the Pelly River) watershed, including the footprint of the Faro Mine. Trailmark, September 2023.

⁵ Rose Mountain and Rose Creek were named by Charles Sheldon, a wealthy American businessman who hunted extensively across Yukon and Alaska, as documented in his two books: *The Wilderness of the Upper Yukon* and *The Wilderness of Denali*. In 1905 Charles Sheldon named Rose Mountain and Creek after Oliphant Rose, a trapper who had a cabin on the Pelly River near Rose Mountain: Clancy Hubbel, “Charles Sheldon,” in *Madmen and Dreamers*, The Pelly Historical Society (1993), Yukon Archives, 971.097 191 Pell, 82-83.

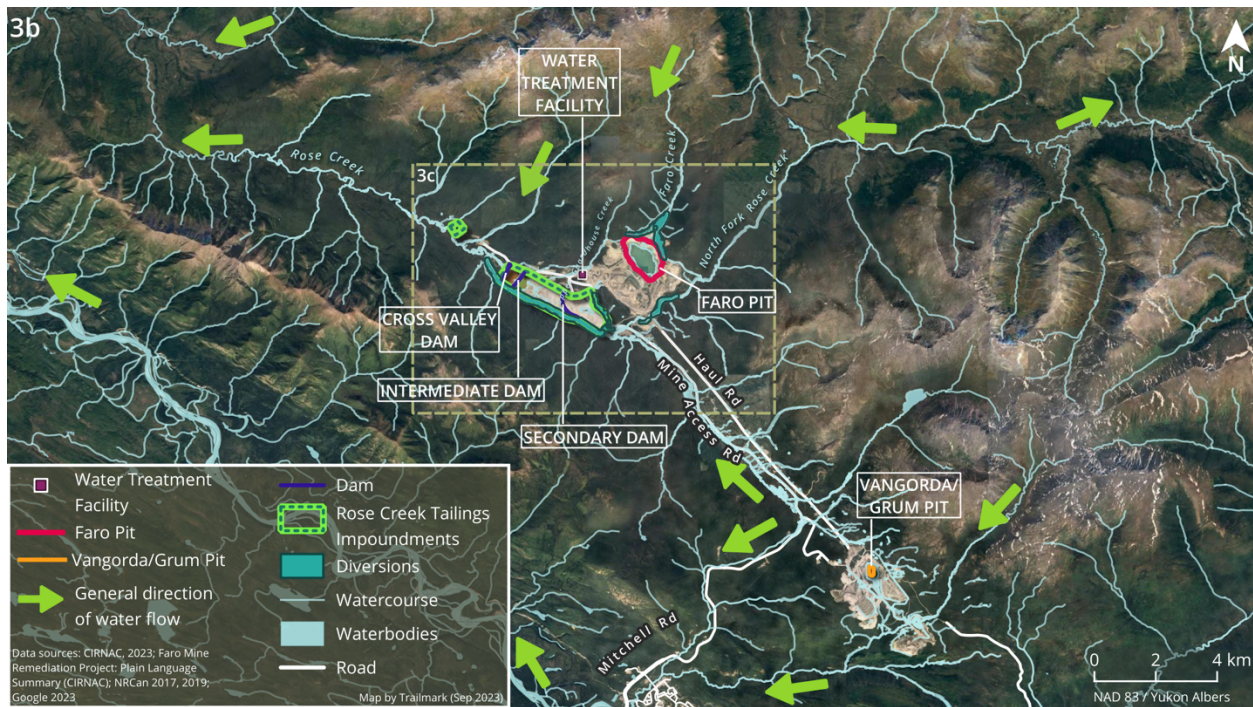


Figure 4.2 Map of the water flows through Tsē Zūl. Trailmark, September 2023.



Figure 4.3 Map of the water flows through and diversions around the Faro Mine site. Trailmark, September 2023

In the late 1970s, as mining operations expanded, Rose Creek was diverted along the southwestern slope of the valley and the creek's ancestral basin filled with tailings. Today, after moving through an extensive series of diversions, pumps, and water treatment systems installed over decades of operations, the waters of Rose Creek eventually meet their ancestral channel just beyond the northern-most tailings impoundment (Figure 4.2 and Figure 4.3).⁶ From here, Rose Creek joins with Anvil Creek approximately 22 kilometers downstream from the mine before feeding into Tū tí (the Pelly River) northwest of the Faro townsite.⁷ Tū tí then braids and flows through the traditional territories of Selkirk First Nation before joining with the Yukon River at Fort Selkirk (Figure 4.1).

Together with the waters of Vangorda Creek, which flows around the Vangorda pit and through the Faro townsite (Figure 1.4 and Figure 4.2), and the groundwater sitting beneath the tailings pond, these creeks, rivers, and aquifers host accumulated mine particulates, sediments, and metals - material memories of the Faro Mine.⁸ As Tsē Zūl was blown apart and lead-zinc ore extracted, waste rock (rock without ore) was collected and piled high alongside the edges of the Faro Pit, creating a haphazard maze of conical piles along the northeastern slope of the Rose Creek Valley. Lead-zinc ore from Tsē Zūl was crushed, milled, and concentrated by floatation - a process that separated marketable minerals from tailings, a slurry of finely ground rock. Tailings, the pulverized, digested remainder of Tsē Zūl, were then funneled into the dewatered valley

⁶ There are three tailings impoundments in the Rose Creek Tailings Facility, all built at different times as the tailings expanded across the valley bottom. The Secondary Dam (the furthest south) was constructed after initial dyke systems failed in the 1970s. The Intermediate Dam and the Cross Valley Dam were constructed in the 1980s as mine operations expanded northward and more space was needed for tailings and settling ponds for water treatment.

⁷ Tū tí is the term used by Tū Lídlini Dena for the Pelly River. The river is also known in Kaska as Tū desdes tue', depending on dialect and location. For example, Tū desdes tue' refers specifically to the portion of the Tū tí between Pelly Lakes and Tū Lídlini (Ross River) but could also be used to refer to the whole river: Personal correspondence with Willie Atkinson, Norman Sterriah, Josh Barichello, and Dorothy Smith, June 22-23, 2023.

⁸ Sebastián Ureta, "Chemical Rubble: Historicizing Toxic Waste on a Former Mining Town in Northern Chile," Environment and Society Portal, *Arcadia* Autumn, no. 20 (2016).

bottom and retained by a series of dams. The remnants of Tsē Zūl – waste rock and tailings – are a mountain upended and digested (Figure 4.4).



Figure 4.4 Collage of the Faro Mine Rose Creek Tailings Facility, including the Cross Valley Dam and Cross Valley Water Treatment plant in the foreground. Scott Dudiak, June 2022.

As these images show, the shattered stones of Tsē Zūl are subject to acid rock drainage (ARD). As Tsē Zūl was transformed from mountain to waste rock, tailings, and dust, the surface area of sulphide rock increased dramatically. When exposed to oxygen, sulphide rocks, tailings, and dust particles acidify, slowly changing the pH of the surrounding surface and ground waters. As the pH changes, other metals precipitate from waste rock, seeping into underground aquifers, accumulating in creek sediments, and flowing downstream.⁹ One of these precipitated metals,

⁹ Bruno Bussière and Marie Guittonny, *Hard Rock Mine Reclamation: From Prediction to Management of Acid Mine Drainage* (Baco Raton: CRC Press: Taylor and Francis Group, 2021).

iron, leaves swirling crusts of red, orange, and yellow sediments in seepage areas. Today, the tailings pond ‘holds’ the potential for what is called ‘full onset’ acid rock drainage, a worst-case scenario where, over time, all the tailings would be exposed to oxygen. At Faro, water is both the agent and medium of pollution at the site: water is polluted by contaminated dust, sediments, and breached tailings, but also leaches metals and spreads acidity through ongoing acid rock drainage and movements between ground and surface waters.¹⁰ Faro is a water story and will be a water story for centuries to come.¹¹

As discussed in the previous chapter, the Faro Mine Curse arose from broken promises, manifesting first in the 1969 fire that destroyed the fledging town of Faro and then materializing again in the mine developers’ tragic deaths. As the federal and territorial governments compounded broken promises, the Curse settled into the rocks of Tsē Zūl, who’s exposed edges began to alter the pH of the surrounding waters. While the term ‘resource curse’ generally refers to the wealth that leaves a region, the Faro Mine Curse exemplifies the waste and destruction that is left behind. Today, the Curse flows through the waters of Tsē Zūl and accumulates in soils, streams, and sediments. The Faro Mine was *built* on land stolen via claim staking, land permitting, and town construction; its colonial presence was and is *maintained* through the companies’ and governments’ assumed ownership and use of water and water regulation.¹²

Since the Klondike, waterways across the Yukon have been constructed as wastable spaces through settler-colonial ownership and governance of water and the interconnection of

¹⁰ Department of Indian Affairs and Northern Development, “Faro Mine Remediation Project, Section 3.0 Current Site Conditions,” submission to YESAB (2019), YESAB Public Registry 2019-0149.

¹¹ Andrew C. Isenberg, *Mining California: An Ecological History* (New York: Hill and Wang, 2006).

¹² Kelsey Leonard, Dominique David-Chavez, Deondre Smiles, Lydie Jennings, Rosanna ‘Anolani Alegado, Lani Tsinnajinnie, Joshua Manitowabi, Rachel Arsenault, Rene L. Begay, Aurora Kagawa-Viviani, Dawn D. Davis, Vincent van Uitregt, Hawlii Pichette, Max Liboiron, Bradley Moggridge, Stephanie Russo Carroll, Ranalda L. Tsosie, Andrea Gomez, “Water Back: A Review Centering Rematriation and Indigenous Water Research Sovereignty,” *Water Alternatives* 16, no. 2 (2023): 1-55.

extraction, waste, and water.¹³ When Faro was first approved, it was done so under the *Quartz Mining Act*, introduced in 1898. At the time, there was no settler legislation protecting, limiting, or managing water use.¹⁴ Colonial regulatory structures for water were first articulated in the federal *Northern Inland Waters Act (NIWA, 1972)*, which created the Yukon Territorial Water Board (YTWB), a federally mandated regulatory body. This structure remains the foundation of water rights and licensing in the Yukon today.¹⁵ The Faro Mine ‘grew up’ alongside the experimentation and growing pains of the YTWB throughout the 1970s and 1980s.

Before the 1972 implementation of the *NIWA*, mining companies operating in Yukon, led by Cyprus Anvil, quickly identified this new legislation as a potential threat and actively fought against it, fearful that the federal government might set aside entire waterways without providing guarantees of when or if they could be developed.¹⁶ However, once the *NIWA* was in place, the Yukon Territorial Water Board did little to stop development, focusing instead on allowable

¹³ Nicole Wilson, “Querying Water Co-governance: Yukon First Nations and Water Governance in the Context of Modern Land Claim Agreements,” *Water Alternatives* 13, no. 1 (2020), 93-118; Nicole Wilson and Jody Inkster, “Respecting Water: Indigenous Water Governance, Ontologies, and the Politics of Kinship on the Ground,” *Environment and Planning: Nature and Space* 1, no. 4 (2018); 516–538; Max Liboiron, *Pollution is Colonialism* (Durham: Duke University Press, 2021); Traci Brynne Voyles, *Wastelanding: Legacies of Uranium Mining in Navajo Country* (Minneapolis: University of Minnesota Press, 2015).

¹⁴ Although there was no water-specific legislation, the *Quartz Mining Act*, derived from the *Dominion Act*, “Quartz Mining Regulations,” did include a section on water rights, reflecting some of the earliest forms of colonial dispossession of water via settler legislative infrastructure: “A free miner who is the holder of a mineral claim or mine held as real estate, or of any mill-site, may obtain a grant to a water right of any unappropriated water, for any mining or milling purpose, in accordance with the provisions of the *North-west Irrigation Act*,” Section 64, *Quartz Mining Act* (1899).

¹⁵ The *Northern Inland Waters Act* (Bill C-187) came into force on February 28, 1972, with the Northern Inland Water Regulations being implemented in September 1972. This Act created the Yukon Territory Water Board. The Yukon Territorial Water Board was first operated through the federal Water Resources Branch and then was re-named the Yukon Water Board, which developed more local regulation before full devolution took place in 2003. On June 15, 1993, the *Yukon Waters Act* came into force: Yukon Government Fact Sheet, “Water for Nature, Water for People.” For a breakdown of legislation guiding mineral development in Yukon see: Jen Jones, “Confronting Settler Colonialism when Assessing the Impact of Mining on Indigenous Peoples’ Health and Well-Being,” (PhD diss., University of Guelph, Geography, 2020).

¹⁶ British Columbia Business Journal, “Special Report on Mining,” *British Columbia Business Journal* (April-May 1970), Yukon Archives PAM 1970-0054.

thresholds of contamination. This approach legitimated corporation and settler governments' use of water as a pollution sink, rather than protecting Indigenous water rights.¹⁷

Responding to increased development and settler colonial appropriation of water, land, and environmental governance in the 1960s-70s, the Council of Yukon Indians (CYI), including the Ross River Indian Band,¹⁸ heightened calls for self-governance and land claim negotiations (as discussed in the previous chapter).¹⁹ Some settler Yukoners and businesses responded with bitterness and fear to CYI's proposals for land and water rights and began to push the federal government for greater territorial control over resources, particularly mineral resources. These settler Yukoners also bristled at federal interference, such as the decision to permit the Faro Mine, without consultation with territorial officials.²⁰ Yukon settler politicians felt that the declaration of Indigenous intentions for land rights and self-government injected market uncertainty:

In the pro-development atmosphere of the 1970s, such interference with the 'natural' process of regional economic expansion seemed perverse to some people... the territorial government went one step further, demanding that its outstanding claim for control of natural resources be settled before the Natives' claim was addressed.²¹

¹⁷ Leonard et. al., "Water Back"; Liboiron, *Pollution is Colonialism*; Arn Keeling and Nolan Foster, "The Wasting Resource: The History of Mine Tailings Disposal in British Columbia, 1891-1982," *BC Studies*, no. 221 (Spring, 2024): 59-81; Neil Nunn and Anna Stanley, "Regulating the Mount Polley Mine Disaster: Neoliberalism, Objectivity, and Settler Colonialism in British Columbia," *BC Studies*, no. 221 (Spring 2024): 135-160.

¹⁸ Ross River Dena Council was previously called the Ross River Indian Band (until 1983-84). I use the name Ross River Dena Council, except when referring specifically to the government of Ross River Dena before 1983, in which case I use the term Ross River Indian Band.

¹⁹ Yukon First Nations had been fighting for treaties long before *NIWA* and other environmental regulations came into play. The recorded history of land claim requests goes back to 1902 when Hunde-aelth (Chief Jim Boss of Ta'an Kwa'chan Council) wrote a letter to the King of England requesting compensation and treaty negotiations in response to the inundation of gold rushers. As *NIWA* and other environmental regulatory tools were put in place in the 1970s-90s, this resistance took on specific forms as Yukon First Nations used public review processes to fight for their rights, while also negotiating land claims: Coates and Morrison, *Land of the Midnight Sun*, 115.

²⁰ As the court precedent set by the Calder case pushed the federal government into land claim negotiations, territorial settler governments rushed to secure continued access to Indigenous lands: Coates and Morrison, *Land of the Midnight Sun*.

²¹ *Ibid.*, 290.

To combat this perceived uncertainty, the Yukon Territorial Government (YTG) began promoting a ‘one-government’ policy for First Nations, whereby governance would be centralized with YTG, rather than split over multiple First Nations.²² This settler scramble for territorial independence from the federal government, based on access to land for development, obscured the vision of a Yukon future held by Yukon Indigenous peoples and their supporters.²³ Much to the dismay of the CYI, in 1979 the federal government invited YTG to join the land claim negotiation table as a separate and equal negotiating partner.²⁴

Settler colonial water governance in Yukon was (and still is) premised on the assumption of ‘Crown’ ownership of minerals *and* water.²⁵ Throughout the 30 years of operations at Faro, federal settler governments, managing Yukon from afar, assumed control over decisions regarding water use and access. Territorial settler governing bodies, including the Yukon Territorial Water Board and the Yukon Territorial Government, represented a “constant imposition of colonial understandings of water [and land] as a material resource that is available for human exploitation, ownership, and management.”²⁶ As an arm of the settler state, the Yukon Territorial Water Board evaluated impacts based on colonial concepts of ‘rights’ to water and

²² In 1975 portions of land were set aside for claims, however negotiations were delayed in 1977-78 due to CYI’s resistance to YTG’s ‘one-government’ policy. Yukon politicians argued that it was unfair to give significant land ownership to First Nations without giving the capacity to regional (territorial) government to manage land and resources throughout the territory. YTG’s resistance led to negotiations for transfers of power from the federal to territorial governments in 1978-79. Executive functions were passed on to elected Members of the Yukon Legislative Assembly and the inclusion of YTG in land claims negotiations began in 1979: Christopher Alcantara, Kirk Cameron and Steven Kennedy, “Assessing Devolution in the Canadian North: A Case Study of the Yukon Territory,” *Arctic* 65, no. 3 (September 2012), 328-338.

²³ Coates and Morrison, *Land of the Midnight Sun*, 296.

²⁴ Christopher Alcantara, “The Kwanlin Dün First Nation and the Kaska Nations in the Yukon Territory,” in *Negotiating the Deal: Comprehensive Land Claims Agreements in Canada* (Toronto: University of Toronto Press, 2013).

²⁵ Dawn Hoozeveen, “Sub-Surface Property, Free-Entry Mineral Staking and Settler Colonialism in Canada,” *Antipode* 47, no.1 (2015).

²⁶ Wilson, “Querying Water Co-Governance,” 94; Wilson and Jody Inkster, “Respecting Water”; Deborah McGregor, “Mino-Mnaamodzawin: Achieving Indigenous Environmental Justice in Canada,” *Environment and Society* 9, no. 1 (2018), 7-24; Aimée Craft, “Giving and Receiving from *Anishinaabe Nibi Inaakonigewin* (Our Water Law) Research,” in *Methodological Challenges in Nature-Culture and Environmental History Research*, ed. Jocelyn Thorpe, Stephanie Rutherford, and L. Anders Sandberg, (New York: Routledge, 2017): 105–119.

water use. The Yukon Territorial Water Board and Yukon Territorial Government privileged and normalized settler infrastructures of water governance, which favoured and actively promoted colonial jurisdiction over science and extraction. Ross River Dena Council, their lawyers, and allies continually fought to have their water and land rights considered in the public process of water quality review.

Linked to the theft of Kaska Land outlined in Chapter 1, this chapter details the regulatory mechanisms through which Kaska Tū (Water) was stolen and contaminated. In detailing the mechanisms of water theft, I identify two intermingling, analytical currents. First, the mining companies and the YTWB used water regulation to legitimate and define Rose Creek waters as a ‘pollution sink’, without the consent of the Tū Łıdlıni Dena.²⁷ Rather than stopping environmental destruction or protecting water, the YTWB *managed* extractive pollution and colonial water theft, as water licensing built a mountain of paperwork legitimating the dismantling, transformation, and wasting of Tsē Zūl. Second, the YTWB issued water licenses to mining companies and approved mine expansions *despite* ongoing negotiations between Yukon First Nations and the federal government regarding Indigenous rights and title, including rights to water.

In water board hearings, these two narrative currents – water pollution and water rights – were strategically separated by company, government, and Water Board representatives. However, on the ground, water pollution was directly connected to Kaska water rights. The company and regulator’s strategic erasure of Kaska water rights ‘opened’ Rose Creek for use as

²⁷ Joel A. Tarr, “The Search for the Ultimate Sink: Urban Air, Land, and Water Pollution in Historical Perspective” in *The Search for the Ultimate Sink: Urban Pollution in Historical Perspective*, ed. Joel A Tarr (Akron: University of Akron Press, 1996): 7–35; Arn Keeling, “Urban Waste Sinks as a Natural Resource: The Case of the Fraser River,” *Urban History Review/Revue d’histoire Urbaine* 34, no. 1 (2005): 58–70; Jennifer Gabrys, “Sink: The Dirt of Systems,” *Environment and Planning D: Society and Space* 27, no. 4 (2009): 666–81.

waste storage. As waste accumulated, further dumping was legitimated through the notion that ‘a little more won’t do more harm’, incrementally infringing on Kaska water rights over decades.²⁸ Throughout this chapter, these two analytical currents are plotted alongside the complicated ownership and financing of the Faro Mine, the unfolding politics of Indigenous sovereignty in Yukon, and most importantly, the Tū Łídlíni Dena’s ongoing resistance to land and water theft.

4.2 Cyprus Anvil Mining Corporation (1969-1982): leakage and legitimation

After the first shipment of ore left the site in 1969, Cyprus Anvil quickly began transforming the rocks of Tsē Zūl into wealth for company owners and employees (Table 1). Faro became the highest income community, per capita, in Canada, inflaming tensions between it and Ross River.²⁹ In addition, broken promises for Indigenous economic opportunities, as outlined in the *Anvil Agreement*, were exacerbated by other forms of theft and violence. Tū Łídlíni Dena Elders emphasized the negative relationship with Cyprus Anvil workers who came to Ross River on weekends: "Anvil workers were taking young girls and partying and dumping them out on the highway. Once, someone in the village shot off a 30:30 and scared them Anvil workers."³⁰ These new, mostly white, settlers also felt an inherent right to hunt and to use Tū Łídlíni Lands and Waters: "In Faro they have high paying jobs and still they want to go out and get their moose.... [we] see Faro people shoot moose for target practice, right by the creek in

²⁸ For example, in the impact assessment for the creation of the Vangorda pit, the federal government argued that because of existing impacts, additional development would not greatly increase negative impacts on the community.

²⁹ In 1981 Faro was the highest income community, per capita, in Canada, and reached a peak population of 2000 people: Yukon Government and Indian and Northern Affairs Canada, "Faro Mine Complex Closure and Remediation Plan: YESSA Project Proposal, Draft 1," (March 2010), Yukon Government Energy Mines and Resources Library.

³⁰ Peter Dimitrov and Martin Weinstein, "So That the Future Will Be Ours: Volume 1 and 2," prepared for Ross River Dena Council (1984), 243-244.

winter, leave it there by Finlayson Lake 2 or 3 years ago."³¹ Within just a few years of the Faro Mine's opening, Kaska exclusion from economic opportunities and governance of their own lands was normalized and the initial stages of Land theft – staking, permitting, and town and mine construction – were cemented.

Throughout the 1970s, there is little archival or media documentation that records the Tū Łídlíni Dena experience of the mine. Archives do, however, reveal the mechanisms that settler government regulators and company owners used to expand the theft of Kaska land via the *theft of Tū*, water. Building from Tū Łídlíni Dena Elders' memories of the Faro Mine site throughout the 1970s-80s, and their concerns and resistance documented in Water Board public hearings, this section details how both Cyprus Anvil and federal regulators stole Tū and Kaska rights to Tū. Before and during early introductions of settler water regulations, Tsē Zūl's Tū was stolen through direct contamination. After settler water regulations were introduced in the mid 1970s and expanded in the early 1980s, regulated leakages continued to occur. However, the key mechanism used to maintain and expand the theft of Tū shifted from direct contamination to the *theft of rights* to Tū, via the Yukon Territorial Water Board. Regulatory structures for extraction were constructed in a way that allowed for short-circuiting - harmful short-cuts - of both water treatment and Kaska water rights.

4.2.1 *Leakage: short-circuiting the treatment of Tū*

For the mining company, the Tū of Tsē Zūl proved difficult to control. The 1970s and early 80s were punctuated by several major tailings spills, dam breaches, and contaminant leaks. From the beginning of operations in 1969 until a newly constructed dam ruptured in March 1975,

³¹ Dimitrov and Weinstein, "So That the Future Will Be Ours," 243-244.

approximately half a dozen major contamination events occurred downstream of the tailings impoundment system. Following the dam failure in March 1975, the leakage of tailings and other contaminants, such as cyanide and copper, continued to permeate the aquifers and surface waters of Tsē Zūl.

Throughout the 1970s Cyprus Anvil produced an average of three million tons of tailings annually. Until 1974 tailings and ‘contact water’ - any water coming into contact with waste rock - were discharged into a pear-shaped pond north of the ancestral Rose Creek channel, measuring approximately 230,000 square meters in surface area.³² Studies completed in the early 1970s found clear evidence of detrimental effects on the Rose, Faro, and Anvil Creek water systems, including high suspended solids, high turbidity, and negative impacts on fish, due to erosion and pH levels.³³ These reports critiqued the methods used by Cyprus Anvil to construct its original tailings dam, emphasizing that tailings were directly impacting water quality downstream of the site and that techniques to neutralize the tailings pond water should be required.³⁴ This research also identified acid-rock drainage (ARD) as a key issue to be managed proactively, noting that ARD would be “particularly problematic when the mine is closed.”³⁵ Despite these warnings, in

³² Contact water is the technical term used to refer to water that ‘comes into contact’ with mine workings, such as groundwater that ‘daylights’ through the Faro Pit or surface water that flows through waste rock. The ‘decant overflow’ from the original tailings pond was about 3-4 000 000 gal/day, channeled directly into Rose Creek. Decant overflow generally refers to the amount of water that is being discharged to the environment after various types of treatment, in this case, a settling pond: Golder Associates, “An Update Study Concerning Design and Construction of Tailings Retention Structures at Cyprus Anvil Mines, Faro, Yukon Territory,” (1978), Yukon Archives PAM 1978-0461, 2.

³³ R.A. Hoos, “A Preliminary Assessment of the Effects of Anvil Mine on the Environmental Quality of Rose Creek, Yukon,” (1973), Yukon Archives 622.611.

³⁴ Hoos, “A Preliminary Assessment of the Effects of Anvil Mine.”

³⁵ Ibid; Indian and Northern Affairs, “Water Resources – Industrial Files – Cyprus Anvil Mining Corporation,” (December 1974), Yukon Archives ACC 2005/137, Box 2003-0735, location 60/a/2a, Vol 2.

1974, the Yukon Territorial Water Board approved the construction of a new tailings dam, increased the limit of tailings deposition, and allowed for expanded mining operations.³⁶

Work on the new tailings dam began in the summer of 1974, but soon ended in October when the contractor hired to construct the dam declared bankruptcy. Cyprus Anvil, with a near-overflowing tailings pond, scrambled to secure the YTWB's permission to construct a temporary earth dike to use for winter tailings storage. The water board reluctantly approved Cyprus Anvil's request, citing the need to ensure continued operations.³⁷ Months later, early in the morning of March 19, 1975, a truck driver passing by the dam noticed a tailings spill. First the old tailings dam broke, resulting in the wash out of pipes and the release of approximately 250 000 m³ of tailings slurry. This slurry then over-washed the temporary earth dike installed the previous fall. This second break resulted in the release of an additional 493,392 m³ of tailings slurry:³⁸

To put the incident into perspective, Rose Creek in March has a flow of approximately 9 cubic feet/sec [0.254852 m³] and the spill released 26 136 000 cubic feet [740 089 m³] of material into the system... the front of the spill was at least 6 feet above the March water level, and it covered large areas of the flood plain as much as 15 miles downstream... It was estimated that close to one half of the Rose Creek Flood Plain from the mine to its junction with Anvil Creek was covered with tailings and there were also large deposits of tailings in the actual creek bed.³⁹

³⁶ In 1972, Cyprus Anvil applied to the Yukon Territorial Water Board for its first water license to cover an expansion in operations from 8000 tpd (tons per day of lead-zinc concentrate being processed) to 15 000 tpd, resulting in a jump of clean water use from 5 to 7 000 000 gal/day and an increased need for tailings disposal space. The resulting 1974 license did introduce some new limitations, focusing on mitigating the issues of suspended solids, turbidity, and pH impacts on fish and the benthic environment downstream of the mine. It did not however, address concerns about water treatment or long-term acid rock drainage: Yukon Territorial Water Board, "Water License General Conditions: Cyprus Anvil Mine," (December 1974), Yukon Water Board Archives Y2L3-0005 (no 7.1 and 7.2).

³⁷ Yukon Territorial Water Board, "Water License General Conditions: Cyprus Anvil Mine," (December 1974).

³⁸ Recorded by the Yukon Territorial Water Board as 200 acre-feet and 400 acre-feet, respectively: Yukon Territorial Water Board, "Public Hearing for License Renewal of Cyprus Anvil Mining Corporation," (January 1980) Yukon Archives Y2L3-2098. Also recorded in Macpherson, "Cyprus Anvil Mine," as 54 000 000 gallons of tailings water over a three-day period.

³⁹ Ken Weagle, "A Case Study of the Cyprus Anvil Mining Corp. Ltd: Tailings Pond Break," prepared for Biological Services, Environmental Protection Service, Whitehorse, Yukon Territory (March 19, 1975), Yukon Archives PAM 1977-0459, 1; see also Yukon Territorial Water Board, "Public Hearing for License Renewal," (January 1980).

After the spill, in meetings with regulators, Cyprus Anvil stated that it had no intention of shutting down while repairs were in progress. The federal government allowed Cyprus Anvil to continue operating.⁴⁰

The March 1975 tailings spill resulted in the first charges ever laid under the *Northern Inland Water Act* since its passage in 1972. Four federal charges were laid in November 1975, three under the *Northern Inland Water Act* and one under the *Fisheries Act*.⁴¹ Eventually the company pleaded guilty under the *Fisheries Act* and the other charges were dropped.⁴² The judge felt that the maximum fine available, \$5,000 per charge, “when compared to the size of the company’s operation, seem[ed] hardly adequate to induce the company to do something that it [was] not otherwise motivated to do.”⁴³ The fine was later reduced by another judge to \$4 500 on the grounds that the maximum penalty should be reserved for worst case scenarios.⁴⁴

Worst-case scenarios would soon come about – time and time again. In the coming years, Cyprus Anvil’s water license was repeatedly in non-compliance. Between January 31 and March 1, 1976, effluent discharged into Rose Creek exceeded the conditions specified in Cyprus

⁴⁰ Macpherson, “Cyprus Anvil Mine,” 133.

⁴¹ Regina versus Cyprus Anvil Mining Corporation, Section 33 *Fisheries Act*, “Reasons for Judgement”, Magistrate Dennis R. O’Connor, Whitehorse, Yukon Territory, November 5, 1975. When taking this spill to court the Department of Indian and Northern Affairs (DINA) had to decide how to charge – under the *Fisheries Act* or under the new *Northern Inland Waters Act*. They decided to place two charges (one under each Act) and make a deal with the company – if they plead guilty to one, the other charge would be dropped: “An interesting problem that arose in the discussions on this case was the differences between the definition of a ‘deleterious substance’ under the *Fisheries Act* and a ‘waste’ under the *NIWA*. DINA wanted DFO to supply an expert witness to testify that Zn at levels found in the water samples was a ‘waste’. In reviewing the definitions, it was decided that this could not be done mainly[...] The court felt that even though certain parameters have levels that should be above the toxic levels that to have a firm case in court one should have a toxic bioassay for evidence. To summarize – ‘the Judge always likes to see a few dead fish’: Weagle, “A Case Study of the Cyprus Anvil Mining Corp. Ltd.,” 10.

⁴² Cyprus Anvil’s defense lawyer during these proceedings was Eric Nielsen – the man who would later become the deputy Prime Minister in Brian Mulroney’s government (in 1984), during the time that Cyprus Anvil was sold to Curragh and received federal supports for reopening.

⁴³ Regina versus Cyprus Anvil Mining Corporation, “Reasons for Judgement”; The maximum fine for not abiding by a water license was \$5000.00, so Cyprus Anvil could have been charged a max of \$20 000 for the four charges if they had been charged under the *NIWA*.

⁴⁴ The Canadian Press, “Major Economic Setbacks Notes,” *The Leader-Post* (November 19, 1975).

Anvil's water license and contravened the provisions of the *Northern Inland Water Act* (again). During this same time, approximately 18.2 m³ of sodium cyanide solution was accidentally pumped into the tailings line.⁴⁵ Bio-assay results after this incident indicated 100 percent fish mortality within 30 minutes.⁴⁶ In September 1976 Cyprus Anvil was fined \$49 000 under the *Fisheries Act* for the cyanide spill.⁴⁷ The deputy magistrate remarked on "the apparent acquiescence by the government in a decades-old mining process which allows the use of highly toxic substance such as sodium cyanide to be discharged into Canadian water systems."⁴⁸

In November, shortly after the September 1976 *Fisheries Act* charges were laid, 29.5 m³ of a twelve percent copper sulphate solution drained through a tailings pond bypass line into an ice-covered Rose Creek, potentially causing a severe fish kill in Rose Creek.⁴⁹ Following another dam failure in December 1979, approximately 15 142 m³ of tailings pond effluent was discharged to Rose Creek.⁵⁰ While smaller than the 1975 tailings spill, this 1979 spill would have filled four football length swimming pools, sized 80m long; 15m wide; and 3m deep. Due to ice cover and snow, the Environmental Protection Service argued that it was difficult to fully assess

⁴⁵ Recorded as 4800 gallons. This sodium cyanide spill occurred immediately after a work stoppage protest from mine employees, when the concentrator was re-booted. There were several labour disputes between Cyprus Anvil and their employees throughout the 1970s and early 80s, some of which were also associated with environmental and operational breakdowns: Cyprus Anvil Mining Corporation, "Cyprus Anvil Annual Report 1976," (1977), Yukon Archives 658 CAMC AR 1976.

⁴⁶ Yukon Territorial Water Board, "Public Hearing for License Renewal," (January 24, 1980). This was just the bioassay results using water samples collected after the event. Archival review didn't mention any record of people seeing dead fish on site, or if this was checked.

⁴⁷ The Canadian Press, "Cyprus Anvil Mining Corp. had been plagued by problems," *The Leader-Post* (October 23, 1976); Coates and Morrison, *Land of the Midnight Sun*.

⁴⁸ The court case for this incident shows that Anvil continued operating despite problems and exhibited negligence in re-directing pipes properly: Macpherson, "Cyprus Anvil Mine," 136.

⁴⁹ Recorded as 7800 gallons. In 1977, Environment Canada concluded that Cyprus Anvil was technically compliant with their licensing but noted that cyanide leaching could be resulting in some acute toxicity for fish: Environmental Protection Service, "Compliance Evaluation of the Cyprus Anvil Mine, Faro, Yukon Territory," (1977), Yukon Archives PAM 1977-0383.

⁵⁰ Recorded as approximately four million gallons: Sara Atkins Baker, "Environmental Quality of Rose Creek as Affected by Cyprus Anvil Mining Corporation Ltd.," (1979), Environmental Protection Service Branch, Pacific Region, Yukon District Office, Yukon Archives 628.168 32 Bake.

the impact of this event.⁵¹ Alongside these acute spills, between 1976 and 1979 mine effluent failed several bioassay tests, in contravention of national guidelines for effluent water quality.⁵²

Water Resources, a branch of Environment Canada, identified the pervasive contamination events and dam failures in the 1970s as a “short circuiting issue.”⁵³ In water treatment, short circuiting refers to any situation where water being pumped, siphoned, or moved by natural gravity takes a route through the system that does not meet the calculated retention times needed for treatment or removal of contaminants. More generically, short-circuiting is the action of shortening, or avoiding, a process by using a quicker route, usually with harmful consequences. Cyprus Anvil continually short-circuited water treatment processes in the interest of expanding profits, resulting in leaks and dam failures. When these failures occurred, Cyprus Anvil also short-circuited water regulation, successfully arguing that continued mining, rather than temporary closure or tailings cleanup, was economically necessary.⁵⁴ Despite routine leakages, spills, and fish kills, Cyprus Anvil was approved for water licenses in 1974 and 1979. Cyprus Anvil was *allowed* to pollute, with little consequence beyond a few paltry fines.

The harmful consequences of this short-circuiting spread out across, and below, the Rose Creek valley floor. Fans of tailings unfurled along the valley surface and particles of lead, zinc, copper, and other contaminants seeped through fissures into the aquifer below. The violence of

⁵¹ The direct impacts of this spill were difficult to assess because of ice cover on Rose Creek: Yukon Territorial Water Board, “Public Hearing for License Renewal,” (January 24, 1980).

⁵² In 1977 the Environmental Protection Services completed a compliance evaluation, which showed non-compliance with the water license and the Federal Metal Mining Liquid Effluent Guidelines. They believed that this toxicity was likely due to cyanide levels (cyanide was used in the flotation process), but results were inconclusive: Environmental Protection Service, “Compliance Evaluation of the Cyprus Anvil Mine.”

⁵³ The water quality and biological community of Rose Creek had been adversely affected on many occasions, especially in proximity and downstream of the tailings. Environmental Protection Service officials drew the conclusion that, despite attempts by Cyprus Anvil to rectify chronic non-compliance issues, nothing substantial had been achieved by the time Cyprus applied for a renewal of their license in 1980: Indian and Northern Affairs, “Water Resources – General – Industrial Files – Cyprus Anvil Corporation,” (1980), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 10; Baker, “Environmental Quality of Rose Creek.”

⁵⁴ Macpherson, “Cyprus Anvil Mine.”

leakages and dam failures was slow to manifest. Over the coming decades, the sulphide particles and other metals distributed by tailings spills and contaminant leaks interacted with oxygen and water, acidifying waters, and precipitating metals from tiny kernels of crushed waste rock.⁵⁵ While the occurrence and scale of spills and dam failures declined over the coming decades, leakages, regulated releases of ‘contact water’, expanding water use, and blasting of Tsē Zūl continued to add to a resting reservoir of potential acidification in groundwaters, surface tailings, and waste rock piles.

4.2.2 *Legitimizing the theft of Tū*

Despite leakages, environmental disasters and labour disputes, Cyprus Anvil’s shareholders’ equity rose from \$4,910,000 to \$112,125,000 in 1979 (Appendix 1, **Error! Reference source not found.**).⁵⁶ Riding high off record profits in 1979, Cyprus Anvil announced the development of two new open pit mines – Vangorda and Grum – and the value of mining in Yukon Territory rose 37 percent.⁵⁷ However, this optimism quickly began to unravel as lead prices dropped and White Pass & Yukon railway employees went on strike in December 1980, hampering the shipment of Anvil’s ore.⁵⁸ By October 1981 Cyprus Anvil was reporting an annual loss of \$7.2 million.⁵⁹ In spite of these challenges, Cyprus Anvil continued to construct

⁵⁵ Weagle, “A Case Study of the Cyprus Anvil Mining Corp. Ltd.”

⁵⁶ Cyprus Anvil Mining Corporation, “Cyprus Anvil Annual Report 1979,” (1979), Yukon Archives 658 CAMC AR 1979.

⁵⁷ In 1979-1980, mining in Yukon brought in \$300 million: The Canadian Press, “Two Mines to Go Ahead,” *Vancouver Sun*, June 4, 1980; “Mining still Yukon’s major industry,” *The Financial Post*, March 29, 1980.

⁵⁸ Douglas Martin, “Down and Out in the Yukon Territory,” *The New York Times*, July 28, 1985, 3.

⁵⁹ “Cyprus Anvil loses \$7.2 million,” *The Montreal Gazette*, October 28, 1981.

housing in Faro, staked more claims across Kaska territory, prepared permits for expansion, and recruited more employees from across southern Canada.⁶⁰

Following the introduction of public hearings for water licensing in the early 1980s, Cyprus Anvil faced increasing pressure to outline a detailed reclamation plan and prove their ability to finance such a plan. In response to widespread contamination of water in the 1970s, and worries of acidification, Yukon Conservation Society (YCS) and federal government departments, such as Environment Canada (EC) and the Department of Fisheries and Oceans (DFO), began to use the YTWB public hearings as a platform to demand long-term commitments from Cyprus Anvil. Cyprus Anvil could no longer simply steal Tū through direct contamination, they had to justify their theft through public regulatory proceedings.

Remediation plans and financial securities played a central role in intervenors' strategy for reigning in the harms of mining at Faro. Ross River Indian Band (RRIB) also used the newly introduced public hearing forum to request remediation plans, financial securities, and protection of wildlife around Tsē Zūl. RRIB's arguments differed from other intervenors in that they *also* resisted the theft of Tū that had already occurred and fought to prevent the future theft of Tū. Demands for reclamation, financial security, and water rights were continually evaded or watered-down, by both Cyprus Anvil and the YWTB.

⁶⁰ Cyprus Anvil staked and developed the Dy, Dana, Swim Lake, and Selwyn properties, some of which are still active today under different ownership. In the 1970s, several other exploration projects operated by other companies were also in full swing on unceded Indigenous lands across the Yukon, including: Minto, Mactung, the Tom lead-zinc deposit in the Macmillan Pass, the Jason lead-zinc deposit in the Macmillan Pass, and the Howard's pass lead-zinc deposit. Many of these projects are also still in some form of operation today: Cyprus Anvil Mining Corporation, "Annual Reports," (1974-79); Cyprus Anvil Mining Corporation, "Five Year Plan 1975-1979," (1975), Yukon Archives 622.561 Anvil 1975; The Canadian Press, "Mining remains strength of Yukon," *The Phoenix*, February 2, 1979; Cyprus Anvil Mining Corporation, "Cyprus Anvil Annual Report 1980," (1980), Yukon Archives 658 CAMC AR 1980; Cyprus Anvil Mining Corporation, "Report of the Annual Meeting of Shareholders," (1981), Yukon Archives PER 0975; Cyprus Anvil Mining Corporation, "Engineering the future in Canada's North," *The Financial Post*, October 10, 1981.

Before the public hearings of the 1980s, hints at public concern about the lack of long-term reclamation planning and financial securities were sprinkled throughout earlier water licenses.⁶¹ In 1974, Cyprus Anvil was asked to deposit a \$100,000 security.⁶² This security was increased to \$250,000 in 1979.⁶³ In both the 1974 and 79 licenses there was a clause regarding clean-up and abandonment and a vague requirement to stabilize waste rock piles and tailings ponds. In addition, these early licenses included the statement: "The Licensee shall provide appropriate compensation to any person whose rights are adversely affected as a result of the granting of this water use license."⁶⁴ In 1979, the YTWB required Cyprus Anvil to submit a "plan to be upgraded and maintained thereafter for restoration, revegetation, and abandonment of the property," within two years.⁶⁵

Outside the public eye, internal correspondence shows that Cyprus Anvil's own environmental staff were pushing for early reclamation action. In a 1979 memo proposing reclamation activities, P.M. Dean, Cyprus Anvil's environmental coordinator, referred to the growing awareness of reclamation requirements throughout the mining industry, stating that such

⁶¹ Michael M Wenig, Kevin O Reilly, and David Chambers, "The Mining Reclamation Regime in the Northwest Territories: A Comparison with Selected Canadian and U.S. Jurisdictions," (2005), Canadian Arctic Resources Committee; Joseph Castrilli, "Report on the Legislative, Regulatory, and Policy Framework Respecting Collaboration, Liability, and Funding Measures in Relation to Orphaned/Abandoned, Contaminated, and Operating Mines in Canada," (2007), National Orphaned/Abandoned Mines Initiative; W.R. Cowan, W.O. Mackasey, and J.G.A. Robertson, "The Policy Framework in Canada for Mine Closure and Management of Long-Term Liabilities: A Guidance Document," (2010), National Orphaned/Abandoned Mines Initiative; Anne Dance, "Northern Reclamation in Canada: Contemporary Policy and Practice for New and Legacy Mines," *Northern Review* 41 (2015), 41–80.

⁶² Yukon Territorial Water Board, "Water License General Conditions: Cyprus Anvil Mine," (December 1974), Yukon Water Board Archives Y2L3-0005 (no 7.1 and 7.2).

⁶³ Yukon Territorial Water Board, "Water License General Conditions: Cyprus Anvil Mine," (December 1979), Yukon Water Board Archives Y2L3-2098 (no. 7.3)

⁶⁴ Yukon Territorial Water Board, "Water License General Conditions: Cyprus Anvil Mine," (December 1974); Yukon Territorial Water Board, "Water License General Conditions: Cyprus Anvil Mine," (December 1979).

⁶⁵ Yukon Territorial Water Board, "Water License General Conditions: Cyprus Anvil Mine," (December 1979).

requirements were “nothing new.”⁶⁶ Dean warned Cyprus Anvil that it had fallen behind on its responsibilities:

It would be naïve to assume that we can avoid carrying out a substantial reclamation program: if we do not undertake this work of our own volition, it will certainly be forced on us by legislation. There is also no benefit to be gained in postponing a start on this work, since very few areas can be expected to vegetate and stabilize naturally within a reasonable time span. On the positive side, successful reclamation of ‘wasteland’ areas is highly visible and therefore may have significant benefits to both the company’s image and to the aesthetic environment in which our employees work.⁶⁷

Dean drafted an internal reclamation proposal, which outlined a wide variety of reclamation objectives, from pollution control to aesthetic quality, long-term land use planning, and biological productivity. Dean estimated that reclamation at Cyprus Anvil would total \$1.5 million with yearly maintenance costs of \$250 000,⁶⁸ which would continue until a self-sustaining vegetation cover had been achieved. The proposal also outlined areas that would be suitable for ongoing reclamation and established a progressive reclamation schedule, including: an annual recontouring program, landscaping, investigation of additional options for tailings stabilization, investigation of spilled tailings in Rose Creek, and investigations of waste dumps to determine what areas presented hazards for water quality: “The long term stability of the tailings pond is a major problem, which will involve large expenditures of effort and money to solve,” the report noted.⁶⁹ Dean also discussed the risk of mobilizing toxins through plants and wildlife. And yet, there is no trace of these plans for progressive reclamation in the official abandonment plans submitted to the Water Board in the 1980s.

⁶⁶ Despite the rhetoric that ‘we didn’t know any better’ or that ‘technology didn’t exist’, knowledge of the consequences of mining and the necessity of reclamation to mitigate those consequences, is not ‘new’: Hockley and L.C. Hockley, “Some Histories of Mine Closure, the Idea,” ed. A.B. Fourie, M. Tibbett, L. Sawatsky, and D. van Zyl, presentation at Mine Closure Conference, Vancouver, Canada, 2015.

⁶⁷ Cyprus Anvil Mining Corporation, “Reclamation in the Anvil Range: A Proposal,” (1979), Yukon Archives PAM-1979-0613, 4.

⁶⁸ \$1 500 000 in 1979 is equivalent in purchasing power to about \$5 812 500 in 2024.

⁶⁹ Cyprus Anvil Mining Corporation, “Reclamation in the Anvil Range: A Proposal,” 13.

In fact, in public hearings for water licenses, Cyprus Anvil downplayed the impacts of acidic drainage and argued that requirements for progressive reclamation and financial securities were unprecedented and unnecessary. In January 1980, Cyprus Anvil submitted a two-page Abandonment Plan,⁷⁰ then evaded subsequent public demands for more robust reclamation plans and financial securities.⁷¹ Even though Cyprus Anvil was projecting uncertain mineral markets and was wrestling with a close-to-overflowing tailings pond, it stated that closure and abandonment was a long way off.⁷² Without an approved reclamation plan, Cyprus Anvil then submitted plans for a new Down Valley Tailings facility in the summer of 1980 and hired a contractor for the fall of that same year. The YTWB and interested parties scrambled to respond.⁷³

Public hearings held in September 1980 were heated. YCS and Environment Canada lamented the lack of planning or time to review proposals, arguing that Cyprus Anvil was using the economic sway of the mine to justify hasty expansion without public discussion on long-term consequences.⁷⁴ Environment Canada argued that the construction of a tailings facility could not

⁷⁰ Throughout the public hearings and other water board documents in 1980-1982, Environment Canada, YCS and other intervenors called for a *reclamation plan*, while Cyprus Anvil only ever used the term *abandonment plan*. Abandonment was a common term used by industry at the time. The nuanced differences between the two terms highlights the drastically different positions from which various parties were approaching the issue of mine closure: Hockley and Hockley, "Some Histories of Mine Closure, the Idea."

⁷¹ Much to the dismay of regulators and intervenors (and in contradiction to Cyprus Anvil's own environmental team), this brief proposal did not include actual plans for reclamation, especially regarding the final locations of the creek diversions around the tailing ponds, post-mining water quality objectives, reclamation alternatives, or a schedule for reclamation research. Intervenors in the January 1980 hearing argued that, although a reclamation plan could be expected to change, the conceptual feasibility of such a plan was needed to evaluate the proposed tailings facility and mine expansions: Yukon Territorial Water Board, "Public Hearing for License Renewal," (January 24, 1980), 26.

⁷² Letter from Cyprus Anvil to Mr. Keith Byram, Chairman, Yukon Territory Water Board (February 18, 1980), in: Indian and Northern Affairs, "Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation," (1980), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 10, 1980; See also Yukon Territorial Water Board, "Public Hearing for License Renewal," (January 24, 1980), 45.

⁷³ The Water Board was worried about approving the expansion of the tailings pond without a detailed abandonment plan: Yukon Territorial Water Board, "Public Hearing for Amendment to License: Cyprus Anvil," (September 3, 1980), Yukon Water Board Archives Y2L3-2098 (amendment).

⁷⁴ Ibid.

be assessed without a detailed reclamation plan and that Cyprus Anvil should commit to fully financing that plan:

The extraordinary arrangement of the diversion canal, the permafrost conditions, steepness of the terrain and the massive sulphide character of the tailings all combine to make the question of abandonment a critical issue. The long-term risks related to this proposal probably rank amongst the most serious problems that have been considered by the Yukon Territorial Water Board.⁷⁵

In response, elected officials and business owners exerted substantial pressure in favour of Cyprus Anvil's expansion.⁷⁶ The Whitehorse Chamber of Commerce in a letter to John Munro, the federal Minister of Northern Affairs, wrote that: "Deferring the Project at this time will have a major impact on the economy of Yukon which is already showing a low level of activity."⁷⁷ Ceding to this pressure, the YTWB partially renewed Cyprus Anvil's application in December 1980, with the requirement to submit a full reclamation plan, including a plan for financial securities before the summer of 1981.⁷⁸

Following this conditional approval, Cyprus Anvil continued to short-circuit the Water Board's demands for both reclamation planning *and* water treatment procedures. While the Water Board reviewed preliminary abandonment and financial security plans, additional spills occurred. In the winter of 1981, Cyprus Anvil ran out of space in the original tailings

⁷⁵ Environment Canada also noted concerns about earthquakes and a long diversion canal prone to meandering: Yukon Territorial Water Board, "Public Hearing for Amendment to License: Cyprus Anvil," (September 3, 1980), 36.

⁷⁶ Letter from Erik Nielson to Minister John Munro, October 1980, in: Indian and Northern Affairs, "Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation," Yukon Archives ACC 2003/105, Box 02-048, Vol. 11, 1980.

⁷⁷ Ibid.

⁷⁸ Any construction work completed on the Down Valley Tailings impoundment in the meantime would be completed at the "company's own risk", without mention of the potential risks to the downstream environment. It is not explained what the Water Board meant by the "company's own risk", since failures of the company would lead to environmental and water damage. The YTWB emphasized that proceeding with expansion of the tailings without reference to a reclamation plan, "may lead to significant problems and expense in the future when approvals are sought": Handwritten note from P.H. Beaubier, Vice Chairman of the Yukon Territory Water Board on a letter from W.G. Whitley, the regional manager of Water Resources to Cyprus Anvil to Cyprus Anvil (draft), in Indian and Northern Affairs, "Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation," (1981), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 13.

impoundment and began dumping tailings in the Down Valley area under an emergency approval from the Water Board.⁷⁹ On March 31, 1981, 250 pounds of cyanide leaked from the mill. Around the same time, a pipe from the Faro pit ruptured, gushing contaminated water into the surrounding environment.⁸⁰ As spills occurred, Cyprus Anvil was allowed to maintain production and threatened financial ruin for the territory if the new tailings system was not approved quickly.⁸¹

Amidst the mess of expanding tailings and rupturing pipes, reclamation planning and financial securities for Faro again sprang to the forefront of tense debates in the March 1982 public hearings. In an abandonment plan submitted to the YTWB in September 1981, Cyprus Anvil proposed to ‘cap’ the tailings by flooding them with several meters of water, creating a valley-bottom lake that would seal the tailings away from air, limiting acidification. Rose Creek would be returned to its former channel, flowing over the tailings and through a ‘flow-through’ dam at the end of the valley.⁸² Part of the rationale was that this strategy would allow for future mining of the tailings: “Any final commitment to an abandonment plan, which would preclude the reworking of tailings in the future, would be irresponsible on our part.”⁸³ Cyprus Anvil

⁷⁹ Indian and Northern Affairs, “Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation,” (1980), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 12; Indian and Northern Affairs, “Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation,” (1981), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 13.

⁸⁰ Indian and Northern Affairs, “Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation,” (1981), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 15.

⁸¹ Cyprus Anvil submitted a final tailings abandonment plan to the YTWB in September 1981 and then sent a letter to the Yukon Territorial Water Board in October 1981 asking them to move things along quickly since tailings storage was predicted to be an issue in the near future: Indian and Northern Affairs, “Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation,” (1981), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 19.

⁸² Environment Canada was particularly concerned about the flow-through-dam, as it was un-tested technology for long-term water management, especially in a Northern environment: Yukon Territorial Water Board, “Public Hearing on Application by Cyprus Anvil Mining Corp. to Amend Water License,” (March 3-4, 1982), Yukon Water Board Archives Y2L3-2226, 290-300.

⁸³ Letter from J.F. Olk, Senior Vice President of Cyprus Anvil Mining Corporation to D. M. Watson, Acting Chair of the Yukon Territory Water Board (October 30, 1981), in: Indian and Northern Affairs, “Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation,” (1981), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 19.

insisted that groundwater was not being impacted, that surface water contamination was being properly managed, and that acidification would be limited by an aqueous cap.⁸⁴ This confidence was reflected in the company's one-page financial security plan submitted before the March 1982 hearing, which committed only to increasing financial security to a "reasonable amount."⁸⁵

Public hearing intervenors identified several key issues with Cyprus Anvil's reclamation strategy, most importantly that an aqueous cap, without ongoing water treatment, would not impede long-term groundwater contamination, would not sufficiently limit surface water contamination around waste rock piles, and would not protect the Rose Creek watershed:⁸⁶

What we want to impress on the Board again and again, the company has locked itself into a project, locked itself into a project which might have very severe environmental consequences. There could be millions of tons of tailings turning acid, uncontrollably turning acid, and the company has chosen this course, so we suggest to the Board that the company must prove to you that those tailings aren't going to oxidize ever, or at such a slow rate that they are not a problem, and if they can't prove that to your satisfaction, then they must move the tailings. In other words, I want them to assume the risk, and not the public, not the environment. *They have to prove it.*⁸⁷

Deep concern about acidification was directly connected to the uncertainty surrounding groundwater contamination and the risk of a "plume of contaminated groundwater moving out from under those tailings."⁸⁸ The Yukon Conservation Society (YCS) noted that the real risk

⁸⁴ Yukon Territorial Water Board, "Public Hearing for License Renewal of Cyprus Anvil Mining Corporation" (January 24, 1980).

⁸⁵ Telex from J.F. Olk, Senior Vice-President of Cyprus Anvil to the Chairman of the Yukon Territory Water Board (December 23, 1981), in: Indian and Northern Affairs, "Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation," (1981), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 22. See the original request from the YTWB for financial security commitments here: Letter from Denis M. Watson, Acting Chairman, Yukon Territory Water Board to R. A. McCallum, Cyprus Anvil (December 2, 1981), in: Indian and Northern Affairs, "Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation," (1981), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 20.

⁸⁶ Environment Canada pointed out that wells were already showing seepage contamination under the tailings facility and that some tailings were oxidizing. Environment Canada also argued that Cyprus Anvil had already caused a detrimental impact on Rose Creek, likely extending to Anvil Creek, and environmental protection needed to be undertaken across the entire site, not just the tailings: Yukon Territorial Water Board, "Public Hearing for License Renewal," (January 24, 1980), 17-18.

⁸⁷ Emphasis added, Roger McCandless, Environment Canada, in: Yukon Territorial Water Board, "Public Hearing on Application by Cyprus Anvil Mining Corp. to Amend Water License," (March 3-4, 1982), 365.

⁸⁸ Ibid., 476.

would become evident when the mine shuts down and the addition of basic reagents in the milling process ceased.⁸⁹ Ross River Indian Band repeatedly linked water contamination with worries about animals such as moose, fish, and sheep accessing contaminated water or other waste materials – a concern related to the mine’s impacts on their community’s access to safe and healthy food.⁹⁰

Intervenor’s concerns about long-term water quality and wildlife protection were interwoven with worries about Cyprus Anvil’s lack of financial and legal accountability.⁹¹ During the March 1982 public hearings, discussions on financial security pivoted around how much security the Board should or could require.⁹² Arguments over financial securities stretched over 200 pages of public hearing transcripts. Cyprus Anvil’s lawyers and the Yukon Chamber of Mines lamented the great tragedy YTWG would spark if they allowed for “precedent-setting inhibitions to economic development and job creation.”⁹³ Don Lang, Minister of Tourism, Economic Development and Renewable Resources for Yukon Government spoke in support of Cyprus Anvil: “The Government of Yukon believes that the company must not be placed in a position whereby it may have to suspend, or even curtail its operations, because of excessive costs of environmental protection.”⁹⁴ In rebuttal, a Water Board member pointed to the full

⁸⁹Yukon Territorial Water Board, “Public Hearing for License Renewal,” (January 24, 1980), 20-21.

⁹⁰ Ibid., 47.

⁹¹ Indian and Northern Affairs, “Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation,” (1981), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 21.

⁹² Yukon Territorial Water Board, “Public Hearing on Application by Cyprus Anvil Mining Corp. to Amend Water License,” (March 3-4, 1982), 367. The Water Board’s jurisdiction covered only water-related activities. Auditors also noted that there was no precedent in Canada for a company to pay a security deposit for full abandonment costs; they stated that the “honour system had worked well” in B.C. and Ontario: Indian and Northern Affairs, “Water Resources – General – Industrial Files – Cyprus Anvil Mining Corporation,” (1981), Yukon Archives ACC 2003/105, Box 02-048, Location 59/16/4c, Vol 22.

⁹³ Throughout the hearings, Cyprus Anvil’s lawyers continually accused representatives from DFO, the Environmental Protection Service, YCS, and RRIB of being anti-Yukon economy, and of placing a high burden on the company, risking mine closure: Yukon Territorial Water Board, “Public Hearing on Application by Cyprus Anvil Mining Corp. to Amend Water License,” (March 3-4, 1982), 608.

⁹⁴ Ibid., 394.

securities required for uranium mining and the evidence that additional regulatory procedures, such as the *Northern Inland Waters Act*, had not decreased investment in Yukon mineral exploration throughout the 1970s and 80s.⁹⁵ One Environmental Canada representative, growing in frustration throughout the hearing, stated: “Let’s get something clear. You are the ones taking the risk with the Yukon economy, not us.”⁹⁶

Although water quality, wildlife protection, reclamation promises, and financial securities were central to intervenors’ concerns in the March 1982 public hearing, the implications of these arguments were rooted in much different histories. While YCS and the Environment Canada were protesting environmental destruction, Ross River Indian Band was also fighting for justice, community livelihoods, and sovereignty – they were fighting to protect their histories, their families, and their lands from further extractive violence and to have a voice in decision-making.⁹⁷ Councillor George Smith began his address to the YTWB:

We believe it is important to outline our historical experience with the mine... Our concern for the wellbeing of the land, its animals, and the water, and the fish is not only based on spiritual and cultural beliefs, but also on economics. Subsistence hunting, fishing, and trapping are still the foundation of the Ross River economy... The alienation of these lands from subsistence use has never been compensated for to the Ross River Indian people.⁹⁸

Smith emphasized that while Cyprus Anvil had made some small attempts to hire Tū Łídlīni Dena, because of spills and unknown contamination in the groundwater:

⁹⁵ Ibid., 567.

⁹⁶ Environment Canada emphasized that no matter what the financial security ended up being, there was no requirement for companies to fund long-term monitoring and perpetual care: *ibid.*, 322.

⁹⁷ Counsellor George Smith stated that this was their first public engagement with Cyprus Anvil, and I can find no other reference to interactions between Ross River Indian Band and Cyprus Anvil, or any evidence of consultation between the Yukon Government, the Federal Government and Ross River Indian Band before this hearing. There is also no mention of Ross River Dena members in media reporting before the 1980s. Ross River Dena members document their own history of this time period in: Martin Weinstein, “Just Like People Get Lost: A Retrospective Assessment of the Impacts of the Faro Mining Development on the Land Use of the Ross River Indian People,” (June 1992), prepared for Ross River Dena Council.

⁹⁸ Yukon Territorial Water Board, “Public Hearing on Application by Cyprus Anvil Mining Corp. to Amend Water License,” (March 3-4, 1982), 403-404.

Ross River Indian people [were] extremely reluctant to fish anywhere in the Pelly River. We have seen the contamination of water and fish that has occurred on the Grassy Narrows reserve in eastern Canada, and we do not want this experience repeated here.⁹⁹

Unlike other intervenors, Smith did not let the federal and territorial governments avoid responsibility:

Through our eyes, the record of Government has been less than desirable. Government has not compensated Ross River Indian people for alienation of their traditional lands; and have not consulted respecting the location of the mine, the townsite, and the tailings ponds, have not adequately monitored and prevented the contamination of Rose Creek, and have not lived up to the terms and conditions of the Section 3, Subsection 2 of the 1967 *Anvil Agreement* respecting employment of Indian people... for all the positive benefits that Cyprus Anvil provides to the Yukon economy, the evidence is very clear, little benefit, if any, has trickled down to the Indian people, and more importantly, this mega-project has reduced our capacity for self-employment in subsistence renewable resource harvesting.¹⁰⁰

Smith demanded that the Water Board, in its review of Cyprus Anvil's water license, consider meaningful changes that would require Cyprus Anvil and settler governments to mitigate and compensate for negative impacts on the Tū Łídlíni Dena and their water rights. Smith's demands for mitigation and compensation were linked to his expectations for reclamation and financial securities.¹⁰¹

In their final statement at the 1982 hearings, the Ross River Indian Band opposed the granting of an amended license unless certain conditions were met: 1) a more robust monitoring program that included Tū Łídlíni Dena; 2) a Down Valley tailings impoundment system that minimized the potential for tailings oxidation, including the use of a special liner to reduce seepage and groundwater contamination; 3) an ongoing evaluation of geochemical and

⁹⁹ Ibid., 304.

¹⁰⁰ Ibid., 405.

¹⁰¹ Peter Dimitrov (Advisor to the Ross River Indian Band), later in the hearing, questions if: "Cyprus Anvil made estimates of the economic and social impacts that may result from the uncertain irreversible impacts on Indian renewable resource harvesting, should seepage of toxic material ever occur into groundwater, surface water and the food chain?": Yukon Territorial Water Board, "Public Hearing on Application by Cyprus Anvil Mining Corp. to Amend Water License," (March 3-4, 1982), 441.

groundwater regimes after the renewal of a license; 4) full financial security; and 5) a requirement for an ongoing negotiation procedure between Cyprus Anvil and the Council for Yukon Indians for the identification of jobs, training, and other benefits for Yukon Indigenous communities. Cyprus Anvil never responded to these conditions, nor did they comment on RRIB's specific concerns about the risk to the Kaska Dena economy if the mine was allowed to continue unabated. In addition, RRIB's representatives were reprimanded throughout the hearings for not conforming to the structure of the Board's rules. Cyprus Anvil refused to answer their questions and the Water Board refused to stall its deliberations to ensure that RRIB's questions were answered.¹⁰² In the face of this procedural injustice, RRIB strategically used the Water Board public hearings to demand reparation for extraction on their territory and to exercise governance over, and involvement in, water monitoring and protection.

Ultimately, in March 1982, the Cyprus Anvil's abandonment plan was accepted by the YTWB, with the understanding that Cyprus Anvil would complete a reclamation research program and update their abandonment plan as a part of regular water license reviews. Major changes in the license included requiring the monitoring of groundwater and the requirement for a contingency plan if groundwater contamination was found down valley. The license outlined more detailed stipulations for tailings and waste rock management, including directions on how tailings were placed in the facility; a requirement to cap or flood tailings within three years of temporary closure; and a plan for the physical and chemical stabilization of all waste rock dumps.¹⁰³ Cyprus Anvil was also required to restore fish habitat along Rose Creek and establish revegetation trials using local plants.¹⁰⁴ These new water license stipulations were

¹⁰² Because Counsellor George Smith and his advisors were not present to cross-examine the technical experts.

¹⁰³ Yukon Territorial Water Board, "Water License General Conditions: Cyprus Anvil Mine," (March 24, 1982), Yukon Water Board Archives Y2L3-2226 (no7.4), 5.

¹⁰⁴ *Ibid.*, 301.

announced amidst a flurry of media attention and accusations of “precedent setting limitations on industry.”¹⁰⁵

The YTWB also grappled with, or rather fumbled, the challenge of financial securities. Cyprus Anvil’s financial security increased from \$250,000 to \$500,000, which was the amount requested by the company, not the amount suggested by Ross River Indian Band or other intervenors. Recognizing that setting aside funds for abandonment would “tie up great amounts of capital that would be better used in exploration and development,” the YTWB concluded that it needed to put more thought into what abandonment funding should look like, and they delayed a final decision on an abandonment funding structure.¹⁰⁶ Emphasizing that a new tailings facility was necessary for the company’s \$300 million expansion program, which was “essential for the wellbeing of the territory,” federal Minister of Indian Affairs and Northern Development, John Munro, signed off on Cyprus Anvil’s controversial water license.¹⁰⁷

Unfortunately, the changes fought for by Ross River Indian Band, Environment Canada, and Yukon Conservation Society, were doomed from the start. Public hearings and the resulting licenses served as foreshadowing rather than as an actual tool for corporate accountability. Behind the scenes of water licensing and plans for expansion, Cyprus Anvil was struggling financially, calling into question their public promises for financial accountability.¹⁰⁸ On March 24, 1982, the *Whitehorse Star* featured two side-by-side articles announcing both the YTWB’s

¹⁰⁵ “Some License Reservations – Anvil,” *The Whitehorse Star*, March 25, 1982.

¹⁰⁶ As a part of the license renewal, the Board required that Cyprus Anvil develop a proposal for a financial mechanism for abandonment during the seven-year term of the amended license. From internal memos, public hearings transcripts, and research contracted by the YTWB, it is clear that the Board was struggling to frame what a good abandonment plan and financial security might look like and who would be responsible: “In the case of the inactive mine, responsibility and ownership is often unclear, regulations and laws are nonexistent, and funds for pollution are unavailable or must come from the public sector”: Yukon Territorial Water Board, “Reasons for Decisions: Issuance of Water License Y2L3-2226 to Cyprus Anvil Mining Corporation,” (March 24, 1982), Yukon Water Board Archives Y2L3-2226.

¹⁰⁷ Anne Tempelman-Kluit, “Anvil gets license,” *The Whitehorse Star*, March 24, 1982.

¹⁰⁸ Mines across Western Canada began to close as lead and zinc markets collapsed in February 1982.

approval of a license and the temporary shutdown of Cyprus Anvil.¹⁰⁹ Two months after the YTWB issued its water license -- an approval based on the company's promises for responsible reclamation -- Cyprus Anvil announced a temporary closure.¹¹⁰

Almost immediately after closure in June 1982, citing high power, transportation, and labour costs, Cyprus Anvil turned to the Yukon and federal governments for assistance, asking for reductions in power costs, waiving of royalties, upgrades to the Skagway road, public maintenance of the access roads and infrastructure, and funding for an overburden stripping program.¹¹¹ Over the next three years, Cyprus Anvil maintained this narrative, including publishing a public letter to Yukoners in 1985 outlining how their closure was the result of high operating costs that could be reduced through government support for infrastructure and power.¹¹²

At the time of temporary closure in 1982, the Yukon settler economy was incredibly dependent on the Faro Mine. Because the Yukon government and federal government constructed infrastructure and services *around* Cyprus Anvil, a structure of extractive reliance was created.¹¹³ Countless newspaper articles and mine communications proclaimed that over 40 percent of Yukon's economy was directly dependent on the Cyprus Anvil Mine.¹¹⁴ Over 36

¹⁰⁹ Massey Padgham, "Three week shut down," *The Whitehorse Star*, March 24, 1982; Tempelman-Kluit "Anvil gets license."

¹¹⁰ John Schreiner, "Recession Tough on Miners," *The Financial Post*, March 20, 1982; The Canadian Press, "Cyprus Anvil to Close Mine," *The Weekend Sun*, May 1, 1982.

¹¹¹ Rod Nutt, "Cyprus Anvil Mine Seeks Aid to Reopen," *The Vancouver Sun*, July 13, 1982; Heather Wilson, "Mine-closure Effects Finally Hit Home in Yukon," *The Calgary Herald*, September 15, 1982, C9; The Canadian Press, "Company Denies Mines to Stay Shut," *The Calgary Herald*, December 9, 1982.

¹¹² "An Open Letter to Yukoners from Cyprus Anvil," (January 25, 1985), in Indian and Northern Affairs, "Anvil – General Government Assisted Programs CAMC – Faro Op.," (1985), Yukon Archives ACC 2003/104 Box 01126 49/6/4c, Vol. 1.

¹¹³ Jim Butler, "We proved a troublesome territory for Munro," *The Whitehorse Star*, August 22, 2003. See also: Peter E. Gunther, *Cyprus Anvil: Impact on the Yukon*, (1982), prepared for Indian and Northern Affairs, 15.

¹¹⁴ This percentage is used constantly throughout media and other publications about Faro throughout the 1970s and 1980s. There is no source for where this 40% estimation comes from. One Yukon Government document suggested that this estimation might provide an exaggerated picture of the value of the Faro mine to Yukon's settler economy: Gunther, "Cyprus Anvil: Impact on the Yukon."

percent of all electricity produced by the Northern Canada Power Commission (NCPC) was consumed in Faro. About 25 percent of White Pass and Yukon railway's fuel business and about 30 percent of its freight business was dependent upon the activities in Faro.¹¹⁵ With closure, most Faro residents faced job and housing uncertainty:

We are anticipating it'll be a zoo here this winter... with bitter and uncertain people exposed to the rigors of a northern winter, which is no joke. Family strains will be severe and increased alcohol consumption could become a real problem... some people are now turning to hunting out of necessity, not just sport: 'If you're going for a Sunday drive you try to make it profitable. If I see a moose, I'll drop him,' says Greg Peters, a laid off shovel operator.¹¹⁶

Between 1982 and 1984, the total labour force of the Yukon dropped 18.5 percent as people left the territory.¹¹⁷ Cyprus Anvil refused to reopen the mine despite voluntary pay cuts from employees and funding promises from the territorial government.¹¹⁸

Federal officials quickly intervened to revive the idled mine.¹¹⁹ INAC Minister John Munro became directly involved in negotiations between the company, unions, and governments: "It was an unprecedented intervention by a federal cabinet minister in the collective bargaining process in Yukon."¹²⁰ In March 1983, a delegation from Yukon, including several territorial ministers, the mayor of Faro, Chamber of Commerce, White Pass & Yukon railway and mine union representatives, presented to a panel of federal officials and placed responsibility for the mine squarely on the federal government's shoulders:

...continued indefinite closure of the mine will require massive federal government support to prop up the Yukon economy... Not only did the government create the Town

¹¹⁵ Gunther, "Cyprus Anvil: Impact on the Yukon"; Faro Community Leaders, "Submission on the Reopening of the Cyprus Anvil Mine," (October 1984), presented to the Honourable D. Crombie, Minister of the Department of Indian and Northern Affairs, Yukon Archives PAM 1984-2.

¹¹⁶ Wilson, "Mine-closure Effects Finally Hit Home in Yukon."

¹¹⁷ Faro Community Leaders, "Submission on the Reopening of the Cyprus Anvil Mine."

¹¹⁸ The unions who had fought for pay increases and better working conditions throughout the 1970s committed to 12-hour shifts, no increases in wages, cost-of-living expenses, or pensions, and forfeited leave time to encourage the reopening of the mine. Gunther, "Cyprus Anvil: Impact on the Yukon."

¹¹⁹ Ibid.

¹²⁰ John Crump, "Cyprus Anvil, Union Resume Talks on Faro," *The Financial Post*, December 18, 1982, 6.

of Faro, it contributed approximately \$28 million in infrastructure costs to bring Cyprus Anvil on stream in the late 1960s. This was an investment that benefitted everybody. Now, at a time of cyclical difficulties that the mine is experiencing, the government has a responsibility to protect the public investment in the town.¹²¹

Shortly after this meeting, Munro endorsed a 50-million-dollar proposal to finance an overburden stripping project to bail out the ailing mine.¹²² Despite the commitment of federal funding, the full reopening of the mine continued to stall and all work ground to a final halt in the fall of 1984.¹²³

4.3 Curragh Resources (1985-1993): treading on stolen Tū

The Faro Mine then entered a period of limbo. Promises made in the 1982 water license for tailings management, revegetation research, remediation work, and financial securities faded to the background. By suspending operations Cyprus Anvil avoided paying their \$500 000 financial security.¹²⁴ No work beyond basic maintenance and overburden stripping occurred, even

¹²¹ Ibid. Ironically, soon after the official purchase of the mine in 1985, the new owner, Curragh, began stripping any kind of community supports for the Town of Faro that Cyprus Anvil had originally put in place. Curragh also backed away from direct involvement and funding of town infrastructure and activities, citing this as one of the reasons Cyprus Anvil had gone bankrupt: Ralph Sultan, Vice Chairman of Curragh Resources, "Remarks to the Whitehorse Chamber of Commerce," (January 21, 1986), Yukon Archives, ACC 2008/17, Box 2003-1951, 64/5/6c.

¹²² This \$50 million proposal was touted as a program funded equally by the government and the company, but nearly \$20 million of the company's share came via an interest free loan from the federal government. In exchange, Dome was instructed to find a buyer for the site: Cyprus Anvil Mining Corporation, "Socio-Economic Impact Assessment," (1984), in Research Northwest, "Yukon Mining Sector Profile, Component 2," (June 27, 2013), prepared for Yukon Territorial Government. See also: The Canadian Press, "Munro Favours Dome Mine Proposal," *The Phoenix*, March 31, 1983, C1.

¹²³ Dome refused to come to the negotiating table and officially mothballed the project in late 1984: Faro Community Leaders, "Submission on the Reopening of the Cyprus Anvil Mine."

¹²⁴ Letter from Ronald D. Bailey, Head of Water Resource Division, Indian and Northern Affairs Canada to Cyprus Anvil Mining Corporation, August 11, 1982, in Yukon Government – Environment, "Industrial Files – Cyprus Anvil Mining Corporation," (1982), Yukon Archives ACC 2005/137, Box 2003-0736, Location 61/1/2b, Vol 23; Letter from D. Brown, Mining Administration Divisions to the Deputy Minister of Indian and Northern Affairs, "RE: Need for preliminary assessment of Cyprus Anvil's Tailings Abandonment Plan," May 8, 1985, in Indian and

as zinc levels exceeded water license thresholds.¹²⁵ As one environmental audit shows, plans for groundwater investigations and abandonment procedures for waste rock and tailings were either delayed or shelved.¹²⁶ Instead, with hopes for a sale on the horizon, in the summer of 1985 Cyprus Anvil drafted several emergency water license amendments, including requests to remove some abandonment obligations, extend the 3-year deadline on capping the tailings after cessation, relax stipulations for tailings placement, and remove the requirement to fully fund the 1981 Abandonment Plan. The YTWB accepted these changes without holding public hearings, stipulating that if the mine was sold, the previous water license requirements would transfer to the next owner.¹²⁷

4.3.1 Selling stolen Tū: separating the sale of water from water rights

While Cyprus Anvil was rushing to amend their license, Tony Penikett, newly elected New Democratic Party leader of the Yukon Government boldly stated (with some premonition for the decades to come at Faro) that: "The mine is not dead, just in intensive care."¹²⁸ Behind the

Northern Affairs, "Anvil – General – Government Assisted Program CAMC – Faro Op," (1985), Yukon Archives ACC 2003/104 Box 01126 49/6/4c, Vol. 1.

¹²⁵ In July 1984 the Water Board approved Cyprus Anvil's plans for waste rock dumps, reviewed their groundwater contingency plan (due in 1987) and approved their updated monitoring program. Cyprus Anvil applied to amend their license again in August 1984, but was officially bankrupt by the end of that same year: Yukon Government – Environment, "Industrial Files – Cyprus Anvil Mining Corporation," (1982), Yukon Archives ACC 2005/137, Box 2003-0736, Location 61/1/2b, Vol 24; Yukon Government – Environment, "Industrial Files – Cyprus Anvil Mining Corporation," (1982-1984), Yukon Archives ACC 2005/137, Box 2003-0736, Location 61/1/2b, Vol 25.

¹²⁶ "Environmental Audit: Yukon Properties of Cyprus Anvil Mining Corporation," (1984), Yukon Archives PAM 1984-0314. In an August 1985 hearing, details about the care and maintenance approach taken and the reasons for delaying and amending certain parts of the Water License are outlined. Environment Canada also outlined non-compliance issues specifically related to abandonment studies: Yukon Territorial Water Board, "Application for Amendment of Water Use License – Cyprus Anvil Mining Corporation," (August 1985), Yukon Water Board Archives Y2L3-2226.

¹²⁷ The Water Board did add a requirement to provide a detailed tailings abandonment plan no later than December 1986: Yukon Territorial Water Board, "Emergency Amendment to YIN85-05AL," (October 4, 1985), Yukon Water Board Archives YI85-07LE (no. 7.6), 5.

¹²⁸ Douglas Martin, "Down and Out in the Yukon Territory," 3.

scenes of this public statement, Toronto ‘mining magnate’ and owner of Curragh Resources,¹²⁹ Clifford Frame, had signed a letter of intent to purchase the Cyprus Anvil Mine from Dome Petroleum.¹³⁰ Ross River Dena Council (RRDC) was not made privy to these discussions.¹³¹ By October 1985, Yukon Territorial Mines Minister, Robert Layton, announced that the Yukon Territorial Government would provide a guarantee on a \$15 million loan to help with Curragh’s start-up costs.¹³² The Yukon government also agreed to pay \$700 000 annually to maintain the Skagway road year round, provided \$3 million in grants under a mining incentive program, purchased housing in Faro from Curragh for \$5 million, and purchased mill assets for another \$7 million.¹³³ With financial support from both the federal and territorial governments, Curragh strategically purchased stolen Tū, promising RRDC that they would take on Cyprus Anvil’s previous commitments to reclamation and financial securities.

¹²⁹ The name Curragh is derived from the Irish ‘currach’, meaning a racecourse. Curragh Resources was named after the ‘Curragh of Kildare’, the largest area of unfenced arable land in Ireland and the headquarters of Irish horse racing: “The Curragh is notable for the richness of the land and the wealth it has produced for its owners.” Curragh Resources Inc. “Annual Report 1986-87,” (1987), Yukon Archives PER 0981.

¹³⁰ This letter was followed by further negotiations for funding and loan guarantees from the federal and territorial governments: Bud Jordengsen, “Zinc rivals lobby Ottawa not to help Anvil,” *The Globe and Mail*, September 26, 1985, B25; Letter from David Crombie, Minister of Indian and Northern Affairs to Michael H. Wilson, Minister of Finance, August 16, 1985 in Indian and Northern Affairs, “Cyprus Anvil Monitoring,” (1985), Yukon Archives ACC 2003/104, Box 9900059, Location 49/6/16.

¹³¹ Ross River Indian Band changed their name to Ross River Dena Council in 1983-84.

¹³² Yukon government provided an 85 percent guarantee on a \$15 million loan. The federal government promised to pay 90 percent of the Yukon government's cost in case of default during the first 18 months of the loan term: “Anvil Deals Clear, Curragh inks sale, spring opening seen,” *The Whitehorse Star*, October 28, 1985, 1-2; Bud Jordengsen, “Cyprus Anvil accord seen near completion,” *The Globe and Mail*, October 16, 1985, B2; The Canadian Press, “Mines minister back Cyprus Anvil reopening despite glutted market,” *The Ottawa Citizen*, November 5, 1985, D5; Yukon Government Economic Development: Mines and Minerals, “Yukon Loan Guarantee for Takeover/Reopening of Cyprus Anvil Mine by Curragh Resources Corporation – Confidential,” (1985), Yukon Archives ACC 96/7 Box 340/02, Location 51/2/7c., Vol.1.

¹³³ Jim Butler, “Territory bears biggest load,” *The Whitehorse Star*, October 28, 1985, 4; Rod Nutt, “Lead-zinc rival rattles industry,” *The Sun*, November 23, 1985, D6; Tony Penikett, Yukon Government Leader and Clifford Frame, President of Curragh Resources, “Media briefing session regarding Cyprus Anvil Mine,” October 28, 1985, in Indian and Northern Affairs, “Anvil – General – Government Assisted Programs CAMC – Faro Op.,” (1985), Yukon Archives ACC 2003/104 Box 01126 49/6/4c, Vol. 1.

And yet, despite these promises and ongoing land claim negotiations, the sale of the Faro Mine to Curragh was negotiated without RRDC at the table.¹³⁴ RRDC's displeasure at this exclusion was echoed across the Yukon, as other Indigenous Nations – disgruntled by delays in land claims – began demanding involvement in mine sales and permit approvals.¹³⁵ For instance, a few years after Curragh's purchase of the Faro Mine, the Tr'ondëk Hwëch'in First Nation fought against the YTWB's approval of the Lousetown Mine development near Dawson, arguing that, "the federal legal regime governing mining in Yukon is contrary to their claim under land claims."¹³⁶ The YTWB stated that they would approve the Lousetown license despite the Tr'ondëk Hwëch'in's claims, arguing that denying the permit: "would effectively set a precedent that would prevent the issuance of any water licences where land claims have not been settled. The Board believes that this would cover the majority of waters in the Yukon."¹³⁷ In other words, certainty for miners took precedence over the finalization of land claims.

RRDC's mistrust of the federal governments' private negotiations with Curragh proved well founded. The promise of a smooth water license transfer, including reclamation responsibilities, was quickly broken. Playing on settler governments' desperation to sell the

¹³⁴ In 1985, as Premier Tony Penikett was restoring funding to the CYI and re-opening the negotiation table after a failed 1984 framework agreement, his government was also negotiating the sale of the Faro mine *without* Ross River Dena Council's or the CYI at the table. This is at a time when benefit sharing structures and land claim agreements were being signed and finalized elsewhere in Canada: Alcantara, "The Kwanlin Dün First Nation and the Kaska Nations in the Yukon Territory"; Klein, "Reviewing and Redefining Relationships;" Paul Nadasdy, *Sovereignty's Entailments: First Nation State Formation in the Yukon* (Toronto: University of Toronto Press, 2017); and Wilson, "Querying water co-governance."

¹³⁵ In January 1984 a tentative land-claims framework agreement was drafted but was ultimately rejected by CYI for several reasons. The agreement required extinguishment of land title, limited First Nation governance to 'advisory' roles, inflamed controversy over land-selection processes, failed to affirm subsistence hunting rights, and failed to recognize non-status Indigenous peoples. The Kaska Nation, unwilling to extinguish their land title, refused to sign. The First Nation of Nacho Nyäk Dun, Carcross Tlingit First Nation and Liard First Nation, also refused to sign. The failure of this framework stalled negotiations for about two years: Rice, "Achieving First Nation Self-Government in Yukon, Canada"; Alcantara, "The Kwanlin Dün First Nation and the Kaska Nations in the Yukon Territory;" Rhiannon Klein, "Reviewing and Redefining Relationships: Intergovernmental Relations and Modern Treaty Implementation in Yukon, 1986-2016" (PhD Diss, Johnson Shoyama Graduate School of Public Policy, University of Saskatchewan, 2021).

¹³⁶ Sarah Davison, "Lousetown-area mining approved by water board", *The Whitehorse Star*, August 3, 1992.

¹³⁷ Ibid.

mine, Curragh not only secured government funding to re-open the mine but also avoided any commitments to reclamation planning or financial securities. In private negotiations with the federal government, Curragh refused to take on Cyprus Anvil's abandonment plan or its \$500,000 financial security, making it a condition of the sale, to which the federal government hastily agreed.¹³⁸ Instead of committing to Cyprus Anvil's approved reclamation plan, Curragh promised to draft its own plan by December 1986.¹³⁹ Within a year of their purchase of the Faro Mine in 1985, Curragh resumed production at Faro without a remediation plan, financial security, or any kind of agreement with Ross River Dena Council. The first shipments of ore left the Skagway port in July 1986.¹⁴⁰

With government support, Curragh effectively purchased stolen Tū and the right to continue polluting Kaska Tū. In their desperation to sell the site and maintain economic profits in Yukon, the settler governments knowingly decreased protections for water, stripping away the small protections that Ross River Dena Council, Yukon Conservation Society and other intervenors had fought for throughout Cyprus Anvil's tenure. Pointedly, the sale of stolen Tū was made with no representation from RRDC's leadership, despite ongoing land claim negotiations

¹³⁸ The Federal Minister who approved this sale condition, Bill McKnight, became a board member of Anvil Range after he left his role as minister. According to Bill Slater: "Those were also the days when the deputy prime minister was Erik Nielsen. And so, you know, the stories about the political interference on the Faro mine through the 1980s are stories of third world countries. That is also the context in which Faro was developed": Bill Slater, interview with author, March 17, 2021.

¹³⁹ Behind closed doors, Curragh and Canada also penned a private deal that required Curragh to pay \$0.25 per wet metric tonne of mineral concentrate into a Trusteed Environmental Fund. Curragh would later argue that because of this agreement, the YTWB had no jurisdiction to impose further financial securities. In May 1985 Indian and Northern Affairs Canada commissioned its own engineering and economic study of the Cyprus Anvil 1982 Abandonment Plan (estimated to cost \$50 million), to determine its feasibility: Curragh Resources Inc., *Terms of Reference for A Preliminary Engineering and Economic Study of Cyprus Anvil's Tailings Abandonment Plan* (1984); and Letter from D. Brown, Mining Administration Divisions to the Deputy Minister of Indian and Northern Affairs, "RE: Need for preliminary assessment of Cyprus Anvil's Tailings Abandonment Plan," (May 8, 1985), both located in Indian and Northern Affairs, "Anvil – General Government Assisted Programs CAMC – Faro Op.," (1985), Yukon Archives ACC 2003/104 Box 01126 49/6/4c, Vol. 1.

¹⁴⁰ The Canadian Press, "Cyprus Anvil resumes shipments," *The Calgary Herald*, July 5, 1986, A17; Curragh Resources Inc. "Annual Report 1986-87," (1987), Yukon Archives PER 0981.

that referred specifically to water rights and industrial development.¹⁴¹ Considering Ross River Indian Band's extensive participation in 1982 water licensing for Cyprus Anvil and their in-depth engagement in land claims negotiations throughout the 1980s, their voice is conspicuously absent from all documentation and media related to the sale of the Faro Mine and transfer of water licenses.

Settler governments strategically and purposefully detached water licensing and mine permitting from ongoing negotiations for Indigenous land and water rights. All discussions about rights and governance were relegated to the 'land claims table' – which settler governments purported was outside of mine and water permitting jurisdiction under the *Yukon Mining Act* and the *Northern Inland Waters Act*. This strategic detachment allowed both the company and the government to sidestep land claim implications of the continued operations at Faro, using colonial mining legislation to perpetuate and legitimate the sale, alienation, and continued development of Kaska lands and waters – lands and waters that the federal government had *already* acknowledge as unceded.

4.3.2 *Treading Tū*

From the moment of sale and transfer of water rights, Curragh spent the next decade treading on stolen Tū, perpetuating, and enlarging the theft that Cyprus Anvil and settler governments had initiated. Curragh continually increased the amount of water used, while strategically avoiding any long-term commitments to remediation or financial security. Annual water license hearings were held from 1986 to 1989 as Curragh's operations expanded.

¹⁴¹ Considering Ross River Indian Band's extensive participation in 1982 water licensing for Cyprus Anvil and their in-depth engagement in land claims negotiations throughout the 1980s, their voice is conspicuously absent from all documentation and media related to the sale of the Faro Mine and transfer of water licenses.

Mirroring the 1982 public hearing, these hearings generated thousands of pages of transcripts documenting the back-and-forth negotiations for financial securities and reclamation planning. Just like Cyprus Anvil, Curragh justified its requests for expansion, without an approved reclamation plan, based on economic benefits to the territory and the argument that any reclamation expenditures would limit Curragh's fiscal and operational capabilities.¹⁴²

In the spring of 1986, before any ore had even left the mine after reopening, Curragh applied for a license amendment that would expand water use and delay the submission of a reclamation plan to 1991. In public hearings for the amendments, Ross River Dena Council asserted their rights and argued that they had not been consulted regarding the Company's use of Kaska lands and waters, or the transfer of ownership and water licenses in 1985. RRDC recommended that the YTWB reject the license application until the issue of land claims and consent had been rectified. A variety of other groups (the Yukon Chambers of Commerce, Faro businesses, and territorial politicians) submitted statements in favour of speedy approval due to the economic importance of the mine.¹⁴³ In the 1986 "Reasons for Decision" document, the Yukon Territorial Water Board stated:

As can be seen from the above summary, the only opposition to the amendment was voiced by the Ross River Indian Band. This opposition was directed, not so much at the specific request for increase in water use, but more broadly at the granting of regulatory approvals by government bodies prior to formal consultation of the Band by the proponent and/or the resolution of aboriginal claims. The Board is of the opinion that it is not in a position to suspend its licensing activities under the *Northern Inland Waters Act*, while resolution of the issue of Aboriginal claims and the Band's role in resource management - an issue much broader than the Board's mandate under the Act - is negotiated.¹⁴⁴

¹⁴² Anthony Hodge, Nadja Kunz, Stephen Hay, Isabel Carmen, Connor Hamely and Bulgan Batdor, "Through a Prism of Time: Faro Retrospective Initiative, Phase 1 Report," (Robert M. Buchan Department of Mining Engineering, Queens University: 2021).

¹⁴³ Yukon Territorial Water Board, "Reasons for Decision: In the Matter of Application for Amendment of License No. Y-IN85-05AL by Curragh Resources," (July, 1986), Yukon Water Board Archives YIN85-05AL.

¹⁴⁴ Ibid.

The amendment was granted, even though increased water use directly impacted RRDC's claims.

Unfazed, in a July 1987 hearing for another license amendment, RRDC again expressed their resistance to these seemingly endless license approvals:

The Band claims Aboriginal title and rights to this territory and the resources within it... members of the Band have used and continue to use the resources affected by Curragh's proposal and past activities, although the interests of the Band and its members have not been adequately considered to date. The Band is opposed to approval of the application by the board at this juncture. *The Band says its consent should be sought for mining activity in the area.*¹⁴⁵

Other public hearing intervenors tried to push Curragh to detail its commitments to progressive reclamation rather than accepting Curragh's promises to simply 'do it'.¹⁴⁶ Of the five intervenors in the 1987 hearing, only RRDC asked that Curragh's license be cancelled. If it wasn't cancelled, Ross River Dena Council argued that there should be an increase in the amount of security, that reclamation funds should be managed in a trust separate from company control, and that a penalty should be levied on Curragh for non-compliance and delays in submitting an abandonment plan. If the YTWB wasn't going to respect Indigenous rights, RRDC argued that the board should at least be protecting future waters for all Yukoners.¹⁴⁷

Between 1986 – 1989, Curragh employed several tactics via water license amendments to maintain a liminal position and avoid financial or regulatory commitments to reclamation.

Curragh continually argued that it needed to complete more research and that it was already

¹⁴⁵ Emphasis added: "Curragh may not raise dam despite water use application," *The Whitehorse Star*, July 7, 1986, 5.

¹⁴⁶ YCS asked for the Water Board to produce a list of criteria for abandonment plans; Yukon Territorial Water Board, "Public Hearing for Amendment to License YIN86-05AL," (March 11-12, 1987), Yukon Water Board Archives YIN85-05AL; Nancy Campbell, "You can't see our books," *The Whitehorse Star*, March 12, 1987; Massey Padgham, "Curragh must have some sort of abandonment plan now, board told," *The Whitehorse Star*, March 10, 1987, 5.

¹⁴⁷ Yukon Territorial Water Board, "Public Hearing for Amendment to License YIN86-05AL," (March 11-12, 1987), Yukon Water Board Archives YIN85-05AL, 136-137.

going above and beyond regulatory requirements: "There are very few mines that are designed to be abandoned. This is a new field... Curragh is at the forefront of it."¹⁴⁸ They complained about a lack of data from Cyprus Anvil and the need for more time to "do things properly."¹⁴⁹ And, most importantly, Curragh made the case that it could not afford reclamation planning and financial securities while focusing on keeping the mine running. For example, as cyanide levels in the tailings ponds rose due to a spill in the mill,¹⁵⁰ Curragh argued that the company could not afford to commit money to reclamation without first developing the Vangorda pit.¹⁵¹

Instead of a government managed financial security, Curragh proposed the creation of a company-controlled reclamation trust fund. Both RRDC and Selkirk First Nation (SFN) objected to a company-controlled fund and argued that the fund should be managed separately from the company, with representation from their Nations: "the people who have to live with this should be entitled to say something as trustees."¹⁵² RRDC and SFN also wanted a *guarantee* that funds would be accessible to protect the long-term health of fish and wildlife: "We have to consider short-term versus long-term costs. Our costs are not simply economic. They're the threat of complete loss of our culture and way of life. That's what hangs in the balance."¹⁵³ In response,

¹⁴⁸ Jilson, Faro Mine Environmental Manager, in Patti Flather, "Curragh seeks extension to its water use license," *The Whitehorse Star*, January 20, 1989, 1-2.

¹⁴⁹ Mine consultants and employees spent the majority of the March 1987 public hearings focused only on the challenge of modeling 'how far' the acid generation had gone - what they called the "acid front": Yukon Territorial Water Board, "Public Hearing for Amendment to License YIN86-05AL," (March 11-12, 1987).

¹⁵⁰ On December 1988, 1200 kg of sodium cyanide were released into the tailings pond when an employee allowed a tank in the mill to overflow. The solution was released into the tailings pond to avoid a hazard to workers in the plant. There was great concern about the potential downstream consequences of this quantity of cyanide if it passed through the tailings pond following the normal 2-3-week retention period. DFO voiced concern that the downstream reaches of Rose Creek and Anvil Creek, which had been recolonized by a variety of fish species since the previous spills, were placed at a serious risk, but no follow up was recorded: Yukon Territorial Water Board, "Faro Mine Public Hearing," (September 7-8, 1989), Yukon Water Board Archives IN89-001.

¹⁵¹ Yukon Territorial Water Board, "Public Hearing for Amendment to License YIN86-05AL," (March 11-12, 1987).

¹⁵² Yukon Territorial Water Board, "Public Hearing for Curragh Resources," (February 8, 1990), Yukon Water Board Archives IN89-001, 147.

¹⁵³ Marilyn Van Bibber, in Sarah Davison, "Ottawa can insist on Curragh money, Federal Court rules; Ottawa urged to help Curragh," *The Whitehorse Star*, January 16, 1992; and Patti Flather, "Curragh told to submit abandonment plan by March," *The Whitehorse Star*, December 23, 1988, 3.

mimicking Cyprus Anvil, Curragh emphasized that their water license would never let them just walk away, even without a completed plan or financial securities. Cyprus Anvil, of course, had done just that.¹⁵⁴ Despite this very recent history of abandonment, Curragh prevailed, and water licenses were renewed without a hitch.

When Curragh did finally come to the table with a ‘Decommissioning Plan’ in 1991, the plan did little to address concerns about reclamation.¹⁵⁵ The 1991 Decommissioning Plan included a review of five closure options.¹⁵⁶ Of these options, the Water Board decided to approve Option 5, which included reprocessing the tailings, dumping them in the Faro Pit, and then installing a water cover on both the pit and the tailings impoundment. Option 4, a water cover on the tailings, without tailings reprocessing, was slated as a back-up plan.¹⁵⁷ These options were largely the same as the option chosen by Cyprus Anvil in 1982, with the additional possibility of re-processing tailings. One key difference was that Curragh argued *against* the need to seal off the natural ground behind the intermediate dam, upon which future tailings would be placed.

¹⁵⁴ In addition, during the public hearing and in the media, Curragh taunted DIAND, arguing that the government had invested a lot in development, but wouldn’t take on responsibility for closure and abandonment planning: Nancy Campbell, “Need time to draft abandonment plan – Curragh,” *The Whitehorse Star*, July 20, 1988, 5.

¹⁵⁵ Curragh Resources, “1991 Annual Report: World Attention to Mining,” (1991), Yukon Archives PER 0981. Outside of the reclamation plan, water licence amendments in the early 1990s did start to put more detail into abandonment requirements, including how waste rock piles should be constructed and maintained, removal of infrastructure, requirements to limit ARD, and requirements to ensure the stability of Rose Creek: Yukon Territorial Water Board, “Reasons for Decision IN89-001, Amendments 1-4,” (October 1991 – September 1993), Yukon Water Board Archives IN89-001 Amendments 1-4.

¹⁵⁶ SRK, the same company that is now contracted to complete the design for the present-day Faro Remediation Plan, was hired by Curragh in 1986-7 to begin reclamation planning. In public hearings from 1986-89, SRK argued that further research was necessary before a reclamation plan could be completed. In 1989, SRK proposed a 3-stage program that would look at acid generation, contaminant migration, and cover effectiveness. This program formed the basis of the 1991 decommissioning plan.

¹⁵⁷ Yukon Territorial Water Board, “Reasons for Decision, IN89-001 Amendment 3,” (1992), Yukon Water Board Archives IN89-001, Amendment 3.

Federal regulators, YCS, RRDC, and SFN all rejected the plan presented.¹⁵⁸ Major concerns included the flimsy promise of generating profit by reprocessing tailings, the long-term stability of dams on site, the pit's ability to store metal-laden water, and scant groundwater contingency plans. RRDC and SFN also asked that the 1991 Decommissioning Plan include the restoration of Blind Creek habitat for fish and wildlife (as Cyprus Anvil's 1982 plan had).¹⁵⁹ In March 1992, the Water Board approved the implementation of Option 4/5 for decommissioning, but removed the requirement to seal tailings off from the ground and did not include requirements to reclaim habitat.¹⁶⁰ The YTWB also approved Curragh's proposal for a Trusteed Environmental Fund into licensing, allowing the fund to be controlled by the company itself.¹⁶¹ In response to the YTWB's decision document, Curragh pushed even further, arguing that it would need to do further research to determine the feasibility of Option 5 before the plan could be fully implemented. The YTWB gave the company until December 1994 to complete a comprehensive abandonment plan and Curragh continued treading on stolen Tū.¹⁶²

In 1989, with a final land-claim framework on the horizon, and the imminent development of the Vangorda and Grum mines fast approaching, Ross River Dena Council's lawyer argued that Curragh receive a two-year license renewal rather than seven years, as water

¹⁵⁸ Yukon Territorial Water Board, "Public Hearing, Curragh Application for Amendment, IN89-001," (January 15-17, 1992), Yukon Water Board IN89-001.

¹⁵⁹ Sarah Davison, "Ottawa spurns Curragh's abandonment plan, wants environmental assurances," *The Whitehorse Star*, January 9, 1992.

¹⁶⁰ Yukon Territorial Water Board, "Reasons for Decision, IN89-001 Amendment 3," (1992), Yukon Water Board Archives IN89-001, Amendment 3, 2.

¹⁶¹ In the same month, January 1992, federal courts had decided that, under the *Northern Inland Waters Act*, the Water Board could still require a financial security, in addition to the amount outlined for reclamation costs in the TEF. Sarah Davison, "Ottawa can insist on Curragh money, Federal Court rules; Ottawa urged to help Curragh" *The Whitehorse Star*, January 16, 1992.

¹⁶² Yukon Territorial Water Board, "Reasons for Decision, IN89-001 Amendment 3," 2.

and land rights and self-governance were under negotiation, with a final agreement in sight.¹⁶³

This request was again ignored by the YTWB.¹⁶⁴

Throughout Curragh's tenure, the YTWB allowed every extension that Curragh requested, only requiring Curragh to prepare a short-term care and maintenance plan in case of shut-down in the interim.¹⁶⁵ As one *Whitehorse Star* columnist put it:

Curragh, if it is so inclined, could get away with all kinds of non-compliance knowing that no one in their right mind would close them down unless something extreme - like dumping thousands of pounds of cyanide into the creeks... warranted it... Without some ability to punish non-compliance, they [the Water Board] risk the prospect of big employers laughing in the face of the Water Board in the future - holding their employees and a significant chunk of the Yukon economy hostage...¹⁶⁶

Amid Curragh's strategic avoidance of financial securities or reclamation requirements, production and profits boomed from 1986-1990 (**Error! Reference source not found.**).¹⁶⁷ Time and time again, the YTWB ignored RRDC's demands for consent and adherence to the land claim process, ruling that the Board did not have jurisdiction to decide on Aboriginal title and that, given the financial frailty of Curragh, increasing the security level and levying a penalty would be counterproductive.¹⁶⁸ According to the YTWB, it was in the best interest of the Yukon and Canada that the license was renewed without delay.¹⁶⁹ Curragh mirrored the narratives used

¹⁶³ Patti Flather, "Band opposes Curragh's request," *The Whitehorse Star*, January 25, 1989, 3.

¹⁶⁴ Yukon Territorial Water Board, "Reasons for Decision in the Matter of Water Use Application Y-IN85-05A as amended 88-1 and 89-1 Curragh Resources Inc.," (September 22, 1989), Yukon Water Board Archives Y-IN85-05A (no.7.17).

¹⁶⁵ The proposed amendments to the water license change the wording in the license to reflect abandonment plans drawn up so far for dealing with the pit and waste rock at the operation after the mine ceases operations. The mine tailings are left out of the amendments. Nancy Campbell, "Need time to draft abandonment plan – Curragh," *The Whitehorse Star*, July 20, 1988.

¹⁶⁶ "Toothless watch-dog," *The Whitehorse Star*, March 26, 1987, 8.

¹⁶⁷ Mary Louise McAllister and Cynthia Jaqueline Alexander, *A Stake in the Future: Redefining the Canadian Mineral Industry*, (Vancouver: UBC Press, 1997).

¹⁶⁸ John Dunn, "Curragh gets four months more on controversial water license," *The Whitehorse Star*, September 28, 1989.

¹⁶⁹ Hodge et. al., "Through a Prism of Time"; Yukon Territorial Water Board, "Public Hearing for Amendment to License YIN86-05AL," (March 11-12, 1987).

by Cyprus Anvil, and easily treaded on stolen Tū, buoyed by the settler structures of theft constructed to ensure extraction.

4.3.3 *Assessing the theft of Tū*

In the early 1990s, as Faro pit reserves declined and with a potential land claim agreement in sight, Curragh scrambled to approve the development of the Vangorda and Grum deposits, arguing that these deposits would help to pay for reclamation costs at Faro. Letters from Clifford Frame to Premier Tony Penikett documented Frame's pleas for assistance in moving approvals along despite known concerns about environmental assessments and Indigenous relationships.¹⁷⁰ In 1989, an internal federal impact assessment was completed for the Vangorda and Grum mines – the first time a company at Faro had to undergo an impact assessment process for new development.¹⁷¹ This assessment included mitigations for sheep habitat, the requirement for a socio-economic agreement with RRDC, and recommendations for financial securities and reclamation at Vangorda. Curragh quickly took the federal government to

¹⁷⁰ Yukon Government – Economic Development, “Faro Anvil Range Mining Corporation – Curragh Mine Closure and Development of Vangorda Project,” (1990), ACC 2004-0440, Box 54/12/6b, Vol. 2.

¹⁷¹ In 1973 the Government of Canada introduced the Federal Environmental Assessment and Review Process, which was an internal government review process to ensure projects did the least possible damage. This process was further entrenched within federal guidelines for assessment created in 1984 and the creation of a Federal Environmental Assessment Review Office. These early assessment requirements were administered internally and did not include public hearings or public review. DIAND began doing impact assessment alongside Faro's water licence applications for renewals and amendments throughout the 1980s, but they never made a determination of any significant environmental harm caused by expansions, changes in water use, or changes in tailings storage/water quality management. The *Canadian Environmental Assessment Act* was introduced in 1990, received royal assent in 1992, and was fully implemented in 1995. CEAA created legislated requirements and regulations for environmental assessment, including public review. Curragh snuck Vangorda and Grum through an internal assessment, right under the line of the 1992-1995 implementation of CEAA: Government of Canada, [“Milestones in the history of assessments.”](#) Impact Assessment Agency of Canada, date retrieved: July 6, 2023; Patti Flather, “Abandonment fund discussion delayed,” *The Whitehorse Star*, September 11, 1989, 5.

court, arguing that the government had no jurisdiction to impose mitigation measures under new impact assessment laws.¹⁷²

While the internal federal assessment did, for the first time in Faro's history, consider the long-term, cumulative impacts of producing acid-generating waste (outside of specific water licensing parameters), Ross River Dena Council's resistance to expanding development was, again, largely ignored. Specifically, RRDC did not want to see the expansion of Curragh's operations without a full abandonment plan for Faro and they wanted clarity on how Indigenous rights and land claims would be considered:

The chief of Ross River Dena Council says Band members aren't interested in cleaning up the mess left behind by Curragh Resources Inc.'s Vangorda Plateau development: 'They're failing to address the issue of abandonment. Even right now, there's nothing in place. All they're willing to say is, 'let the people who are left here deal with it.'¹⁷³

The only reference in the impact assessment to the socio-economic or cultural implications of the proposed Vangorda and Grum development was that: "it is felt that the mine has already had a negative impact on native lifestyles in the Ross River area. The report predicts relatively small additional impacts from the Vangorda development."¹⁷⁴ Chief Hammond Dick expressed frustration throughout the entire assessment and water licensing process for Vangorda-Grum, stating that the federal government's impact assessment had ignored the Band's concerns, just as

¹⁷² In January 1992, the Federal Court of Canada ruled in favour of the federal government's right to demand financial security upfront for the Vangorda Plateau expansion: Yukon Government – Economic Development, "Faro Anvil Range Mining Corporation – Curragh Mine Closure and Development of Vangorda Project," (1990), ACC 2004-0440, Box 54/12/6b, Vol. 3; Sarah Davison, "Ottawa can insist on Curragh money, Federal Court rules; Ottawa urged to help Curragh," *The Whitehorse Star*, January 16, 1992.

¹⁷³ Flather, "Mine's abandonment plan inadequate," 4.

¹⁷⁴ Ibid. RRDC's own research, completed in the mid 1990s in reaction to this pressure from the Water Board and government regulators emphasized the increased land theft and impacts caused by Vangorda: "Putting the new deposits into operation required significant re-sculpting of the central Vangorda Plateau": Weinstein, *Just Like People Get Lost*, 47.

the YTWB had in the past: “When asked what the Council may do if its concerns aren’t met, Dick said, What *can* we do?”¹⁷⁵

A key example of how the federal assessment process for Vangorda-Grum was used to expand the theft of Kaska lands – alongside the ongoing theft of Tū via the Water Board – was the mitigations implemented for sheep protection. Elder Clifford McLeod remembers Curragh being required to construct a sheep trail that would ‘lead’ sheep around the pit and telling them: “that’s the stupidest thing I ever heard in my life... Sheep are not stupid, they go wherever they want.”¹⁷⁶ Despite this feedback, Federal regulators pushed ahead with the requirement for a mitigation plan, aimed at the protection of sheep habitat, while legitimating the further theft of land. According to research completed by RRDC in the early 1990s:

The [sheep protection] plan represents a kind of double jeopardy for hunters who have traditionally used the area for its convenient seasonal access to sheep. The plan was instituted as a mitigation measure for the damages of the mine development on the sheep and sheep habitat. Part of the plan calls for non-hunting zone for both native and non-native hunters on the small hill which houses the salt licks. For hunters who have traditionally used the area, the development has resulted in destruction to the land and to animal habitat; *and* they are then asked to give up their rights to hunt animals. Looked at from the point of preservation the plan makes sense; looked at from the point of the effected people, the plan represents a double loss.¹⁷⁷

Today, the Vangorda and Grum pits lay along the western side of Tsē Zūl, the home to Fannin sheep for countless generations. Sheep are often seen crossing the expanse of Vangorda and Grum waste rock. The residents of Faro set up a sheep viewing gazebo, just off the road to Blind Creek.

4.3.4 *Resisting the theft of Tū*

¹⁷⁵ Flather, “Mine’s abandonment plan inadequate,” 4.

¹⁷⁶ Clifford McLeod, interview with author, October 4, 2021.

¹⁷⁷ Emphasis added, Weinstein, *Just Like People Get Lost*, 92.

During the years of Curragh's ownership, RRDC actively engaged in land claim negotiations, the Water Board process, direct discussions with Curragh, and the impact assessment of Vangorda, all in an attempt to have their demands met for consent, environmental protections and economic benefit sharing. But these colonial infrastructures continued to favour extraction, while sidelining Kaska rights and title. In response, Tū Łídlíni Dena engaged in multiple, alternative forms of resistance.

For example, in 1984, as a direct response to state and extractive industries' attempts to alienate their territories, RRDC published "So that the Future Will be Ours."¹⁷⁸ In this report, Tū Łídlíni Dena documented their historic experiences with industries tied to mining, road construction, and the settler state. They provided their own guidance for land use planning and outlined their expectations for future governance of industrial developments. Notably, this research argued that state impact assessment and water regulation processes focused on the potential for projects to generate employment and business and to what extent development would negatively or positively affect existing business. Ross River's research argued that the focus on employment and income was not necessarily suitable for Indigenous communities or regional development: "industrial activity is often seen as the basis on which Indian individuals and Bands can begin to 'pull their own weight in Canadian society.'"¹⁷⁹ RRDC and researchers working for them suggested that access to hunting and fishing, investment in Indigenous-specific economies, and the support of cultural and family pursuits, needed to be included in impact assessment for Kaska communities.¹⁸⁰

¹⁷⁸ Dimitrov and Weinstein, *So That the Future Will Be Ours*.

¹⁷⁹ Dimitrov and Weinstein, "So That the Future Will Be Ours," 3.

¹⁸⁰ This extensive research was not referenced in the federal assessment of the Vangorda-Grum expansion, or in water license hearings in the 1990s: Weinstein, "Just Like People Get Lost."

In the summer of 1985, while the mine was in transition between Cyprus Anvil and Curragh, members of the Ladue family staked out an area in Faro that their family had traditionally used – an area slotted for a future golf course. The town of Faro would not let them build cabins, and the town manager questioned the legal status of their claim, saying: “they may have historically or traditionally squatted there,” but that didn’t amount to legal ownership.¹⁸¹ In defiance of Faro officials, several members of the Ladue family constructed tent frames and cabins without permits, including Jimmy Ladue, Edith Ladue, Peter Ladue, Lydia Ladue, and Alice Ladue and her husband, Arthur John. This was a strategic time to ‘stake claims’ to their land, as the Faro Mine was in a 90-day transition period to new ownership and most settlers had left town after Cyprus Anvil closed in 1982. Hammond Dick, Ross River band spokesperson for land claims, supported the Ladue’s family claims, and stated: “one of the factors leading to the family claim may be frustration with the slow pace of the Yukon Indian land claims.”¹⁸² Ross River Counsellor George Smith also commented, “When the federal government gave the Town of Faro our land we weren’t even consulted. The issue of the land in Faro has never been settled.”¹⁸³ Eventually, the Ladue family was forced to move, and today there is a golf course in Faro.

Shortly after the approval of water licenses for the Vangorda-Grum expansion, in May 1992, Curragh’s Westray Coal Mine in Nova Scotia exploded, killing 26 miners. Company managers, including Clifford Frame, were later charged for negligence and company finances

¹⁸¹ The town manager told the reporter that it wasn’t that the Ladue family wasn’t allowed to build cabins, rather that they had not submitted the proper permits and paperwork. Don Wise and Massey Padgham. “Native Family ‘claims’ traditional land,” *The Whitehorse Star*, June 26, 1985.

¹⁸² Ibid.

¹⁸³ Ibid.

began to unravel as Curragh's mismanagement and deceit were laid bare.¹⁸⁴ Within months of the Westray explosion, Curragh requested extensions on their 1993-94 deadlines for water license requirements. The Water Board allowed for extensions on everything except for the integrated abandonment plan.¹⁸⁵ The YTWB's first refusal to extend a deadline proved too little too late. The Yukon Territorial Government, on the other hand, was quick to help Curragh alleviate its financial exigency, providing first a \$5 million dollar loan in 1992 and then entering negotiations for a \$29 million dollar loan to support a Grum stripping program in 1993.¹⁸⁶ In exchange, Curragh promised to offer RRDC a road maintenance contract, to relocate its head office to Whitehorse from Toronto, and to limit work on other projects in Yukon.¹⁸⁷

RRDC took advantage of Curragh's financial desperation – and a recently signed MOU for the Yukon First Nation land claim – to push for a socio-economic agreement directly with the company.¹⁸⁸ A 1993 draft agreement between RRDC and Curragh included the requirement for a First Nation personnel officer, the right of first refusal for contracts, and a guarantee for jobs stemming from reclamation. RRDC sought to make this agreement a condition of additional funding from the territorial government. However, RRDC received push-back from the United Steelworkers Union, which argued that Curragh could not sign away union-protected jobs to

¹⁸⁴ John Sandlos and Arn Keeling, *Mining Country: A History of Canada's Mines and Miners* (Toronto: James Lorimer & Company Ltd., Publishers, 2021); Curragh Resources Inc. "Faro Mine Month End Report December 1992;" "Faro Mine Month End Report January 1993;" and "Faro Mine Month End Report March 1993," Yukon Archives ACC 2005/155, COR 1281, Files 5-8.

¹⁸⁵ Yukon Territorial Water Board, "Reasons for Decision," (September 9, 1993), Yukon Water Board Archives IN89-001, Amendment 4, 4.

¹⁸⁶ Curragh Resource Inc., "Briefing Paper for Government Leader - Mr. John Ostashek," (1992), Yukon Archives, 338.209 11 9 Curragh 1992.

¹⁸⁷ These requirements were controversial within the Yukon Government, with several MLAs, including the leader of the opposition, Tony Penikett, pushing for faster action and easier access to funds for Curragh: Sarah Davison, "Curragh loan terms draw varied reviews," *The Whitehorse Star*, March 11, 1993; Sarah Davison, "Important Information to all Yukoners about the subject of a Loan Guarantee for Curragh Inc.," *The Whitehorse Star*, March 12, 1993.

¹⁸⁸ Chuck Tobin, "Idle mine spurs hunting, safety worries," *The Whitehorse Star*, August 7, 1992.

RRDC contractors.¹⁸⁹ The independent MLA from Ross River, Willard Phelps, responded that this was a *social justice issue* and that Tū Łídlīni Dena, who were devastated by the mine's development, should achieve some benefits from it.¹⁹⁰ Predictably, in May 1993, Curragh declared bankruptcy, walking away from both the mine and Ross River Dena Council's draft benefit agreement, leaving the environmental externalities of extraction in their wake.¹⁹¹

4.4 Anvil Range Mining Corporation (1994-1998): drowning in stolen Tū

After the bankruptcy of Curragh, the 1990s at Faro were punctuated by rapid openings and closures, small profits, and huge losses (**Error! Reference source not found.**), and desperate pushes to keep the mine open despite depleted resources, mounting environmental concerns, and plummeting mineral prices. Upon review of financial data from 1968-1989, the Yukon Environment and Land Claims Office concluded that, while production at Faro generated considerable profits after Curragh restarted the mine in 1985, throughout the entire life of the mine, few direct financial rewards had materialized for Yukoners.¹⁹² The report argued that, if the mine was to reopen, the government needed to look at ways to ensure that Yukoners and local governments not only received jobs and income taxes from such a mine, but also a larger share

¹⁸⁹ The Ross River Dena Council pursued the idea of an agreement following the success of a similar agreement between the Kaska and Curragh's Sa Dena Hes Mine. That agreement called for 30 percent of the mine's jobs to go to Indigenous people, and also required Kaska participation on environmental and management boards: Sarah Davison, "First Nation and union at odds over mine work," *The Whitehorse Star*, February 2, 1993.

¹⁹⁰ Emphasis added. Sarah Davison "MLAs debate Curragh loan guarantee," *The Whitehorse Star*, March 16, 1993.

¹⁹¹ Hal Quinn, "Out in the cold: hopes for a revival are fading in the Yukon," *Macleans*, April 19, 1993.

For the financial details of the bankruptcy of Curragh in Yukon (both Faro and Sa Dena Hes) see: Government of Canada, "Territorial Land - General History Files - Lands General - Curragh Resources Inc. Carmacks Coal Properties - History File", (1993), Yukon Archives ACC 2009/98 Box 2004-0810 Location 61/5/7c Vol. 1.

¹⁹² Huskey and Southcott, "That's Where My Money Goes;" Hodge et. al., "Through a Prism of Time."

of the resource wealth produced.¹⁹³ This report did not include any analysis of the Tū Łídlíni Dena's particular situation or economic impacts.

As the federal government scrambled to sell the mine, RRDC responded with demands to share in the profits of any sale. In January 1994, Bill McKnight, the former minister of Department of Indian Affairs and Northern Development (DIAND) turned board member of Anvil Range Mining Corporation (the company making a bid for the purchase of Faro),¹⁹⁴ stated that he didn't want to give RRDC shares in the venture. In resistance to this stance, Ross River Dena Council partnered with other Yukon First Nations to form a syndicate, hoping to purchase the mine or a portion of shares. Chief Norman Sterriah said: "We want to talk with those people to include us as partners in equity and dealing with the abandonment plan."¹⁹⁵ Mike Rawlings, RRDC's Development Corporation CEO added: "The federal government has represented us before with Cyprus Anvil and Curragh, and both times we got screwed... If we're going to get screwed, we'll represent ourselves, thank-you very much."¹⁹⁶ The federal and territorial governments continued to exclude RRDC from bankruptcy proceedings and sale negotiations.

Never slow to respond to such exclusion, in April 1994, Ross River Dena Council filed a motion in the Ontario Court managing the bankruptcy proceedings, requesting that bankruptcy and sale negotiations include Kaska Dena's rights to land and water.¹⁹⁷ Ross River Dena Council

¹⁹³ "Analysis of Financial Data for the Faro Mine, 1968-1989," prepared for Environment and Land Claims Office, April 22, 1993.

¹⁹⁴ In addition to Bill McKnight, Anvil Range was led by former Curragh executives Ralph Sultan and Kurt Fogaard. Anvil Range's principal shareholder was B.C. based mining giant, Cominco, which owned several other major development projects across Yukon at the time: Anvil Range Mining Corporation, "1994 Annual Report," (1994), Yukon Archives PER 0978.

¹⁹⁵ Laurel Jenkins, "First Nation presses for right to Faro minesite," *The Whitehorse Star*, May 2, 1994.

¹⁹⁶ Laurel Jenkins, "Mine," *The Whitehorse Star*, May 10, 1994.

¹⁹⁷ In June 1993 the Yukon Government sued the directors of the insolvent Curragh Inc. to recover \$2 million in unpaid wages involving 369 former Curragh union and non-union employees. The total claims against Curragh were over \$79 million, not including over \$5 million dollars charged to DIAND by the receiver, Peat Marwick, for ongoing care and maintenance costs: Laurel Jenkins, "Doubts cast on Faro mine's sale", *The Whitehorse Star*, June 16, 1994.

argued that their community should receive direct social and economic benefits from the sale of Faro Mine and petitioned the judge to require a full environmental review, including an analysis of prospective companies' reclamation commitments, before a sale could move forward. But by May 1994, the Ontario court judge granted Anvil Range the exclusive rights to negotiate with the interim receiver for the purchase of Faro Mine.¹⁹⁸

The court did, however, require that Faro's new owner negotiate a socio-economic agreement with RRDC.¹⁹⁹ Following this decision, RRDC requested two commitments from DIAND: that it not directly support Anvil Range's proposal to the receiver nor enter into a contract with Anvil Range that would directly or indirectly limit the authority of the Yukon Territorial Water Board (i.e. limit the YTWB's authority to require financial securities). The federal government acknowledged these concerns and promised to consult with RRDC.²⁰⁰

Without a direct equity share, RRDC hoped that a socio-economic agreement might at least "fund healing programs for the First Nation's members."²⁰¹ Echoing what Elders and leadership had been loudly proclaiming since the early 1970s, RRDC told Anvil Range Mining Corporation that, "despite numerous promises made to them, they had been left out of the prosperity which the mine created since 1965."²⁰² In a benefits agreement signed with Anvil

¹⁹⁸ Anvil Range took possession of the mine site on November 8, 1994, at a \$27 million purchase price. Investors included a Toronto merchant bank, Koloshuk Farrugia, and Hyundai Corporation. Government Leader John Astashek told Anvil Range Mining Range Corporation that after the sale was concluded the Yukon government would be willing to discuss funding the operations, possibly in the form of a stripping loan. At the time, environmental liabilities were estimated to total \$120 million: Laurel Jenkins, "Anvil still eyeing autumn stripping plans," *The Whitehorse Star*, June 14, 1994.

¹⁹⁹ Laurel Jenkins, "McKnight, ex-Curagh executive will pursue purchase of Faro mine," *The Whitehorse Star*, May 9, 1994.

²⁰⁰ RRDC argued that recent changes to the *Northern Inland Waters Act*, and the creation of the *Yukon Water Act* in 1992, including new provisions for abandonment, meant that the YTWB could take into account applicant's ability to pay for abandonment, could include conditions in licences for abandonment, and could demand posting a full security: Lisa Blackburn, "Potential mine buyer eyes Sept. 30 closing date, First Nation says," *The Whitehorse Star*, June 21, 1994.

²⁰¹ Jenkins, "Mine."

²⁰² Anvil Range Mining Corporation, "1994 Annual Report," (1994), Yukon Archives PER 0978.

Range in January 1995, the first of its kind signed for a mine on Kaska territory, RRDC sought to “correct this unfortunate state of affairs.”²⁰³ In local media, Elder Arthur John shared his pride in the agreement that RRDC had fought for; the agreement gave Ross River members priority for jobs and contracts, a \$400,000 payment towards economic development, \$35 000 per year in scholarships, a chair on advisory boards, and a promise to hire an Aboriginal liaison.²⁰⁴ The agreement also included small annual payments of \$1 800 to members whose trapping areas had been impacted by the mine. In a statement to media, RRDC proclaimed: “It’s thirty years too late, but members of the Ross River Dena finally feel they’re being treated the way they should by the owners of the Faro Mine.”²⁰⁵ Within months, under heavy pressure from RRDC, two work contracts were secured, Kathlene Suza was hired as the Ross River Dena Council Liaison, and 14 employees from Ross River were hired to work at the mine.²⁰⁶ Unfortunately, these promising and hard-fought steps forward were short-lived.

As RRDC negotiated benefits directly with Anvil Range, the YTWB and federal government continued to dispossess Kaska lands and waters. When Anvil Range Mining Corporation took over the water license, similar to Curragh, it did so only with the caveat that DIAND issue “binding policy” that would limit the financial security and reclamation requirements.²⁰⁷ Reneging on earlier promises made to RRDC, the federal government negotiated

²⁰³ Anvil Range Mining Corporation, “1994 Annual Report,” (1994), Yukon Archives PER 0978; Doris Dryer, “Impact and Benefits Agreements: Do the Ross River Dena Benefit from Mineral Projects?” (Masters thesis, International Studies, The University of Northern British Columbia, 2004).

²⁰⁴ Many of these payments and benefits were never realized, as Anvil Range rotated in and out of closure between 1996-1998: Laurel Jenkins, “Elder remembers Ross River-Faro area before mine,” *The Whitehorse Star*, January 25, 1995.

²⁰⁵ Laurel Jenkins, “Anvil Range, First Nation celebrate deal,” *The Whitehorse Star*, January 25, 1995.

²⁰⁶ Between September 1995 and December 1996, Kathlene Suza and RRDC ensured Anvil Range maintained a 5-6% Indigenous workforce, employing between 19-26 Indigenous Yukoners between September 1995 and December 1996. These numbers were estimated based on Anvil Range’s internal monthly reports from April 1995 to January 1997, Yukon Archives, ACC 2005/155, COR 1251 files 4-12 and COR 1252 files 1-12; see also Anvil Range Mining Corporation, “1995 Annual Report,” (1995), Yukon Archives PER 0978.

²⁰⁷ Yukon Territory Water Board, “Reasons for Decision – Anvil Range Mining Corporation,” (September 19, 1994), Yukon Water Board Archives IN89-001 and 002.

the amount and terms for a reclamation fund directly with Anvil Range, going above the Water Board's public process in order to negotiate a private security agreement.²⁰⁸ RRDC threatened to take the government to court if it wasn't satisfied with the reclamation security.²⁰⁹ The YTWB, on the other hand, struck up little resistance to this federal order. Despite the inability to influence license changes, participants in a January 1995 Water Board information session drew attention to the rapidly acidifying tailings: "things could change in the relatively short term, and we cannot be blasé about the fact that these tailings are sitting in the Down Valley in an unremediated state."²¹⁰

Within a year of beginning operations, Anvil Range began struggling financially.²¹¹ By January 1997 Anvil Range had suspended operations and laid off almost 300 people.²¹² After only a year and a half of implementation of RRDC's benefit agreement, Anvil Range stopped tracking Indigenous employment, stalled contracts with RRDC companies, and stopped sending annual benefit payments to local trappers. In the fall of 1997, Anvil gave it one more kick at the can, resuming operations and carrying out a stripping program funded by a loan from Cominco

²⁰⁸ At the beginning of September 1994, Ron Irwin, Minister of Indian Affairs and Northern Development, issued a directive that overrode the Water Board's ability to decide on reclamation security funding after bankrupt Yukon mines were sold. YCS's representative, Bob Van Dijken emphasized that there was a conflict in DIANDS responsibilities as a creditor of Faro mine with a dual responsibility for environmental protection and economic development: Laurel Jenkins, "Irwin's directive draws mixed reaction," *The Whitehorse Star*, September 1, 1994; Robert Granger, "We advance a unique, progressive proposal," *The Whitehorse Star*, September 27, 1994.

²⁰⁹ Laurel Jenkins, "Forgaard's remarks rile Ross River Dena," *The Whitehorse Star*, September 27, 1994.

²¹⁰ Environment Canada presented research and modeling that showed the quickly acidifying tailings ponds, including the presence of *thiobacillus ferro-oxidans*, a bacterium that catalyzes acid-generating reactions. They emphasized that even if covers were put in place and other remediation activities took place immediately, there would be serious challenges with treating and controlling the ARD and zinc already in solution and moving towards the Rose Creek down valley system: Yukon Territorial Water Board, "Public Hearing – Anvil Range Mining Corporation," (January 26, 1995), Yukon Water Board Archives IN89-001 and 002, 56.

²¹¹ Anvil Range's financial struggles came at a time of recession in international mineral prices and national drop in exploration expenditures: "Mining was labelled by some as a 'sunset industry' doomed to oblivion in the high-tech and services economy," Sandlos and Keeling, *Mining Country*, 173-74.

²¹² The Vangorda pit was mined out by the end of 1996. Anvil Range continued milling low-grade stockpiles until 1997: Anvil Range Mining Corporation, "Month End Report," (January 1997), Yukon Archives ACC 2005/155, COR 1253, file 1; Anvil Range Mining Corporation, "Month End Report," (February 1997), Yukon Archives ACC 2005/155, COR 1253, file 2.

and the federal and territorial governments.²¹³ In January 1998, the Yukon Territory Water Board approved a fully amended Water License, which detailed requirements for the implementation of an Integrated Comprehensive Abandonment Plan, including a research schedule and requirements for long-term water quality and the storage of waste rock and tailings.²¹⁴ These changes were again, too little too late. Over \$30 million in support from the federal and territorial governments failed to revive the mine, and Anvil Range filed for bankruptcy in January 1998, right after securing its water license renewal.

With the mine closed, and no buyer in site, RRDC Chief Jim Smith worked with the Mayor of Faro and the president of the United Steelworkers Union Local 1051 Faro to demand support for their communities from the minister of Indian Affairs and Northern Development, Jan Steward, who was stalling on accepting full liability for the site:

The public comments made by you [the federal government], as reported by the media during your recent visit to Yukon, appear to reflect a difference in opinion to this request on the basis of liability concerns... Two successive single-mine companies, Curragh and Anvil Range, have accepted the full liability, only to walk away from the property. They were able to do so because they had no other assets on which to place a lien for the environmental liability... We believe the federal government can accept some limited liability and move on the reclamation to create some badly-needed jobs... we urge you to consider initiating some reclamation work at the Faro Mine, in consultation with Faro and Ross River residents, to the benefits of present and future generations.²¹⁵

Rather than ushering in healing and peace after decades of extractive violence and economic marginalization, the final closure of the Faro Mine in 1998 resulted in increased social insecurity and desperate need for jobs, especially for the RRDC members and contractors who had so recently been promised work under the benefit agreement with Anvil Range. RRDC wanted to

²¹³ Thomas Brockelbank, "Anvil Range shuts Faro again - Company granted protection from creditors," *The Northern Miner*, January 26, 1998.

²¹⁴ The Integrated Comprehensive Abandonment Plan completed by Anvil Range in 1998 was largely based on a 1988 report of closure options for Curragh.

²¹⁵ Jim Smith (Chief, Ross River Dena Council), Jim McLachlan (Mayor, Town of Faro), and Bob Brar (President, USWA, Local 1051 Faro), "Let's get people back to work, Ms. Stewart," *The Whitehorse Star*, August 5, 1998.

initiate reclamation projects immediately to maintain environmental safety and provide some job stability. The federal government, on the other hand, remained tight lipped and avoided taking official responsibility for the abandoned mine.

4.5 Conclusions

“At one point, the majority of the lead in all car batteries throughout the planet came from the shoulders of Tsē Zūl! Foreign people and foreign companies became rich. The impact of what they left behind was dire.”²¹⁶

Anvil Range quickly drowned in the Tū stolen by Cyprus Anvil and Curragh. Besides some financial losses for their shareholders and investors, the company’s bankruptcy meant its owners and managers escaped unscathed, passing off the liability of Faro’s sinking ship to the federal government and Dena Kēyeh (Kaska Land). Company owners and investors played with Kaska Lands and Waters from afar, shaping them as extractable commodities for individual wealth production, rather than a storied place, alive with community, history, and alternative futures. As Anvil Range drown in stolen Tū, it took these alternative futures for Tsē Zūl with it.

During Cyprus Anvil’s reign (1967-1984), several major tailings spills and contamination events occurred, laying the groundwork for the material theft of Kaska Tū.²¹⁷ These initial thefts were legitimated through the fledgling Yukon Territorial Water Board. As federal water licensing structures were established in the 1970s, and public hearing requirements introduced in the 1980s, Cyprus Anvil’s operations and water usage expanded. Throughout this time, despite

²¹⁶ Chief Jack Caesar, in Ross River Dena Council, “Kaska Traditional Land & Resource Use in the Vicinity of Mount Mye, Yukon,” prepared for Faro Remediation Project Management Team (2009).

²¹⁷ Shortly before temporary closure, Cyprus Anvil was purchased by Hudson’s Bay Oil and Gas (owned by Dome Petroleum). To Dome, Cyprus Anvil was a minor component of a larger transaction. When Dome subsequently faced bankruptcy, it lacked the resources to keep Cyprus Anvil afloat during a downturn in the world prices for lead and zinc. In 1984, when Dome attempted a major retrenchment, largely at the worker’s expense, the union went on strike: Coates and Morrison, *Land of the Midnight Sun*.

continued spills and delays in reclamation planning, the site was never required to shut down. Cyprus Anvil actively ‘short-circuited’ the newly created Yukon Territorial Water Board, continually finding routes through the system that resulted in favorable license approvals and minimal consequences for contamination. As one Board Member stated, when Cyprus Anvil submitted water license applications in 1980 and 1982, the Water Board and its public intervenors felt as if they were forced into playing “Russian roulette:” rushed into decisions with little information and a looming threat of mine closure if the license wasn’t approved.²¹⁸

While Cyprus Anvil may have backed the YTWB into precarious corners, it was a corner of the Water Board’s own making. Behind a veil of environmental stewardship, Yukon water licensing created an infrastructure that *allowed for* regulatory and material short-circuiting. Water licensing was not a passive process of environmental protection, but rather a colonial mechanism to seize water rights and grant corporate access to Kaska lands and waterways, despite ongoing land claim negotiations. Therefore, as water contamination events decreased throughout the 1980s, the key mechanism of water theft became the *theft of water rights* via the YTWB licensing system. Water licensing granted the right to pollute.

Curragh, with substantial support from the federal government, treaded on, and expanded, the Tū stolen by Cyprus Anvil. During the height of land claim negotiations, Curragh and the YTWB strategically detached water licensing from ongoing negotiations for Indigenous land and governance rights. By doing so, the YTWB was able to perpetuate and expand the theft of Kaska land and water, even as RRDC was fighting hard to secure these rights. In the early 1990s, the introduction of federal impact assessment processes provided additional tools for

²¹⁸ M. G. Stutter, Yukon Territorial Water Board member, in Yukon Territorial Water Board, “Public Hearing for Amendment to License by Cyprus Anvil Mining Corporation Ltd,” (September 3, 1980), Yukon Water Board Archives, Y2L3-2098 (amendment), 16.

environmental protection, but also mimicked the Water Board's approach to sidelining RRDC's demands for rights and governance, and again entrenched land theft. When Curragh went bankrupt, Anvil Range was able to use these same structures to extract one last piece of the pie, while again making promises on paper that would never be carried out.

In this fitful period of mine closures and re-openings, the focus of the Yukon and Canadian governments was re-establishing economic opportunities for settler Yukoners. Settler governments paid heavily, gambling on the expansion of Faro and surrounding claims, with the understanding that jobs, royalty wealth, and spin off services would be sustained and created for decades to come. Such an understanding was based in an inherent preference for, and reliance on, extractivism and did not treat Kaska economic and cultural opportunities as equally viable avenues for wealth production. Despite the boilerplate water license requirement to "provide appropriate compensation to any person whose rights are adversely affected as a result of the granting of this water use license," fines laid, charges made, and royalties collected did not benefit the people whose territories, waters, and ways of life were tangibly impacted. Corporate and government wealth accumulated not only through the targeted and permitted theft of lands and waters, but also through denial of employment and, most importantly, the destruction of Kaska economies intimately connected to land and water.

Even as decisions were being made that stole Kaska Tū and restricted RRDC's sovereignty, RRDC representatives were heavily involved in negotiating self-governance and land claims through the Council of Yukon Indians.²¹⁹ Their experience with the Cyprus Anvil

²¹⁹ In 1979-80, the Yukon Territorial Government was invited by the federal government to the land claims negotiation table as an 'equal party', against the wishes of the CYI, who saw the negotiations as a Nation-to-Nation arrangement. In 1982, the Yukon Territorial Government backed away from the table due to disputes with the federal government regarding non-Indigenous land use, non-resident claimants, and "possible negative effects of a land claims agreement on the constitutional development of the territory." The Yukon Territorial Government returned to the table in 1983: Alcantara et. al., "Assessing Devolution in the Canadian North," 329.

Mine, and the dispossession of water rights through the Water Board shaped these negotiations and their strong stance against ceding territory.²²⁰ This long history of fighting for their water rights via public hearings, resisting the ceding of their territory via land claims, and arguing for compensation for Faro, came to shape the Tū Łídlīni Dena's engagement in the Faro Mine Remediation Project for the following two decades.

The acidification of tailings and waste rock has been a known problem since the first decade of mining at Faro. The complexities and necessities of reclamation and financial security were also identified early in operations. It was not a question of 'not knowing any better', but rather, conscious choices were made by the Water Board, the territorial government, and mining companies to move forward with a tailings management facility that was projected to cause groundwater contamination and seepage. Such choices were made with the assertion that future technologies, additional research, and good corporate citizenry would ensure safety. These decisions were made with full awareness of the companies' records of environmental infractions, their failure to live up to the *Anvil Agreement*, and continual delays for reclamation planning. Even as the Faro Mine neared closure, three times in three decades, reclamation was framed as a future problem. This was not because of ignorance or a lack of technical understanding, but rather representative of extractive colonial structures that stole Kaska Land, polluted Kaska Water, then left the waste for future generations.

Over three decades of mine operations, Kaska Tū was stolen and used as a waste repository and a dilutor for the externalities of extractive wealth. The murky timelines, contexts, regulation, and minutia of leakage, or 'non-compliance events,' are foundational both to the history of Faro and its future as a remediation site. Leakages represent more than a failure in

²²⁰ See interviews with Dave Porter, Hammond Dick, and Norman Sterriah in: Alcantara, "The Kwanlin Dūn First Nation and the Kaska Nations in the Yukon Territory."

containment, management, or technology. When the definitions of thresholds and exceedances were negotiated within infrastructures of colonial possession and extraction, and when large spills occurred without corporate consequence, expanding flood plains of waste quite literally resulted in dispossession - while accumulation of ore and associated profits were perpetuated. This contamination is also projected into the future – a slow, violent theft that will continue to unfold at Faro for generations to come. Documenting the cumulative leakage of waste creates a map for how dispossession radiated from the point of staking, geographically and temporally. Such leaks are rarely ‘illegal’, but instead are representative of a carefully regulated, colonial system of wasting.²²¹

In Robyn Wall Kimmerer’s telling of the story of contamination at Onondaga Lake, she writes: “The wounds to these waters are as numerous as the snakes in the Tadodaho’s hair, and they must be named before they can be combed out.”²²² Tailings are water and land transformed without consent – they are Tsē Zūl’s proof of theft and the repository of the Faro Curse. For the Tū of Tsē Zūl, these wounds reverberate far into the future, as the thefts of Cyprus Anvil, Curragh, and Anvil Range ripple across generations. It is necessary to document each moment and mechanism of violence, to comb it out, and to resolve the Curse. Reclamation without truth and justice is simply an exercise in engineered slopes and the containment of water.

²²¹ Liboiron, *Pollution is Colonialism*; Voyles, *Wastelanding*; Gabrys, “Sink: The Dirt of Systems”; Keeling, “Urban Waste Sinks”; Nathalie Jas and Soraya Boudia, *Powerless Science?: Science and Politics in a Toxic World* (New York: Berghahn Books, 2014); Tom Perreault, “Dispossession by Accumulation? Mining, Water, and the Nature of Enclosure on the Bolivian Altiplano,” *Antipode* 45, no. 5 (2013), 1050–1069; J. Paavola, “Water Quality as Property: Industrial Water Pollution and Common Law in the Nineteenth Century United States,” *Environment and History* 8 (2002), 295–318.

²²² Tadodaho is one of the characters in the Onondaga Nation’s story of a time in their history when the Nations of the Haudenosaunee people forgot to live in gratitude and were fighting amongst themselves. With a quest to bring about peace, the Peacemaker travelled between villages, bringing a message of unity. All chiefs accepted this message except Tadodaho, an Onondaga leader: “He was so filled with hate that his hair writhed with snakes and his body was crippled by vitriol... but the peace was more powerful than he and eventually the Onondaga too accepted the message of peace. Tadodaho’s twisted body was restored to health and together the messengers of peace combed the snakes from his hair. He too was transformed”: Robyn Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants* (Minneapolis: Milkweed Editions, 2013): 312 and 318.

CHAPTER 5: THE FARO FACTOR (2000-2019)

5.1 Introduction

At the turn of the century, the Faro Mine was once again in limbo. When Anvil Range went bankrupt, they quickly abandoned the site, leaving no plan for the transfer of maintenance and water treatment duties:

So, everybody just kind of left and I went down there... when I heard it was closed a few weeks later, and there was nobody around, gates were open, I went in there and looked around. And then I came back to Ross and [told leadership] – ‘there's nobody down there... everything's just kind of left, left unattended.’ So, I said, ‘we should get a hold of somebody in that department and see what needs to be done down there.’ So, I phoned the department here, the federal Environment Department, and I told them I just was at Faro and its wide open, nobody there. And nothing's happening. People just left when the mine closed... It took a lot... a long time, because we had to phone Ottawa too... phoned Ottawa to say, this mine... nobody's there!¹

It was widely known that, as soon as mining and milling stopped at Faro, the risk of water contamination and acidification would begin to increase. And yet, liability for the site remained unclear for several years, as the federal government wrestled with the potential for such an expensive risk to transfer to their books alongside other major Northern mine closures such as the Giant Mine in the Northwest Territories.

Across Canada, the mining industry was shifting – demands for more sustainable practices that respected Indigenous rights were at the forefront of regulatory and public debates. However, even as the industry attempted to foster a more cooperative and environmentally responsible image, mining projects in Canada continued to be at the front line of battles over

¹ Testloa Smith, interview with author, November 11, 2019.

Indigenous land rights and ecological issues in the 1990s and 2000s.² On the ground at Faro, similar debates swirled. RRDC and the Kaska Nation continued to fight to secure jurisdiction over resource development and compensation for past development. The federal government, on the other hand, scrambled to secure a receiver and contractors who could fulfill the requirements of water licensing at Faro, and they hoped that a sale to a private company would postpone their mounting liabilities, while avoiding any discussion of compensation for the Kaska.

The closure of the Faro Mine came at a pivotal, and messy, moment in Yukon settler-First Nation politics. Throughout the 1990s, the Umbrella Final Agreement had been finalized, and several Yukon First Nations had signed land claims agreements. Alongside the signing and implementation of these agreements, the Yukon Territorial Government (YTG) had been negotiating its own devolution of powers from the federal government via the Devolution Transfer Agreement (DTA). Devolution of province-like jurisdiction, including power over mining, resources, and land and water licensing, was set to come into place in April 2003. The four First Nations that hadn't yet finalized a land claim agreement – Ross River First Nation and Liard First Nation (as represented by the Kaska Tribal Council), White River First Nation, and Kwanlin Dün First Nation – were pushed to sign an agreement before the April 2003 devolution deadline.³ This deadline was strategic: the Yukon and federal governments didn't want to risk legal challenges from unceded First Nations that could question the validity of jurisdictional transfer of Crown lands from Canada to the new Yukon Government.

² For example, initiatives such as the Whitehorse Mining Initiative in 1993 and the Toward Sustainable Mining program in 2004 sought to hold industry accountable and introduced ideas such as corporate social responsibility. John Sandlos and Arn Keeling, *Mining Country: A History of Canada's Mines and Miners* (Toronto: James Lorimer & Company Ltd., Publishers, 2021), 192; Anne Dance, "Northern Reclamation in Canada: Contemporary Policy and Practice for New and Legacy Mines," *The Northern Review* 41 (2015), 41-80; McAllister, M.-L., & Alexander, C. J. (1997). *A Stake in the Future: Redefining the Canadian Mineral Industry*. UBC Press.

³ Christopher Alcantara, "The Kwanlin Dün First Nation and the Kaska Nations in the Yukon Territory," in *Negotiating the Deal: Comprehensive Land Claims Agreements in Canada*, ed. Christopher Alcantara (Toronto: University of Toronto Press, 2013).

After the imposition of this deadline, Kaska Elders and leadership rejected both the UFA and the DTA, arguing that they would not cede vast swaths of their territory in exchange for a payout, and instead wanted to negotiate jurisdiction over resource development and governance on their territory.⁴ The Faro Mine, a key symbol and manifestation of colonial land theft, was a central reason for Ross River Dena Council's rejection of both the UFA and the DTA.⁵ Extinguishing territory and signing the UFA would not protect RRDC from another Faro Mine, and would not provide compensation for historic harms. When Ross River Dena Council refused to sign onto the UFA, both Canada and YG walked away from negotiating table, arguing that they had 'negotiated in good faith', but had failed to come to an agreement.

The Faro Mine transformed into the Faro Mine Remediation Project (FMRP) during this period of wider political change. Ostensibly, at this moment of transformation, there was an opening to rethink what governance might look like, how remediation objectives would be determined, and what justice for environmental and community harm would ultimately include. And yet, after a flurry of activity and consultation between 2003-2009, the Faro Remediation Project quickly floundered, descending into obscurity and inaction for over a decade. Promises made in the past remained broken, and the hope of new partnerships, Kaska-led project governance, and remedial economic benefits dissipated. Meanwhile, emergency measures needed to be taken to simply stall rampant acidification.

⁴ Christopher Alcantara, "The Kwanlin Dün First Nation and the Kaska Nations in the Yukon Territory," in *Negotiating the Deal: Comprehensive Land Claims Agreements in Canada*, ed. Christopher Alcantara (Toronto: University of Toronto Press, 2013); Martin Weinstein, "Just Like People Get Lost: A Retrospective Assessment of the Impacts of the Faro Mining Development on the Land Use of the Ross River Indian People," (June 1992), prepared for Ross River Dena Council.

⁵ Yukon Indian Peoples, "Together Today for Our Children Tomorrow: A Statement on Grievances and an Approach to Settlement by the Yukon Indian People," (Whitehorse: January, 1973); *Ross River Dena Council v. Canada (Attorney General)*, 2017, YKSC 58; *Ross River Dena Council v. Canada (Attorney General)*, 2017, YKSC 59.

Project employees, community members, and consultants working at Faro call this never-ending triage of emergencies and delays the ‘Faro Factor.’ The ‘Faro Factor’ is a somewhat flippant term used to describe (or excuse) any manner of complexities and challenges at Faro, ranging from the challenges of Northern infrastructure – getting parts and managing power outages, weather, and transportation – to the seemingly never-ending regulatory delays. Put simply, when something goes wrong at Faro or is delayed another year, it’s the ‘Faro Factor’ at work. When placed within the history of the Faro Mine site, the Faro Factor is not an anomaly, but instead another manifestation of the Curse: “I think it’s because of the injustice that took place upon our land, and it was [Kaska Land], you know, showing what they did was wrong.”⁶

Drawing on Project documentation and interviews with Project employees, consultants, and Ross River members, this chapter investigates the ‘Faro Factor’ and this extended period of delay and inaction. Chapters two and three detailed how Kaska land was stolen, first through claim staking, mining land use permitting, and the construction of both the mine and the town, and then through the contamination of Kaska waters and the theft of water rights. Building on this history of theft, this chapter argues that, even as Yukon was proceeding through important changes in jurisdiction – and settler-Indigenous relations more broadly were shifting from erasure to ‘recognition’ politics – the mechanisms of theft at Faro also morphed. I question how and why Faro has become a slowly unraveling, unsolvable behemoth, a slowly crashing train, with no end in sight. In other words, this chapter interrogates what the ‘Faro Factor’ is and how it was created. In analyzing the ‘Faro Factor’, this chapter also investigates how theft and dispossession of Kaska land has persisted throughout the Faro Mine Remediation Project and how this ongoing theft has been resisted by RRDC members.

⁶ Robbie Dick, interview with author, December 11, 2019.

Rather than focusing on the incredible technical complexity of the site, (i.e. the specific struggles of containing and treating water, characterizing waste rock and tailings, and tracking seepage, among other things)⁷, I draw on anticolonial and settler-colonial scholarship to turn a critical lens to how Faro has been defined and governed since it became a remediation project, and how remediation projects fit into the larger context of colonial state land theft and extractivism in the North.⁸ Land claims have been one mechanism through which Indigenous Nations resisted the theft of their jurisdiction over their lands and attempted to reclaim governance over their lands. At the same time, scholars at the Yellowhead Institute, and others, argue that contemporary land claims limit what kinds of jurisdiction Indigenous Nations can effectively use to govern their lands and communities.⁹ In the Canadian North, the federal government's recognition of Indigenous rights, especially in modern treaties and self-government agreements, has often tied Indigenous governments to economic development strategies that are premised on capitalist extraction.¹⁰

Nations, such as the Kaska, that refuse recognition politics via land claim agreements with the Canadian state, remain exposed to the jurisdictional purview of the *Indian Act* and various other pieces of legislation that infringe on their unceded rights, such as mining and lands

⁷ Much of the contemporary technical, Western quantitative science work that has been done to reckon with and help 'control' the Faro site can be found on the YESAB's online registry for the Faro Remediation Project.

⁸ Rebecca Hall, *Refracted Economies: Diamond Mining and Social Reproduction in the North* (Toronto: University of Toronto Press, 2022); David P. Thomas and Veldon Colburn, *Capitalism and Dispossession: Corporate Canada at Home and Abroad* (Black Point: Fernwood Publishing, 2022); Jen Jones, "Confronting Settler Colonialism when Assessing the Impact of Mining on Indigenous Peoples' Health and Well-Being," (PhD diss, Geography, University of Guelph, 2020); Warren Bernauer, "Producing Consent: How Environmental Assessment Enabled Oil and Gas Extraction in the Qikiqtani Region of Nunavut," *Canadian Geographer* 64, no. 3 (2020): 489-501; Tara Joly, "Making Productive Land : Utility , encounter , and oil sands reclamation in northeastern Alberta, Canada," (PhD Diss, Anthropology, University of Aberdeen, 2017); Glen Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press (2014).

⁹ Shiri Pasternak and Hayden King, *Land Back: A Yellowhead Institute Red Paper*, Yellowstone Institute (2019); Thomas and Colburn, *Capitalism and Dispossession*; Glen Coulthard, *Red Skin White Masks*.

¹⁰ Warren Bernauer, "The Duty to Consult and Colonial Capitalism: Indigenous Rights and Extractive Industries in the Inuit Homeland in Canada," *The Northern Review* (March 2023), 1-28.

acts.¹¹ In response to these state tactics, Indigenous scholars across Canada point to the need for consent and grounded normativity, (i.e., Indigenous politics and jurisdiction rooted in the specifics of land and culture) in the face of recognition politics and colonial jurisdiction. These scholars draw on important examples of Indigenous Nations exercising their own jurisdiction outside of land claim or settler state frameworks and to the importance of detailing what kinds of jurisdictional tools the settler state uses to maintain power over so-called ‘Crown Lands,’ even under the auspices of reconciliation and treaties.¹²

State power was maintained via remediation at Faro through three interwoven jurisdictional tools: land, liability, and licensing. The first half of this chapter focuses on detailing the settler jurisdictional mechanisms used to maintain colonial control over Faro, to undermine RRDC’s governance across their territory, and to limit Canada’s responsibility for reclamation and compensation. The chapter then traces how the underlying context of land, liability and licensing set the stage for remedial governance and the disintegration of the Faro Remediation Project in the decade between 2009-2019.

For more than two decades, the Faro Remediation Project has lingered in limbo – a limbo that continues to harm the Tū Łídlíni Dena, while directing money into the pockets of the consultants and contractors that facilitated mining in the first place. Canada and Yukon focused on securing their own jurisdiction, limiting their liability, and spending millions on remediation design focused almost exclusively on engineering solutions, while RRDC’s demands for compensation, jurisdiction, and economic benefits were again sidelined. Stop-gap emergency

¹¹ Colburn and Thomas also argue that when Indigenous Nations resist corporate development and dispossession, the state will use either consent (via land claims processes that cede territory) or coercion (force, and other legal strategies) to ensure continued extraction and development of land: Thomas and Colburn, *Capitalism and Dispossession*, 8-9.

¹² Shiri Pasternak, Deborah Cowen, Robert Clifford, Tiffany Joseph, Dayna Nadine Scott, Anne Spice and Heidi Kiiwetinepinesiik Stark, “Infrastructure, Jurisdiction, Extractivism: Keywords for Decolonizing Geographies,” *Political Geography* 101 (2023): 102763; Pasternak and King, *Land Back*; Glen Coulthard, *Red Skin White Masks*.

actions did little to address the slow violence of historic and ongoing contamination and the lingering impacts of cultural dispossession.¹³ As a mining operation, Faro represented a theft of place. As a remediation project, Faro came to represent *a theft of time*, as reclamation and healing were continually put off and the slow violences of extraction continue to haunt Tsē Zūl.

5.2 Land, liability, and licenses

After several operational swings and attempts at restructuring throughout 1996-1997, Anvil Range officially filed for bankruptcy protection at the end of January 1998.¹⁴ The Ontario Court appointed Deloitte and Touche Ltd. as the interim receiver to assume responsibility for the affairs of the corporation and maintenance of the site.¹⁵ Until 2003, the status of the site remained in jurisdictional purgatory. Hoping for a return of mining, Faro residents resisted the notion of a ‘final closure’, while environmental activists and Ross River Dena Council pointed to the ‘writing on the wall’. Within two years of mine closure, the population of Faro dropped from 1300 to 325 residents.¹⁶ As housing values plummeted and people began to leave, the Faroites who did stay began re-branding their town to “dispel the image of a ‘dirty little mining town’” and to attract artists, wilderness tourism operators, and retirees who might be drawn to the low housing prices and quiet community: “people who just want to have a wilderness lifestyle.”¹⁷

¹³ Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Cambridge: Harvard University Press, 2011); John and Arn Keeling, “Toxic Legacies and Environmental Justice at Giant Mine, Northwest Territories,” *The Northern Review* 42 (2018): 7-21.

¹⁴ Thomas Brockelbank, “Anvil Range shuts Faro again - Company wanted protection from creditors,” *The Northern Miner*, January 26, 1998.

¹⁵ “Anvil Range Announces Interim Receiver Appointed,” news release transmitted by Canadian Corporate News, 1998.

¹⁶ Gaye Hanson & Associates and Stuart Simpson & Associated, “Faro Market Recovery Plan,” submitted to the Town of Faro (January 2000), 1.

¹⁷ Stephanie Waddell, “Faro’s post mine character evolving,” *The Whitehorse Star*, May 21, 2002; Mitch Miyagawa and David Oppenheim, “Our Town Faro” (film, National Film Board, 2004).

Several economic development plans were completed and supports were put in place to ensure that Faro residents who chose to stay would have training, jobs, and social services.¹⁸ Similar supports were not provided to the Tū Łídlíni Dena.

Alongside media coverage of the disintegration of Faro into a near ghost-town, jurisdictional struggles for land, liability, and licenses at the mine, and across Kaska territory, were bubbling to the forefront of Yukon politics. At the turn of the century, the settler colonial state, as represented by *both* the federal and territorial governments, was attempting to rearticulate and assert jurisdiction over Indigenous lands. Contemporary land claim agreements (such as the Umbrella Final Agreement in the Yukon) and state recognition of Indigenous self-government were contingent on the ceding of territories.¹⁹ At the same time, the devolution of power from the federal to the Yukon government (the DTA) assumed that any lands not covered by land claims were inherently ‘Crown Lands’.

As the Faro Mine transitioned to a remediation project, and responsibility for past harms and ongoing risks remained unclear, the federal and territorial governments also sought to limit their liability. Ultimately, through the DTA, the federal government tied its acceptance of the massive environmental and financial liabilities at Faro to the continued control of Kaska land, avoiding any legal requirements for compensation or co-management with Ross River Dena Council. While resisting the imposition of both the UFA and the DTA and fighting for co-governance and compensation for Faro, Ross River Dena Council also continued to intervene in water licensing. However, mirroring the land and liability structures used by settler governments, the water licensing process continued to obstruct RRDC’s ongoing demands for governance. The

¹⁸ Gaye Hanson et.al., “Faro Market Recovery Plan,” 1.

¹⁹ Glen Coulthard, *Red Skin White Masks*, 4; Pasternak et. al., “Infrastructure, Jurisdiction, Extractivism.”

newly devolved Yukon Water Board argued that co-governance needed to be negotiated outside of water licensing processes, again separating water use from Kaska water rights.

5.2.1 *Land: contemporary tools of maintaining colonial jurisdiction*

As Deloitte and Touche prepared plans for Faro's care and maintenance, the Yukon Government's devolution from federal jurisdiction was set to become official in April 2003. Devolution was linked to two foundational agreements – the Umbrella Final Agreement (UFA) with Yukon First Nations, signed in 1993, and the Devolution Transfer Agreement (DTA), signed in October 2001 and enacted in April 2003.²⁰ The UFA (see further details in chapter 3) was built on decades of resistance, negotiation, and perseverance by Yukon First Nations: “While undoubtedly the land claims negotiations were rooted in colonial administrative practices, the Yukon internal territorial system ultimately produced should also be seen as a product of Indigenous resistance to colonial incorporation.”²¹ The UFA also reformed formal co-management boards, such as the Yukon Environmental and Socio-Economic Assessment Board (YESAB) and the Yukon Water Board, and several regional land use planning boards.²²

²⁰ The federal government extended a ‘take it or leave it’ offer to the Yukon Territorial Government in January 1997, culminating in the signing of the Yukon Devolution Protocol Accord in September 1998. Before devolution was implemented in 2003, territorial powers were limited to social programming and municipal government functions.

²¹ Martina Volfová, “‘Often Confused as’: Contestation of Colonial Place Making in the Yukon Territory,” in *New Directions in Linguistic Geography*, ed. G. Neidt (Springer Nature Singapore Pte Ltd., 2022); Paul Nadasdy, *Sovereignty's Entailments: First Nation State Formation in the Yukon* (Toronto: University of Toronto Press, 2017).

²² Council for Yukon Indians, *Umbrella Final Agreement between the Government of Canada, the Council for Yukon Indians, and the Government of Yukon* (May 29, 1993). Chapter 12 describes YESAB – see Chapter 6 for more details on YESAB. Chapter 14 of the UFA describes the role of the Yukon Water Board. Under the UFA the Water Board includes independent members appointed by CYFN and the federal and territorial Governments. The UFA outlines the Water Board's role in granting water licenses under the *Northern Inland Waters Act*, which was replaced with the *Yukon Waters Act* after devolution in 2003. Through the UFA and the altered *Yukon Waters Act*, the role of Yukon First Nations within this regulatory process can include intervention in public hearings, determining compliance with and revisions to terms and conditions of a license, and receiving compensation: Nicole Wilson, “More Precious than Gold: Indigenous Water Governance in the Context of Modern Land Claims in Yukon” (PhD Diss., Resource Management and Environmental Studies, University of British Columbia, 2018).

Although Ross River Dena Council, and the Kaska more broadly, had been substantially involved in the negotiations of the UFA, when it came time to sign in 1993, the Kaska opposed its ratification due to concerns about transboundary jurisdiction (for Kaska communities in British Columbia), taxation, trapline management, extinguishment of land, land quantum, and repayments of land claim negotiation loans. Despite these objections, in March 1993, the CYI ratified the UFA. The Kaska felt that the CYI had not properly ratified the UFA (there was no ratification vote). To this day, the Kaska maintain that the UFA was never officially ratified. Therefore, they argued that it did not apply to their land claims negotiations.²³ The federal government overlooked these contentions, and officially recognized the ratification of the UFA, arguing that the CYI represented all Yukon First Nations.²⁴

In contrast to the long history of Yukon First Nations' resistance and negotiation that built the UFA (for better or worse), the DTA was built partially on a historic, settler fear of land claims and loss of resource control. In the 1970s, YTG argued successfully that it would be unfair to give significant land ownership to Yukon First Nations without giving the capacity to the territorial government to manage land and resources. Many regarded the DTA as 'Yukon's land claim.' One Council of Yukon First Nations negotiator proposed that once the UFA gave First Nations assurance that further devolution would not impede the resolution of outstanding land claims, many were generally supportive of devolution and often preferred to work with local officials, rather than distant Ottawa bureaucrats.²⁵ Unceded nations (i.e. nations that had not signed a final land claim via the UFA), including Ross River Dena Council, Liard First Nation,

²³ Interviews with Hammond Dick, Anne Raider, Stephan Walsh and Dave Porter in Alcantara, "The Kwanlin Dün First Nation and the Kaska Nations in the Yukon Territory."

²⁴ Ibid.

²⁵ Interview with Daryn Leas in Christopher Alcantara, Kirk Cameron and Steven Kennedy, "Assessing Devolution in the Canadian North: A Case Study of the Yukon Territory," *Arctic* 65, no. 3 (September 2012), 328-338.

and White River First Nation, did not have this security and actively resisted the DTA, arguing that “Ottawa had to first settle land and resource claims before handing over control of them to Yukon.”²⁶

In 1998, the federal government presented YTG with a ‘take-it-or-leave-it’ agreement-in-principle for devolution. Following this ultimatum, INAC minister Bob Nault set a June 2002 deadline for the finalization of all Yukon First Nation Land Claims, hoping that land claims would be wrapped up before the impending April 1, 2003 devolution deadline. Ross River Dena Council opposed this deadline but reluctantly pushed forward on land claim negotiations. In June 2002 a tentative land claim agreement was rejected by Kaska community members at a meeting in Watson Lake. Land claim negotiations were suspended, and the Kaska immediately sued the federal government for the imposition of a two-year deadline, arguing that this was a breach of duty to negotiate in good faith.²⁷ After walking away from negotiations, Kaska adamantly refused to support the transfer of powers from Ottawa to the territorial government: “Devolution to us represents a major setback if we don’t have an agreement that protects our rights and access... and protects our lands in our traditional territory.”²⁸

As the April 2003 devolution deadline approached, YTG began to fret about the tenuousness of its colonial jurisdiction over unceded Kaska lands. The Kaska threatened court action against YTG if some kind of deal was not reached. Worried that Kaska resistance would interfere with the implementation of the DTA, in January 2003, the Yukon Territorial Government negotiated a separate, bi-lateral agreement with the Kaska.²⁹ In this agreement, YTG acknowledged Kaska Aboriginal rights and title, and recognized that no agreements had yet been

²⁶ CBC North, “It’s official: Yukon devolution in effect,” *CBC News*, April 1, 2003.

²⁷ Alcantara, “The Kwanlin Dün First Nation and the Kaska Nations in the Yukon Territory.”

²⁸ CBC North, “It’s official.”

²⁹ Personal communication with Norman Barichello, November 2022.

reached that ceded these rights. Specifically, this agreement outlined the need for a process for authorizations of exploration and mineral work. It also identified the need to agree on a revenue sharing structure for development on Kaska lands. YTG agreed to not engage in any significant development or exploration work without first consulting and obtaining Kaska *consent*. With these promises on the table, the Kaska agreed that they would not challenge the validity of either the DTA, or the legislation giving effect to the DTA, during the term of the bilateral agreement, in effect for 2 years.³⁰

On April 1, 2003, a CBC North article announced that “the Yukon now belongs to Yukoners.”³¹ Devolution transformed the Territory into a quasi-province; the DTA was framed as the ‘maturation’ of political structures in the North, as defined by colonial governance trajectories.³² The Yukon Government (YG) took administrative control of public lands and resources, including forestry, minerals, and waters. Control over mining was particularly pivotal for YG. Scott Casselman, the vice-president of the Yukon Chamber of Commerce said that he hoped that “territorial control over resource development will spur on mining activity.”³³ While the Yukon Government took control of future mining, the federal government retained the liability and responsibility for legacy sites (including Faro), termed ‘Type II Abandoned Mines’ in the DTA. The DTA outlined how remediation would proceed and how impacted First Nations would be involved.³⁴ In other words, both YG and the federal government used the DTA, an agreement fundamentally opposed by the Kaska, to implement remediation on Kaska territory.

³⁰ Bilateral Agreement between the Government of Yukon and the Kaska (as represented by the Liard First Nation, the Ross River Dena Council, the Daylu Dena Council, the Dease River First Nation, the Kwadacha First Nation, the Kaska Dena Council and the Kaska Tribal Council), (2003), Section 3.9, 5.

³¹ CBC North, “It’s official.”

³² Alcantara et. al., “Assessing Devolution in the Canadian North,” 328.

³³ CBC North, “It’s official.”

³⁴ For further details about how the DTA was applied to Faro, see: Gartner Lee Ltd., “Management of the Faro Mine Report,” prepared for Government of Canada, DIAND (2003), Yukon EMR Library.

After devolution, the Yukon government enacted legislation that mirrored pre-existing federal legislation and policy, including the *Quartz Mining Act*. Federal employees received departmental transfers to the territorial government. As devolution progressed and additional land claims were finalized, the Canadian government began to back away – limiting the resources and personnel available for implementation of land claim agreements.³⁵ Thus, despite devolution, Yukon First Nations continued to encounter the same administrative and ideological legacies left by the federal regime, but with fewer resources.³⁶

At the turn of the century, the Faro Remediation Project sat stalled in the midst of this tumultuous political landscape. RRDC's participation at Faro was hemmed in by agreements that they had not consented to. The bi-lateral agreement between YG and the Kaska was never renewed. Yukon Government let the two-year agreement run its course without fulfilling promises to negotiate Kaska-led mineral authorizations, revenue sharing, or other resource management agreements. Rather than building a government-to-government relationship outside of the UFA, settler jurisdiction simply transferred from Canada to the Yukon Government, and the Faro Mine Remediation Project proceeded under templates laid out in the DTA and UFA.³⁷ While including provisions for Yukon First Nation consultation and engagement, these Acts were grounded in settler notions of property, environmental management, and jurisdiction.³⁸ The

³⁵ David Natcher and Susan Davis, "Rethinking Devolution: Challenges for Aboriginal Resource Management in the Yukon Territory," *Society & Natural Resources* 20, no. 3 (2007): 272; Rhiannon Klein, "Reviewing and Redefining Relationships: Intergovernmental Relations and Modern Treaty Implementation in Yukon, 1986-2016," (PhD Diss, Johnson Shoyama Graduate School of Public Policy, University of Saskatchewan, 2021). Klein also argues that the Yukon Government, led by conservative politicians in the late 90s and early 2000s, focused on devolution and the implementation of existing final agreements, allowing the negotiation of additional land claims to fall to the wayside, negatively impacting relationships between Yukon Government and unceded Yukon First Nations.

³⁶ Joan Scottie, Warren Bernauer, and Jack Hicks, *I Will Live for Both Of Us: A history of colonialism, uranium mining and Inuit resistance* (Winnipeg: University of Manitoba Press, 2022).

³⁷ Alcantara et. al., "Assessing Devolution in the Canadian North," 329. Michael Van Aanhout and Stefan Reinecke, interview with author, November 25, 2019.

³⁸ David Natcher and Susan Davis, "Rethinking Devolution: Challenges for Aboriginal Resource Management in the Yukon Territory," *Society & Natural Resources* 20, no. 3 (2007), 271-279; Nadasdy, *Sovereignty's Entailments*.

protections afforded through the UFA to some Yukon First Nations did not apply to unceded Kaska Lands.

Nevertheless, Kaska lands remain unceded: there is no historical or modern agreement with the Crown that cedes rights or jurisdiction, and therefore the implementation of the DTA and the UFA on Kaska territory is questionable, if not illegal.³⁹ As far as Kaska are concerned, “they themselves have the sole responsibility and a right to control what happens to their land... the Kaska are and always have been self-governing and don’t need the government’s blessing.”⁴⁰ RRDC maintains that the principles outlined in the bi-lateral agreement with YG should still apply and processes for consent and Kaska-directed resource development still need to be established. Despite RRDC’s demands in the early 2000s, the post-devolution governance regime continued to promise ‘consultation’ for the Faro Mine Remediation Project, but not co-management, compensation, or consent.

5.2.2 *Liability: from theft of land to theft of time*

Behind the drama of devolution, the Canadian Government began planning for the possibility of assuming a massive environmental liability in Faro Mine, but they hoped that another private sale would prove possible.⁴¹ Initially, Teck Cominco stepped up to answer the federal government’s prayer, signing a Memorandum of Understanding with the Canadian and Yukon

³⁹ Ross River Dena Council v. Canada (Attorney General), 2017, YKSC 58; Ross River Dena Council v. Canada (Attorney General), 2017, YKSC 59; Ross River Dena Traditional Knowledge Team, *Gu Cho Ka-Ka Dee: Our Ancestors Instructions*, prepared on behalf of Ross River Dena Elders and the Ross River Dena Council (Ross River: June, 2014).

⁴⁰ Volfová, “‘Often Confused as’.”

⁴¹ In the mid 1990s, after Curragh went bankrupt and Anvil Range purchased the property, DIAND began evaluating the costs of the different closure options presented by Curragh and Anvil Range during licensing. Price estimates for remediation ranged from \$88 million to \$100 million. This economic evaluation work continued in earnest after 1998: Micon International Ltd., “Economic Evaluation of the Faro Property,” submitted to Department of Indian Affairs and Northern Development (2002), Yukon EMR Library; Gartner Lee Ltd., “Faro Mine Site - Phase 1 Environmental Site Assessment Final Report” (2001), Yukon EMR Library.

Governments in August 1999. This Memorandum included the establishment of a Yukon-based company, Trustco, that would manage the assets and environmental liabilities of the site. Ross River Dena Council would have a trustee position on the board of Trustco, and Cominco would reserve the right to mineral claims. The Yukon Government committed \$200 000 to support the MOU and the establishment of Trustco. However, as Cominco conducted further economic analysis of the site, the MOU began to unravel. Within a year, the Yukon Government pulled its funding, proposing to instead commit the money to the Town of Faro and alternative employment training. The MOU with Cominco was terminated in February 2002.⁴²

As the Cominco MOU unraveled, Yukon government MLAs, Faro businesses, environmental groups, and the federal government battled over whether the mine should be permanently closed, or simply maintained until mineral markets made re-opening possible.⁴³ In 2001, the federal government estimated that it would spend \$10 million annually to maintain Faro.⁴⁴ By 2002, the estimate for full remediation costs ranged between \$200-\$500 million, on top of annual maintenance costs. Local politicians fumed over the million-dollar maintenance and remediation research contracts going to companies like Deloitte and Touche, with few ties to Yukon employees. Mounting local pressure culminated in an October 2002 federal Auditor General's report that spotlighted the fumbling Faro remediation work: "This Band-Aid approach

⁴² Memorandum from Angus Robertson (Deputy Minister) to Pat Duncan (Minister of Economic Development), Yukon Government, "RE: Faro Memorandum of Understanding (MOU) Options for Future Participation," April 12, 2002, Yukon Archives, ACC 2008/17, Box 2003-1951, 64/5/6c; "Faro Agreement Nixed," *The Northern Miner*, February 25, 2002.

⁴³ Chuck Tobin, "Demise of Faro mine 'inevitable'," *The Whitehorse Star*, August 2, 2001.

⁴⁴ Estimated costs were as follows: \$4 million annually to maintain the environmental integrity of the mine; \$3.5 million designated by the Ontario receiver for special environmental projects; and \$2.5 million to cover the costs of bankruptcy proceedings: Tobin, "Demise of Faro mine 'inevitable'."

is not an optimal use of public funds, considering the rapidly growing costs of care and maintenance associated with delaying decisive action.”⁴⁵

Behind the political squabbles engulfing Faro, Deloitte and Touche was struggling to keep zinc levels below water license thresholds. In December 2000, water with zinc levels up to ten times higher than the allowable level flowed into surrounding creeks. There was also mounting evidence that groundwater was being contaminated from the acidification of the Rose Creek tailings.⁴⁶ Proposals to limit acid-generation and metals contamination in the short term, such as moving tailings and oxide fines, were delayed or abandoned as funding and staff proved limited: “Without sufficient funding to implement long-term solutions, DIAND is currently covering only the basic care and maintenance work. This work entails merely patching and reacting to problems instead of preventing them.”⁴⁷

Many interviewees linked remediation delays and deteriorating environmental conditions to what they perceived to be Canada’s priority: limiting liability. These reflections are supported by reams of documents tracking the government’s attempts to sell the site, and the parallel delays in resources for remedial activities.⁴⁸ The mounting costs of maintaining the site, in addition to the looming final remediation costs for taxpayers, pushed three independent Yukon MLA’s to accuse Ottawa of “playing a shell game to avoid facing a \$200-400 million cost of permanent

⁴⁵ The Auditor General’s report, in addition to the federal liability for Type II Abandoned Mines, as outlined in the DTA, led to the establishment of what was called the Federal Contaminated Sites Accelerated Action Plan (FCSAP): Office of the Auditor General of Canada, “Report of the Commissioner of the Environment and Sustainable Development to the House of Commons, Chapter 3: Abandoned Mines in the North,” submitted to Minister of Public Works and Government Services Canada (2002); Donald McArthur, “Abandoned mines threaten environment, health” *The Yukon News*, October 25, 2002. Van Aanhout and Reinecke, interview with author.

⁴⁶ Yukon Water Board, “Public Hearing for Water Use Application QZ03-059, Type A Water Licence Application for Amendments Relating to Care and Maintenance,” (October 27-31, 2003), Yukon Water Board Archives QZ03-059.

⁴⁷ Johanne Gelinas (Commissioner of the Environment and Sustainability) in McArthur, “Abandoned mines threaten environment, health.”

⁴⁸ Micon International Ltd., “Economic Evaluation of the Faro Property.”

closure and reclamation of the site.”⁴⁹ Despite concerns about spiraling project expenses and environmental degradation, DIAND continued to prioritize the need for additional research – echoing the same stalling tactics used by Cyprus Anvil and Curragh – as the federal government focused on negotiating private sale options.⁵⁰ After the MOU with Cominco fell through in 2002, it took another two years for the federal government to commit to funding remediation at Faro.

Similar delays would occur in the mid 2010s, when discussions about selling the Vangorda side of the Faro Mine Complex re-surfaced. In reference to the hoped-for sale of Vangorda, one interviewee stated:

So you're privatizing one area of the mine site, but socializing another aspect of the mine site, and I understand the cost savings of privatizing that aspect of mine site. But you should argue the fact that there's still the social liability attached to that mine site [Vangorda]... The public still holds a liability to that... the existence of both of those as separate is just fundamentally wrong. It drives me nuts.⁵¹

In the early 2000s, and again in the 2010s with the sale of Vangorda, the federal government was focused on pushing off liability to future ledger books.

During this time of limbo, Ross River Dena Council was not involved in any negotiations over liability or jurisdiction. Nor was compensation for historic and ongoing theft of Kaska land and water included in the scope of the federal government’s liability or in the transfer of jurisdiction outlined in the DTA. When it came to assessing liability, justice and compensation for RRDC members was not accounted for; liability for the violence and theft associated with Faro was not quantified, tallied, or included in what the federal government agreed to pay for. Settler government delay tactics and attempts to limit liability resulted in a *theft of time*, as lands and water continued to accrue contamination and individuals who directly experienced the

⁴⁹ Chuck Tobin, “Ottawa evasive on Faro mine, MLAs say,” *The Whitehorse Star*, August 21, 2002.

⁵⁰ Chuck Tobin, “Mine cleanup cost estimate is far off,” *The Whitehorse Star*, August 23, 2002.

⁵¹ Stuart Van Bibber, interview with author, October 25, 2019.

violence of mining at Faro passed away without justice.⁵² In this context, the Faro Remediation Project was founded in limiting and postponing liability, not in healing, reclamation, or reconciliation.

5.2.3 Licenses

Six months after the implementation of the DTA, in October 2003, the Yukon Water Board held public hearings for the renewal of water licenses at Faro, focused specifically on care and maintenance strategies. As one interviewee remembered: “It was at that hearing that Canada finally acknowledged in a letter that the mine was not likely to reopen.”⁵³ The Water Board stressed that this license renewal was not about closure specifically, but rather about how to manage the site until a proper reclamation plan was in place. DIAND and the Water Board argued that the 1996 Integrated Comprehensive Abandonment Plan created by Anvil Range was insufficient, even though the Water Board had approved it at the time.⁵⁴ Mirroring the remediation rhetoric of past mine operators, the objectives of Deloitte and Touche’s care and maintenance plan were to: 1) mitigate short-term environmental and safety risks, focusing on water management; 2) identify activities that would reduce long-term liability; and 3) maximize local training and employment benefits to the Town of Faro and the community of Ross River.⁵⁵ In the meantime, the newly minted Abandoned Mines Office, managed by the Yukon Government and federally funded, would develop designs for final closure.⁵⁶

⁵² Nixon, *Slow Violence*.

⁵³ Yukon Water Board, “Public Hearing for Water Use Application QZ03-059,” 15; Bill Slater, interview with author, March 17, 2021.

⁵⁴ Yukon Water Board, “Water License Amendment and Renewal, QZ95-003 (Amendment 8),” (January 20, 1998), Yukon Water Board Archives QZ95-003.

⁵⁵ Some of the specific work proposed included the demolition of unsafe buildings, the upgrading of the Faro Creek diversion, upgrades to the landfill, bioremediation test cells, and reducing the impacts of acid rock drainage: Yukon Water Board, “Public Hearing for Water Use Application QZ03-059,” 57.

⁵⁶ Yukon Water Board, “Public Hearing for Water Use Application QZ03-059,” 30.

In the run up to the October 2003 hearing, Ross River Dena Council worked with the federal government and Deloitte and Touche to provide input and Kaska knowledge for both the water licensing and the final closure plan.⁵⁷ In a traditional land use report prepared for the water licensing process, RRDC members shared their key concerns and expectations for Faro, echoing what Elders had been expressing publicly for the past three decades.⁵⁸ First and foremost, RRDC members prioritized the safety of plants and wildlife, especially in relation to risks associated with dust, tailings, and water contamination. For decades Tū Łídlīni Dena had been requesting a fence, or some kind of infrastructure around the tailings pond to limit exposure to contaminants. They also wanted studies to investigate food chains and analyze the impacts of metals contamination on plants and animals.⁵⁹ Second, Elders protested the theft and violence associated with the town of Faro and their families' alienation from Tsē Zūl. RRDC requested funds to repair and reclaim Blind Creek:

We would like to inform the receiver [Deloitte and Touche] that there are great concerns that the gravesite, located near the mine site, has been damaged through road construction. Unfortunately, there have never been enough financial resources to address these concerns.⁶⁰

Closely linked to Elders' concerns about unaddressed social impacts, was a third concern – the regional impacts of Faro-associated roads, infrastructure, and over-hunting. Again, RRDC repeated their requests to negotiate co-management of hunting permits and stewardship of the region.⁶¹ Summarizing interviews completed with members, RRDC concluded:

⁵⁷ Gartner Lee Ltd., "Faro Mine Site"; Doris Dreyer and Testloa George Smith, "Ross River Dena Traditional Use Study for the Faro Mine Water License Application (2004-2008) Summary Report," prepared for Ross River Dena Council and Gartner Lee Ltd., (2003), 7; Ross River Dena Council, "Non-technical review of Project Description and Project Description Supplement" (2002), in Deloitte and Touch Inc., "Anvil Range Mining Corporation – 2004-2008 Water License Renewal Key Documents," (2003), Yukon EMR Library.

⁵⁸ Dreyer and Smith, "Ross River Dena Traditional Use Study," 7.

⁵⁹ Gordon Peter, interview with author, November 16, 2019.

⁶⁰ Ross River Dena Council, "Non-technical review of Project Description."

⁶¹ Dreyer and Smith, "Ross River Dena Traditional Use Study," 7.

There is a gap between the Ross River Dena and the caretaker of the mine, Deloitte and Touche Ltd. Most people feel distanced from the day-to-day mine activities. There is little awareness of the work undertaken, the level of water and land contamination, or the security of animals in the mine area... In order to overcome the feeling of disconnection and helplessness, as well as to ensure an effective flow of information to traditional users of the area, it is necessary to include the Ross River Dena in decision-making processes at the Faro Mine, and to build communication paths which allow traditional users of the area to practice safely their activities. To accomplish this task, protocols must be developed between the Ross River Dena and company/government which address these issues.⁶²

To this end, RRDC requested that the Water Board should require some kind of impact and benefit agreement as a part of licensing, to ensure accountability to commitments for employment, training, business opportunities and co-governance structures.⁶³ RRDC also linked demands for toxicity research, compensation for social harms, and governance of reclamation and regional stewardship to the Yukon Government's obligations under the 2003 bilateral agreement.

When the final plan for care and maintenance was presented to the Water Board in October 2003, RRDC was unhappy with the results. Leadership pointed to the inappropriate ways that Kaska knowledge had been cherry-picked and used in the water license application. Specifically, RRDC pointed out that beyond a terrestrial effects studies, there was no mention of collaboration on remediation research or design.⁶⁴ They detailed how previous concerns and recommendations had not been incorporated into the project description – including demands to reclaim Blind Creek and the graveyard, requests for specific water monitoring locations, resistance to the use of non-native plant species for revegetation, and a commitment to the construction of infrastructure around the tailings to protect wildlife.⁶⁵

⁶² Ibid.

⁶³ Ross River Dena Council, "Non-technical review of Project Description."

⁶⁴ Yukon Water Board, "Public Hearing for Water Use Application QZ03-059," 646-647.

⁶⁵ Ross River Dena Council, "Non-technical review of Project Description"; Dreyer and Smith, "Ross River Dena Traditional Use Study."

In a follow-up submission to the Water Board, RRDC linked their concerns directly to *rights and sovereignty* and they harnessed the momentum of the bi-lateral agreement signed with YG in 2003 to push for direct governance of the Faro Remediation Project:⁶⁶

The Government of Yukon has acknowledged in agreements entered into with the Kaska that the Kaska have aboriginal rights, titles, and interests to the Kaska Traditional Territory... Kaska have not consented to the issuance of any water license under the Waters Act as requested in the Application. Neither this Intervention nor the participation of the Kaska in any Water Board Hearing shall constitute the consent of the Kaska to the issuance of any water license to the applicant; the Kaska will consider any draft license prepared by the Water Board and only then decide whether they consent to the issuance of a License to the applicant under the Waters Act.⁶⁷

RRDC emphasized that they were “prepared to establish an agenda and process for consultation with Canada and Deloitte and Touche to expediate the resolution of other issues” *outside* regulatory frameworks such as the Water Board and YESAA.⁶⁸ RRDC also reminded DIAND that not only was the federal government the funder of the Faro Remediation Project, but it was also legally obligated to consult meaningfully with Kaska:

[DIAND] must take concrete measures to protect the rights of the Ross River Dena in this project through the provision of resources and development of procedures which enable the Ross River Dena to truly participate in Faro Mine activities.⁶⁹

RRDC argued that without pre-existing co-management agreements in place, the Kaska were entitled to define their own process.

⁶⁶ Deloitte and Touche Inc., “Memo: Meeting in Ross River,” (July 10, 2003), in Deloitte and Touch Inc., “Anvil Range Mining Corporation – 2004-2008 Water License Renewal Key Documents,” (2003), Yukon EMR Library.

⁶⁷ Ross River Dena Council, “Intervention of Ross River Dena Council on its own behalf and on behalf of the Kaska Nation,” in Letter to Water Board Secretariate, Yukon Water Board, “RE: Faro Application – Care and Maintenance – Water License No. QZ03-059,” (September 19, 2003), in Deloitte and Touche, “EAR Key Documents, correspondence file,” Yukon EMR Library, 2.

⁶⁸ Testloa George Smith and Ross River Dena Council, “Summary Report of the Review of the EAR for the Faro Mine Water License Application by the Ross River Dena Council” (2003), Yukon EMR Library, 8.

⁶⁹ Ibid.

RRDC's desire for a role in governance was also closely tied to their concerns about funding and accountability for perpetual care.⁷⁰ To prevent the violation of their rights in the future, RRDC representatives pushed Deloitte and Touche and the territorial and federal governments to outline how consultation, consent, and project governance would be structured. RRDC argued that participation in a Technical Advisory Committee was not sufficient for 'consultation' or involvement in decision making. They therefore asked the Water Board include license *conditions* that addressed training opportunities, inclusion of traditional knowledge, governance, and consultation. Chief Jack Caesar closed the October 2003 hearings with a request for community healing:

Over the time that the mine had its life here... all Dena from Ross River have been really devastated and affected by what has taken place here and were cut off to some of their traditional trails and gathering place where they harvest on a seasonal basis. We know, as well, with changing times, we need to heal our people who have been devastated. And along with the reclamation of the mine... I would, as well, like to say that we need to reclaim our people... And when obstacles and barriers to their lifestyle have been more or less cut short, I think we should give them that respect to replace it with employment and benefits that do arrive from the closure plans, in order for them to stand up once more with respect.⁷¹

In its decision, released in March 2004, the Water Board argued that it had no jurisdiction to require governance structures and resisted being "overly prescriptive" regarding socioeconomic aspects of water licensing – although it had no qualms about being specific for metal thresholds, in essence detaching quantitative water data from community data.⁷² Relying

⁷⁰ At the time of closure, between financial security held by the Yukon Territorial Water Board (\$1 443 700), money in the Curragh Trusteed Environmental Fund (\$1.3 million) and money in Anvil Ranges' Reclamation Security Trust Fund (\$10 million), there was just under \$13 million available for reclamation. At the hearing, the Applicant, together with DIAND, provided information that the Interim Receiver would be fully funded by DIAND and, if the Interim Receiver was no longer was on-site, the Government of Canada would assume full responsibility. RRDC advised that this satisfied their concern: Ross River Dena Council, "Intervention of Ross River Dena Council on its own behalf and on behalf of the Kaska Nation."

⁷¹ Yukon Water Board, "Public Hearing for Water Use Application QZ03-059," 854-855.

⁷² Yukon Water Board, "Reasons for Decision, Water License for Deloitte and Touche Inc. in its capacity as Interim Receiver of Anvil Range Mining Corporation," (March 26, 2004), Yukon Water Board Archives QZ03-059.

on the federal responsibility for the project, the Water Board did not require the use of Kaska Dena knowledge or consent, stating that this would be included in planning via Canada's duty to consult. Deloitte and Touche made vague promises to hire a community liaison, but the legal requirement to commit to consultation and socio-economic benefits remained murky.⁷³ As it had during the mine's operations, the Yukon Water Board failed to meaningfully address RRDC's concerns and hived off discussions about rights and governance as a 'problem' for the proponent to deal with outside of licensing.

As the Faro Mine transitioned from extraction to remediation at the turn of the century, both the federal and territorial governments employed several jurisdictional tools to limit their liability and to avoid reckoning with the harms inflicted on the Tū Łídlīni Dena. By imposing a land claims process and deadline that did not work for the Kaska and RRDC, Canada argued that it had done its due diligence, without having to legally recognize Kaska sovereignty or commit to compensation for Faro. Through the DTA, the Yukon Government grabbed power over so-called Crown Lands, even though, without a signed land claim, Kaska lands remained unceded. The Faro Remediation Project was scoped and licensed for water use without a clear articulation of Kaska rights, consent, or demands for compensation. Concerns about historic impacts were continually ignored, and extractive violences compounded. This strategic ignorance manifested in a *theft of time*. By stalling, avoiding, or placing Kaska demands for Faro 'out of -scope', the federal and territorial governments continued to assert jurisdiction over Tsē Zūl (and to project that jurisdiction into the future) without addressing the ongoing injustices identified by the Tū Łídlīni Dena.

⁷³ Wes Treleaven, vice-president of Deloitte and Touche, in Yukon Water Board, "Public Hearing for Water Use Application QZ03-059," 111-112.

5.3 Remedial governance

Governance – specifically the political tug-of-war between federal and territorial governments and RRDC’s anticolonial assertion of jurisdiction and self-determination – is the central struggle defining the so-called ‘Faro Factor’, a struggle referenced time and time again by interviewees, Elders, and community leadership. Partially in response to RRDC’s demands for involvement in remediation planning, in 2004 the Yukon and Canadian governments signed a partnership agreement that created the Faro Closure Planning Office and the Faro Remediation Project Oversight Committee. The Oversight Committee included representatives from all the affected First Nations: Ross River Dena Council, Liard First Nation, and Selkirk First Nation.⁷⁴ The Oversight Committee was tasked with providing strategic direction for remediation, defining closure objectives, reviewing alternatives, ensuring the appropriate incorporation of Indigenous Knowledge, and recommending a closure option for the Faro Mine.⁷⁵ To achieve these goals, the Committee established community offices in Ross River and Pelly Crossing and hired community liaisons.⁷⁶

Notwithstanding the colonial notions of property and liability inherent in the Faro Closure Planning Office structure, several people involved in early planning processes reflected

⁷⁴ Canada and the Yukon Government established a Joint Steering Committee, which oversaw the work of the Type II Abandoned Mines Office, nested within Yukon’s Energy, Mines and Resources Department. The Faro Mine Closure Office, within the Type II Abandoned Mines Department, was responsible for developing closure objectives and alternatives and submitting a final closure plan to YESAB: Type II Mines Project Office, “Anvil Range Mine Complex Closure Planning Project Management,” (2003), Yukon EMR Library; Gartner Lee Ltd., “Management of the Faro Mine Report,” prepared for Government of Canada, DIAND, (2003), Yukon EMR Library.

⁷⁵ Subsequent changes led to the direct participation of LFN on the committee in 2007. Yukon Government and Indian and Northern Affairs Canada, “Faro Mine Complex Closure and Remediation Plan: YESAA Project Proposal, Draft 1,” (March 2010), Yukon EMR Library; SRK Consulting, “Closure Planning Project Management,” prepared for Deloitte and Touche (2004), Yukon EMR Library; Gartner Lee Ltd., “Faro Mine Rehabilitation, A Project Charter,” (2005), prepared for Government of Yukon, Yukon EMR Library.

⁷⁶ SRK Consulting, “Closure Planning Project Management”; Gartner Lee Ltd., “Faro Mine Rehabilitation, A Project Charter.”

that consultation and engagement were taken seriously. First Nations governments and citizens were deeply involved in providing project direction through the Oversight Board and community workshops. Community liaisons in Ross River, including Kathlene Suza and Nora Ladue, organized an Elders Advisory Committee that provided regular direction and review, including picking through the nitty gritty details of each closure objective and alternative.⁷⁷ One consultant working for the First Nations stated:

I think it actually was a relatively decent process... things would be different now that, you know, the understanding and interpretation of some of the important issues and values has changed, but at the time, I think it was genuinely intended to be effective, and I think people worked to try and make it that way. And there was a whole technical aspect of that, that was a bit crazy... But there were a few individuals who were involved in that and, you know... [they], I think, learned a lot from that and benefited from it and felt [they] had contributed...⁷⁸

At first, the creation of the Oversight Committee and community liaison offices resulted in an engagement strategy that many seemed satisfied with. This satisfaction was short lived.

Over the coming decade, governance structures and engagement waxed, waned, and finally floundered as negotiations over land, liability, and licensing continued to haunt the projects' progress. This section details the governance and planning structure of the Faro Remediation Project from the early 2000s through the mid 2010s, tracking how initial momentum and relationship building quickly disintegrated after a closure option was collectively chosen. I argue that in-depth community engagements and technical research focused on the engineering intricacies of the site, to the detriment of meaningful socio-economic and governance planning. As a result – without legal mechanisms to hold the project accountable for historic injustices or socio-economic outcomes – after a closure option was chosen in 2009,

⁷⁷ Nora Ladue, interview with author, October 6, 2021; Jesse George and Natasha St. Pierre, interview with author, November 25, 2019.

⁷⁸ Slater, interview with author.

RRDC members saw few benefits from remediation work and governance of the site quickly splintered. The Faro Remediation Project quickly became bogged down in settler government bureaucracy and research paralysis. Years passed by with little remedial progress as acid rock drainage proliferated and the phrase ‘Faro Factor’ was increasingly used to explain delays.

5.3.1 Building a remediation plan

Early scoping and objective setting work for the Faro Remediation Project built directly on previous closure plans. Anvil Range’s 1996 Integrated Comprehensive Abandonment Plan centered around three key remediation methods: 1. The pits would be flooded and used as contaminated water storage reservoirs - water treatment would be required in the long term and two treatment plants would be operated; 2. The Vangorda creek diversion would be upgraded and the Faro Creek diversion would be re-routed and upgraded to continue to divert water around the pits; and 3. the Faro Rose Creek tailings would be partially mined out and reprocessed and the remaining tailings flooded in-situ, with Rose Creek flowing over the tailings and the diversion removed.⁷⁹ Curragh’s 1991 Decommissioning Plan included similar ideas, all centered around one key choice: whether to stabilize the tailings in place, or to remove and reprocess some or all of the tailings. The key difference between the plans of the 1980s through 90s compared to the 1996 and later plans was *water treatment*. Before the mid 1990s, companies projected that with proper segregation of waste rock, the re-processing of tailings, and water

⁷⁹ Robertson Geoconsultants Inc., “Integrated Comprehensive Closure Plan for the Anvil Range Mine Complex,” (1996), in SRK, “Scoping Studies for Final Closure and Reclamation Plan Faro Mine, Yukon,” prepared for Deloitte and Touche Inc. (2003), Yukon EMR Library.

dilution – long term water treatment would not be necessary.⁸⁰ Since the late 1990s, however, it was recognized that long-term water treatment would be required at Faro.

Across old and contemporary closure plans for Faro, the key issues have always been water collection, water treatment, and limiting ARD through the segregation of waste and water. Over the decades, alternatives vacillated around whether to move tailings and waste rock, how to cover waste or tailings if they were not moved, and how to divert and collect water. While the details were much debated, the basics changed little. Technical advisors who participated in early workshops in 2000 found that relocation of waste piles would be much more costly than covering and managing waste in-situ. They recommended that any future work on waste rock and tailings relocation should be limited to identifying target areas for partial relocation. They also predicted that the steep costs associated with covering all the waste dumps with a highly engineered soil cover would not meaningfully reduce the need for water collection and treatment. They recommended that further planning should focus on identifying problematic areas that might justify better covers, while using simple covers everywhere else.⁸¹

With these recommendations in mind, project objectives were debated and finalized between 2003-05.⁸² Throughout 2003-2004, representatives from RRDC, LFN, SFN and the Town of Faro identified their key concerns, including: technical certainty, human health, ecological health, government and First Nations acceptance, and socio-economic benefits.⁸³ In the meantime, approximately 40 technical studies were completed and reviewed by community

⁸⁰ Klohn Leonoff Consulting Engineers, “Faro Mine Tailings Abandonment Plan,” (1981); Curragh Resources, “Faro Mine Abandonment Plan,” (April 1988); SRK, “Down Valley Tailings Impoundment Decommissioning Plan Report,” (1991), in SRK, “Scoping Studies for Final Closure and Reclamation Plan Faro Mine.”

⁸¹ SRK Consulting, “Scoping Studies for Final Closure and Reclamation Plan Faro Mine.”

⁸² Deloitte and Touche, “Anvil Range Mine Complex Closure Planning Workshop,” (June 2003), Yukon EMR Library; SRK Consulting, “Closure Planning Project Management.”

⁸³ Deloitte and Touche, “Anvil Range Mine Complex Closure Planning Workshop”; Faro Mine Closure Plan Office, “Faro Mine Closure Planning Technical Workshop, Whitehorse,” (June 23-24, 2004), Yukon EMR Library.

liaisons, First Nation governments, and settler governments. Throughout 2005, 23 meetings and workshops were held with First Nation governments and communities, the Town of Faro, YG, Canada, the Oversight Board, and regulators (YESAB) to review the studies being completed:

Several times a year, in community workshops... I would show up and people would be like, oh, you cut your hair. Because they, you know, we saw each other that often. And, you know, they were... people felt engaged with that... Lynn Curry, in Pelly Crossing, she used to ask us the same questions every time we came, but she wanted to know whether things had changed. And whether we still had the same answer. Checking in - she's validating your answers. I know, like, just speaking with Kathlene and other Elders, they're very proud of those objectives and the alternatives that were chosen.⁸⁴

By the end of 2005, the Oversight

Committee had agreed on five

overarching objectives, each with a

series of guiding principles (Figure

5.1).⁸⁵

Once objectives were agreed on,

remediation alternatives began to take

solid form.⁸⁶ Similar to historic

reclamation plans, alternatives rotated

around whether to backfill pits, where

and how to upgrade water diversions,

whether to relocate tailings or stabilize

The Objectives of Remediation are:

1. Protecting human health and safety
2. Protecting and, to the extent practicable, restoring the environment including land, air, water, fish, and wildlife
3. Returning the mine site to an acceptable state of use that reflects pre-mining land use where practicable
4. Maximizing local and Yukon socio-economic benefits
5. Managing long-term site risk in a cost-effective manner

Figure 5.1 List of the Five FMRP Objectives. Faro Mine Remediation Project. "Plain Language Summary." Submitted to YESAB (August, 2021). YESAB Registry 2019-0149-0638.

⁸⁴ Slater, interview with author.

⁸⁵ Faro Mine Remediation Project, "Faro Mine Closure and Remediation Planning: Auditor General's Office Tour," (September 2006), Yukon EMR Library.

⁸⁶ Deloitte and Touche, "Anvil Range Mine Complex Closure Planning Workshop," (June 2003), Yukon EMR Library; SRK Consulting, "Closure Planning Project Management," (2004), prepared for Deloitte and Touche, Yukon EMR Library.

them in place, and what kind of covers to use for waste rock.⁸⁷ The least expensive alternative called for covering the tailings and waste rock in place with engineered soil covers and vegetation. The most expensive option included pumping the tailings back into the Faro pit and filling in the Vangorda pit with waste rock.⁸⁸

Throughout the evaluation of alternatives, several key challenges continued to surface.⁸⁹ First, there were uncertainties about leaving the tailings in place, including long-term maintenance of dams and the need to upgrade the spillway bordering the tailings to ensure the protection of the Rose Creek Diversion:

Some of our members had the idea that you know, that pit... put everything back in there. We brought that out to the Yukon government and they're saying no, it's not feasible. But you know, put it back where you got it from... but... I think they're thinking about it might cost too much money. I don't know what. But, they came up and said that they want to... put the plastic on and cover it with clean rocks and stuff like that, but where are they gonna get that clean rock?⁹⁰

The collection of ground and surface water was another key concern with several layers of complexity. It had become apparent that ground and surface water would need to be collected from across the entire valley, including around the waste rock dumps. There were worries that this need for almost total water collection would prove difficult. There were also questions about the feasibility and cost of storing and chemically treating water in the pit: would the pit be able to store all the water safely and how much treatment sludge would be created, taking up storage

⁸⁷ SRK Consulting, "Primary Alternatives for Closure of Anvil Range Mining Complex," prepared for Faro Mine Closure Planning Office (2005), Yukon EMR Library. In the mine remediation context, 'covers' refer to different types of rock and geotextile layers that cover waste rock and/or tailings. Covers generally include layers (of various sizes) of different types of rock – sand, gravel, coarse rock etc. Sometimes soil is also placed on top to facilitate revegetation. Covers can also include a geotextile layer that helps to limit water penetration. Different types of covers range from permeable (allows some water through) to impermeable (allows little, if any water through): Bruno Bussière and Marie Guittonny, *Hard Rock Mine Reclamation: From Prediction to Management of Acid Mine Drainage* (Baco Raton: CRC Press, Taylor and Francis Group, 2021).

⁸⁸ Chuck Tobin, "Plans for Faro mine whittled down," *The Whitehorse Star*, June 28, 2007.

⁸⁹ Between 2006-2008 43 meetings were held with the key decision makers (First Nations and regulators) and stakeholders (Town of Faro, YCS, general Yukoners etc.) to evaluate the alternatives presented by YG's consultants in 2005.

⁹⁰ Peter, interview with author.

space at the bottom of the pit.⁹¹ Linked to the collection of ground and surface water, the efficacy of waste rock covers, and the choice of cover thickness was also a key concern; it was uncertain how much water would get through covers and require storage and treatment. These substantial questions hung in the air, unanswered, as engagement and planning meetings progressed.

In early 2006, Deloitte and Touche informed the Water Board that it would not be able to meet the Water Board's December 31 deadline for submission of a final remediation plan, as YG and the First Nation governments were still in the process of evaluating alternatives. Despite this, Deloitte emphasized that, "it [was] generally agreed that sufficient information [had] been collected to support the design of closure alternatives which will lead to a [closure plan]".⁹² YG and DIAND promised that a final closure plan would be available for submission to the Water Board before the end of February 2009. The Faro Mine Closure Planning office projected that active remediation would begin in 2012 and be completed by 2020.⁹³ The Water Board allowed the extension of the deadline for the closure plan, after which Deloitte and Touche asked the court to discharge its receivership responsibilities at the Faro mine. Yukon Government then took full control of the management of Faro. Canada quietly backed away, preferring to simply pay the bills.

In 2007, all the remediation alternatives created by the Faro Closure Planning Office and the Oversight Committee were reviewed by an Independent Peer Review Panel (IPRP) and a

⁹¹ SRK Consulting, "Example Alternatives for Closure of Anvil Range Mining Complex," prepared for Deloitte and Touche Inc. and the Faro Mine Closure Planning Office (September 2006), Yukon EMR Library.

⁹² Deloitte and Touche provided the Water Board with a summary of the relevant activities performed to date in the development of the Faro remediation plan. They completed all the technical assessment and site inventory studies and had prepared example alternatives: Deloitte and Touche Inc., "Anvil Range Mining Corporation - Water Licence QZ03-059, Letter to Yukon Water Board," (October 2006), Yukon EMR Library.

⁹³ Faro Mine Closure Plan Office, "Faro Mine Tour EMMC Tour Materials," (August 28, 2006), Yukon EMR Library; Chuck Tobin, "Many interests keen on caring for minesite," *The Whitehorse Star*, September 14, 2007; Dan Davidson, "Mine's impacts may last for 800 years," *The Whitehorse Star*, August 21, 2009.

collection of socio-economic advisors.⁹⁴ The IPRP was satisfied that the technical aspects of the remediation alternatives had been properly assessed and believed the process could move towards finalization of a closure plan. The IPRP did however, warn that the future geochemical conditions were expected to be dramatically different from the current ones. They argued that water quality was likely to decrease in the near future, and that once this decrease in quality began, further degradation would be swift: “Delay in the implementation of remedial measures will allow these contaminants to increasingly threaten the quality of the underlying ground water aquifer and downstream surface waters.”⁹⁵ Bill Slater, then a regulator with YG, emphasized that this problem would get worse with time: “They know there is contaminated water moving slowly beneath the tailings pond that they are not capturing.”⁹⁶ The IPRP argued that this concern should be central to the assessment and selection of a final remediation alternative and that covers and chemical water treatment should be constructed as soon as possible.⁹⁷

Diverging somewhat from geochemical timelines, socio-economic advisors recommended a combination of strategies that would spread expenditures and opportunities over the longest possible timeframe. Like the boom-and-bust risks of large-scale mining projects, the socio-economic advisors emphasized that there was a high risk of a boom in employment and economic opportunities being quickly followed by a rapid decline if remediation work was rushed. The Faro Remediation Project would be very large relative to the Yukon economy and

⁹⁴ In 2006, the Oversight Committee endorsed the establishment of an Independent Peer Review Panel (IPRP) comprised of nine international experts in the fields relevant to the closure and remediation of the FMC: Yukon Government and Indian and Northern Affairs Canada, “Faro Mine Complex Closure and Remediation Plan: YESAA Project Proposal, Draft 1,” (March 2010), Yukon EMR Library.

⁹⁵ Gartner Lee Limited, Mehling Environmental Management Inc., BGC Engineering Inc., and Sheila C. Greer, “Faro Mine Site – Phase 1 Environmental Assessment Final Report,” submitted to Deloitte and Touche Inc. (2001), Yukon EMR Library, 197.

⁹⁶ Tobin, “Plans for Faro mine whittled down.”

⁹⁷ Independent Peer Review Panel, “Review of Remediation Alternatives for the Anvil Range Mine Complex Final Report,” (2007), Yukon EMR Library.

would dwarf local economies. Considering the extreme impacts to the Tū Łídlīni Dena, these advisors recommended that:

The Ross River Dena need to be comfortable with the preferred closure plan. They need to be able to see that the closure plan acknowledges their land stewardship concerns and provides an opportunity to influence and choose the extent and nature of economic and social benefits that affect their people and the community of Ross River.⁹⁸

A key risk in achieving reclamation benefits for the Tū Łídlīni Dena was the distribution of wealth, services, housing, and other opportunities between the communities of Ross River and Faro. Advisors recommended using an ‘adaptive management’ approach to socio-economic planning for the Faro Remediation Project.

In 2009, after five years of intensive engagement, a final closure option was chosen. As agreed by First Nations and settler governments, the cost and risk of moving tailings and fully covering all waste rock would not negate the ongoing need for almost complete water collection and treatment. Therefore, a ‘stabilize in place’ option, with perpetual water treatment, was chosen. Dams and diversions would be upgraded so that tailings and waste could remain in place. Waste rock piles would be re-sloped and engineered soil covers of various thicknesses would be placed on tailings and waste rock. Several water collection systems would be implemented throughout the site, with a new lime-based water treatment facility installed.

Within the context of RRDC’s long fight for self-governance and jurisdiction via water board hearings, land claim negotiations, land claim refusal, and resistance to the DTA, they were able to leverage their bi-lateral agreement with YG to ensure their direct involvement, alongside LFN and SFN, in the initial remediation planning at Faro. Consultants and Elders alike reviewed the options in detail and agreed that there was a need to act quickly to reduce the risk of ARD

⁹⁸ Luigi Zanasi, Gaye Hanson, Inukshuk Planning and Development Ltd., Robert Lorimer, and Malcolm Taggart of Research Northwest, “Preliminary Socio-Economic Evaluation of the Sample Alternatives for Faro Mine Closure - Final Report,” (2007), Yukon EMR Library.

and to balance the requirement for quick remediation work against the risks of a boom-bust impact on local economies and an inequitable distribution of both wealth and impacts over unfathomable timescales.⁹⁹ However, after objectives were established and an option was chosen, remediation planning increasingly focused only on the technical control of water, at the expense of collaboration with communities. Project momentum and governance quickly began to unravel.

5.3.2 *Disintegration: a settler government tug-of-war*

In the early 2010s, having continually delayed submitting a plan to YESAB, the Faro Remediation Project began to drown in the challenges of failing infrastructure, rapidly changing geochemistry, and fractured governance.¹⁰⁰ Shortly after the selection of the final closure option in 2009, YG's Abandoned Mines Office obtained a Minister's Determination through the *Yukon Waters Act* for emergency works to be undertaken at the Faro Mine Complex. This Determination was intended to allow actions to be taken to protect human health and safety and the environment until a final plan was authorized via the Water Board.¹⁰¹ However, faced with growing evidence of deteriorating conditions, emergency acts became normalized over the coming years. In 2013, the mill building was closed to all personnel and additional projects were

⁹⁹ Zanasi et. al., "Preliminary Socio-Economic Evaluation"; Letter from Benoit Godin, Head of Environmental Contaminants, Environment Canada to Leslie Gomm, Manager of the Environment Directorate, "Re: Canadian Environmental Assessment Act Review of Anvil Range Mining Corporation – Interim Receivership Water License Renewal," August 8, 2002, in Deloitte and Touch Inc., "Anvil Range Mining Corporation – 2004-2008 Water License Renewal Key Documents," (2003), Yukon EMR Library; Deloitte and Touche Inc., "Anvil Range Mining Corporation Interim Receivership Closure Alternatives Workshop: Notes and Findings," (2002), Yukon EMR Library.

¹⁰⁰ Faro Mine Closure Office, "Faro Mine Remediation Project: Medium Term Work Plan 2014-2017," submitted to DIAND (2014), Yukon EMR Library.

¹⁰¹ In 2009, work began on trial covers at Grum and the implementation of water collection systems was initiated: Environmental Dynamics Inc. and Toos Omtzigt, "Faro Mine Complex - 2009 Revegetation Trials and Monitoring," (2010), Yukon EMR Library; Faro Mine Closure Office, "Faro Mine Remediation Project: Medium Term Work Plan 2014-2017", submitted to DIAND (2014), Yukon EMR Library.

slated for emergency works, including: an interim water treatment system, hydraulic upgrades, seepage interception systems, and the replacement of the Vangorda creek diversion.¹⁰²

Because the governance structure did not result in direct decision-making control for Ross River Dena Council or the other impacted First Nations, final design decisions still ultimately rested with YG and Canada. In the meantime, emergency works did not have to be reviewed or approved by RRDC. At the end of the day, in the eyes of settler governments, the land and water did not belong to the Tū Łídlīni Dena:

As part of devolution the feds kept liability for Faro. The land underneath the projects belongs to Yukon government, obviously it's the traditional territory of the Kaska Dena, but from a political perspective, it's not federal land, it's Yukon Government land. And then once again, the water that flows through the site and off the site... its Yukon water. So that's the rationale for Yukon Government having a vested interest in the project, is the protection of Yukon's land and water.¹⁰³

After a final closure option was agreed on, settler governments consolidated their control over the project and did little to follow through on promises made in RRDC's bilateral agreement with YG, as it lapsed in 2005 without any resolution.

As emergency works hinted at the unravelling of material conditions at site, governance structures such as the Oversight Committee also began to fall apart. After the selection of a final option, no subsequent structures were put in place,¹⁰⁴ and technical teams proceeded with blinders:

I was the lead on the team for preparing the project proposal... in preparing those project proposals [for YESAB]... neither me nor any of my team was ever - and that included the socio-economic components of the assessment - allowed to talk with communities, not once. It was appalling... we can talk about engagement, but there was none.¹⁰⁵

¹⁰² Faro Mine Closure Office, "Faro Mine Remediation Project: Medium Term Work Plan."

¹⁰³ Dustin Rainey, interview with author, November 13, 2019.

¹⁰⁴ George and St. Pierre, interview with author.

¹⁰⁵ Slater, interview with author.

YESAB proposals, community engagement, and reclamation design were sidetracked as increasingly expanding interim care and maintenance requirements became the priority: “everything sort of fell off the radar, maybe it was less clear after the option was chosen... it sort of flailed a bit... communities over the years got more and more impatient.”¹⁰⁶ The project dragged along and any remaining trust eventually evaporated, as one Elder noted: “We were sort of, I thought at the time... advisors to the government. But I don't think they really took us to heart you know, because it just seemed to lag on and on.”¹⁰⁷

Additional examples of governance disintegration are found in the first drafts of the remediation plan, circulated to First Nations for review in 2010.¹⁰⁸ Compared to the details on dams, diversions, and water treatment, this draft included almost no information for the socio-economic assessment. The Socio-Economic Management and Monitoring Plan section was empty, with a place holder stating: “Human resources, heritage protection, impact/benefit, blah blah.”¹⁰⁹ RRDC members saw few of the economic opportunities associated with ongoing care and maintenance or emergency works:

There seemed to be very few benefits that were actually flowing to the community... The Elders didn't have a clue what was going on. Ross River appeared to be losing out on procurement contracts. There was no indication that training was occurring.¹¹⁰

According to the Faro Mine Closure Office, final drafting of the Project Proposal and submission to YESAB was awaiting development of a long-term project governance and socio-economic management structure, to be determined between the federal government, the Yukon

¹⁰⁶ George and St. Pierre, interview with author.

¹⁰⁷ Ladue, interview with author.

¹⁰⁸ In 2010 a draft of the Project Description for submission to YESAB was circulated to the IPRP, First Nation governments, and stakeholders, such as the Town of Faro, for review and comment. After that, records of further engagement or plan drafts either weren't shared publicly or are not archived: SRK Consulting, “Draft4A of the Project Description for the Faro Mine Complex Closure and Remediation Plan,” prepared for Yukon Government (2010), Yukon EMR Library.

¹⁰⁹ SRK Consulting, “Draft4A of the Project Description,” 26.

¹¹⁰ Barichello, interview with author.

Government, and the affected First Nations.¹¹¹ This long-term governance and management structure did not materialize, and RRDC members felt increasingly disconnected from the Project.¹¹²

Several interviewees and Elders connected this disintegration to a floundering, fledgling Yukon Government and a lack of federal accountability:¹¹³ “my impression of it is that Faro unintentionally became a bit of a political chess piece.”¹¹⁴ YG was blamed for mis-spending money without meaningful action and the Canadian Government was accused of holding the purse strings tight from afar, not flowing enough money to implement work:

I've sat on numerous committees and meetings and it's just the same thing all the time. When are you guys ever gonna... [clean it up]? The thing that I really noticed was when Yukon government had it... their empire got so big in Whitehorse. There were so many workers they took over one whole building up Range Road... Just for the Faro project, and you know, I always wondered, what did they all do? And they would always say there was no money for meetings here [in Ross River]. Like, our meetings usually consist of people cooking, getting paid to cook... you know, to bring a little bit of money into the community... it happened, but not as much as we wanted it to. So, you know, like I said, all the meetings we attended, we're talking about cleaning up Faro mine... but how are you going to do it? When is it going to start?¹¹⁵

The Yukon Government and Federal government played tug-of-war with the project, making for a difficult relationship:

Yukon and Canada spent years fighting with each other over how to govern the project, how to run the project, what should be done, what shouldn't be done, who should be responsible, who shouldn't be responsible, who should fund it, who shouldn't find it, all those things, and in the meantime, mostly nothing got done. And the site deteriorated... And technical people saw that coming, we saw that coming in 2003... And so...

¹¹¹ SRK Consulting, “Draft4A of the Project Description.”

¹¹² Kathlene Suza, personal communication; and Barichello, interview with author.

¹¹³ Barichello, interview with author; Ladue, interview with author; Slater, interview with author; Rainey, interview with author; Marie Pascale-Rousseau, interview with author, November 25, 2019; Lewis Rifkind, interview with author, February 18, 2021; Heather Mills, interview with author, March 12, 2021; Cam Malloch, interview with author, April 20, 2021.

¹¹⁴ Rainey, interview with author.

¹¹⁵ Ladue, interview with author. See also: Marie Pascale-Rousseau, interview with author; and Slater, interview with author.

opportunities for more effective closure have been lost while government fought over responsibility.¹¹⁶

Between 2010-2016, several consultants, community liaisons, and project employees backed away from the project, expressing frustration:¹¹⁷ “there was nobody external because they had end run all of the assessment and licensing processes – there was nobody external to look at it and say, *you guys are not doing a good job.*”¹¹⁸

Recognizing this downward spiral, in the mid 2010s, RRDC and other parties began requesting that Canada take back direct control of the site. However, transition negotiations *and* final plan submissions to YESAB were soon stalled by renewed hopes of finding a buyer for Vangorda. The potential sale of Vangorda had always been the federal government’s preferred option to limit their liability:¹¹⁹

As we got all our plans finalized to really start on a comprehensive remediation plan for the Faro and Vangorda sites together, just as we were ready to do that - and this would have been late 2014 - then Yukon Government received word that the feds were seriously considering selling the Vangorda side of the property, and that we were to remove Vangorda from the remediation plan. The issue with that is that we had spent months and quite a bit of money planning an integrated approach. So, it wasn't as easy as just saying, well just cut out the Vangorda stuff... So once again, the whole idea of potentially selling the site slowed everything down again. Because there was this glimmer of hope that the feds wouldn't have to pay all this money... And it would be someone else's problem.¹²⁰

Again, the federal government’s desire to limit financial liability overcame their responsibility to Tū Łídlīni Dena, and the project continued to spin its wheels.

Acidifying rock, broken relationships, and challenging governance structures all came to a head in 2015, when the Faro Mine Remediation Project received a letter from Environment

¹¹⁶ Slater, interview with author.

¹¹⁷ Van Aanhout and Reinecke, interview with author.

¹¹⁸ Slater, interview with author.

¹¹⁹ Rainey, interview with author.

¹²⁰ Rainey, interview with author.

Canada demanding that the Project deal with increasingly toxic Rose Creek seepage issues.¹²¹

The Yukon Government came face to face with the reality that it did not have the internal capacity to manage the crumbling site. In 2016, the federal government began making moves to take back control of their surging liability, finally recognizing that these broken relationships presented major risks.¹²² With the federal government taking over the lead on the Faro Remediation Project, in 2017 RRDC created the Kaska Faro Secretariat and pushed for a clearer nation-to-nation relationship, including procurement policies that would benefit their companies and members.¹²³

For close to a decade, the finalization of governance and socio-economic management plans languished. A Project Proposal wasn't submitted to YESAB until 2019, and it did not include final governance or socio-economic plans. In the meantime, emergency works became normalized. While emergency projects were pivotal for ensuring safety and limiting acidification, the use of emergency provisions, via the *Yukon Waters Act*, to implement remediation activities circumvented public engagement and regulatory processes. This stop-gap approach quickly snowballed to become the basis of how the Faro Mine Remediation Project operated between 2010 and 2019. As the two settler governments quarreled over jurisdiction and care and maintenance priorities, they made no space to address cumulative injustices. RRDC's concerns about wildlife protection, co-governance at Faro, and compensation for environmental injustices were again pushed to the wayside as large consulting and contracting companies

¹²¹ Faro Mine Remediation Project, "2019 Project Proposal," submitted to YESAB, (2019), YESAB Registry 2019-0149.

¹²² George and St. Pierre, interview with author.

¹²³ The Kaska Faro Secretariat was established to coordinate the Liard First Nation's and Ross River Dena Council's participation and interests in the Project. This was later changed so that Liard First Nation had their own, separate representation at project governance and Technical Review Committee Meetings: Kathlene Suza, personal communication; Barichello, interview with author; Peter, interview with author.

settled in to extract profits from Tsē Zūl under the banners of ‘care and maintenance’ and ‘emergency works.’

5.3.3 *Resistance: reclaiming jurisdiction*

As the Remediation Project floundered and the bi-lateral agreement with YG lapsed, RRDC fought hard to protect their sovereignty and assert their jurisdiction outside the FMRP. Promises made at Faro had not materialized, and as the project became mired in bureaucracy, RRDC members became increasingly disillusioned: “I get so fed up every time I hear Faro... it was always the same thing over and over and over just like a wheel. And we keep telling them: we want to see it cleaned up now!”¹²⁴ In the meantime, other mineral developments, such as the Kudz Ze Kayah Mine, were in the pipeline. Throughout the 2010s, Ross River Dena Council took on multiple court cases with either direct or tangential connections to the Faro Mine to protect Kaska land and reclaim jurisdiction over mining and land use.

In 2006, Ross River Dena Council filed two lawsuits arguing that Canada had always had a legal obligation to settle Aboriginal interests in the Territory before it benefited from the land and resources.¹²⁵ These cases were heard in the Supreme Court of Yukon in 2017.¹²⁶ Ross River Dena Council argued several key points. First, they stated that the federal government had not negotiated land claims in good faith, citing resistance against a deadline that RRDC had not

¹²⁴ Ladue, interview with author.

¹²⁵ These court cases harkened back to the *Royal Proclamation* of 1763, which established the understanding that no land belonging to an Indigenous group should be allocated to newcomers or settled upon without having been ceded or purchased, and without having signed a treaty. The *Proclamation* established the basic principle of treaty making in Canada: Stephen Walsh, interview with author, December 16, 2019; John Borrows, “Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-government,” *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality and Respect for Difference* (1997):155–172.

¹²⁶ *Ross River Dena Council v. Canada (Attorney General)*, (2017), YKSC 58; *Ross River Dena Council v. Canada (Attorney General)*, (2017), YKSC 59.

agreed to. RRDC also argued that compensation for past, illegal development, such as Faro needed to be resolved before the Yukon Government could permit any new projects on RRDC territory. Finally, RRDC wanted to finalize an agreement, outside of the UFA, on how future development would be co-regulated and co-managed.¹²⁷

In its decision, the Court found that Canada had negotiated in good faith and that it was “consistent with the honour of the Crown for Canada to insist upon the Umbrella Final Agreement as the only basis on which it will negotiate RRDC’s claims to traditional territory.”¹²⁸ Justice Leigh Gower did however find that historic documents obliged Canada to negotiate with “pre-existing Aboriginal Societies” and that Canada had failed to do so from 1969-1973: the time period of Faro’s development, before land claims negotiations began in 1974.¹²⁹ RRDC appealed this decision, arguing that Justice Gower had wrongly determined that the Crown’s breach of obligations to negotiate land claims in 1969 was “ameliorated” by modern negotiations with the Council of Yukon Indians – this appeal was dismissed in 2019.¹³⁰ Despite this dismissal, the Canadian Government is still required to negotiate compensation for development that occurred before land claim negotiations began in 1974.¹³¹ Canada was slow to come to the table to negotiate compensation. RRDC sent multiple letters without response. The federal government finally set up a table in 2022, and negotiations are ongoing.¹³²

¹²⁷ Chuck Tobin, “Pending trial carries historic implications,” *The Whitehorse Star*, November 10, 2011.

¹²⁸ Supreme Court media summary in CBC North, “Yukon Supreme Court sides with federal gov’t against Ross River Dena Council,” *CBC News*, October 27, 2017.

¹²⁹ *Ross River Dena Council v. Canada (Attorney General)*, (2017), YKSC 59.

¹³⁰ Jackie Hong, “RRDC appeal against 2017 Yukon Supreme Court decision dismissed,” *The Yukon News*, March 7, 2019.

¹³¹ The specific legal wording was: “Canada has a constitutional duty to negotiate with due diligence and in good faith towards a settlement with RRDC’s claims to compensation within the Kaska traditional territory which have been or may be required for purposed of settlement,” in *Ross River Dena Council v. Canada (Attorney General)*, (2017), YKSC 59.

¹³² Barichello, interview with author; Stephen Walsh, interview with author, December 16, 2019.

In the mid 2010s, RRDC initiated two other court cases that had direct ties to their experiences with the Faro Mine. In 2012, RRDC argued that the recording of a mineral claim triggered the Crown's (YG's) duty to consult because of the potential adverse impacts of such activities on its Aboriginal rights and title. The Yukon Supreme Court determined that YG did have a duty to consult with respect to recording mineral claims under Yukon's *Quartz Mining Act*, but that the appropriate time for consultation is after such claims are recorded.¹³³ The ruling resulted in the requirement that 'notifications' be sent to Yukon First Nations when mineral exploration work begins.

In August 2014 RRDC filed another lawsuit, alleging that the Yukon Government had failed to properly consult them about big game hunting permits for the Ross River Dena area. The Yukon Government agreed that it had a duty to consult but opposed the requirement to consult before issuing *individual* hunting licenses. YG argued that it had consulted on the overall management of wildlife and habitat strategy, and blamed RRDC for refusing to participate in this consultation process.¹³⁴ In RRDC's view, the Yukon Government failed to recognize the Kaska as legitimate and knowledgeable rightsholders and decision makers for wildlife management in the RRDC traditional territory.¹³⁵ While neither this hunting permit case nor the mineral claim case secured RRDC's demands for direct jurisdiction over claim staking, mineral development or hunting licenses, they have resulted in small, but meaningful changes for all Yukon First Nations.¹³⁶

¹³³ "Media Briefing Note," in *Ross River Dena Council v. The Attorney General of Canada*, (2012), YKSC 4.

¹³⁴ *Ross River Dena Council v. Government of Yukon*, (2015), YKSC 45.

¹³⁵ Volfová, "Often Confused as."

¹³⁶ In May 2019, the Yukon Supreme Court issued a decision in which it declined to issue any declarations requested by RRDC, finding that YTG had done what was required of it by law in terms of its duty to consult. In response, RRDC filed a Notice of Appeal the following month, requesting that two declarations nevertheless be granted: one about consultation and accommodation, another stating that YTG had failed to consult and accommodate RRDC in the 2016-17, 2017-18, 2018-19 hunting seasons. Despite the repeated courtroom losses, RRDC has been working on putting up signs in strategic locations on their territory.

Through these court cases, RRDC sought to protect their unceded lands and community against persistent resource development and to seek compensation for Faro and other non-consensual development on Tū Łídlíni Dena lands. Despite multiple court cases, YG continued to refuse to negotiate or work with RRDC outside of UFA and DTA structures, boxing RRDC into agreements that they refused to sign:

Well back when it first started, [the FRMP] was with that Yukon Government. And Yukon Government was always saying, you have to be a settled First Nation. They were telling us that: you had to be under the UFA, you had to be working with the other First Nations who signed. And that's one of the problems that... one of the reasons why we couldn't get in at Faro.¹³⁷

These court cases affected the relationship between RRDC and the Yukon Government, and, as noted in the previous section, Tū Łídlíni Dena leadership and Elders pushed for the federal government to re-establish direct control over the site, preferring a nation-to-nation approach.¹³⁸

After the transition of the FMRP from YG to Canada was finalized in 2017, many Tū Łídlíni Dena leaders, Elders, and advisors expressed relief and saw forward momentum:

I think it was two years ago, maybe two and a half years ago, the federal government finally took it back over, took it back. And from then things started to kind of change for us, to get in there. Like I said, last year, we finally started getting some of the benefits. And even the Yukon Government is starting to see it that way.¹³⁹

Alongside gratitude for the renewed nation-to-nation relationship, interviewees also expressed ongoing frustration about the repetitive nature of engagement and planning for Faro:

When I look back on it, everything that we're thinking about right now was thought of back in 2006, 7, 8, whatever, you know. I don't know maybe it's like, political will to really get going on it now - that's like triggering the... will to really start remediating the site.¹⁴⁰

¹³⁷ Peter, interview with author.

¹³⁸ Barichello, interview with author; Norman Sterriah, interview with author, July 2019.

¹³⁹ Peter, interview with author; see also George and St. Pierre, interview with author.

¹⁴⁰ Jordan Cummer, interview with author, April 30, 2020.

Several Tū Łídlīni Dena Elders are still weary of having to constantly repeat their concerns about Faro as governments and companies transition from one team to the next – they are sick of consultation and want to see actions based in their advice and inclusion.¹⁴¹

5.4 Conclusions

While remediation is undoubtedly a very complicated activity to undertake on the ground, the question of *why* it has taken so long for remediation to move forward at Faro points to challenges that run much deeper than water quality modelling or cover construction. The key aspects of remediation planning at Faro have been in place for decades and yet, delays and inaction have become a defining characteristic of the Project. For many project employees this so-called ‘Faro Factor’ is an unpredictable beast with a mind of its own. However, the term ‘Faro Factor’ papers over how the federal and territorial governments *created* this beast.

The Faro Factor is rooted first and foremost in colonial jurisdiction and control over land. To this day, Tū Łídlīni Dena leadership and advisors continue to connect current challenges with Faro, and other remediation sites on Kaska territory, to their refusal to sign the UFA and the DTA. Rather than negotiating outside of the UFA, the federal government forced RRDC into a timeline that resulted in a failed agreement. Once that agreement failed, the federal government walked away from the negotiation table and instead focused on devolving powers to the Yukon Government. YG, protecting its own interests and their new-found control over Crown Land, signed bi-lateral agreements with RRDC that were subsequently allowed to lapse. The DTA laid the framework for how Faro and other Type II abandoned sites across Yukon would be managed,

¹⁴¹ Ladue, interview with author; Sterriah, interview with author; Clifford McLeod and John Acklack, interview with author, October 4, 2021.

and the UFA created YESAB, the body that would eventually assess the Faro Mine Remediation Project proposal. As Faro transformed from a mine into a remediation project, both the federal and territorial governments were focused on maintaining and expanding their own jurisdiction over unceded Kaska lands.

Another foundation of the Faro Factor is the strategic stalling associated with settler government liability and licensing processes. While environmental contamination mounted, the federal and territorial governments played hot potato with the liability for Faro. Evidence and narratives presented through archival documentation and interviewees' reflections suggest that a key reason for remedial delays in the late 1990s and early 2000s was the initial lack of resources and targeted action to limit ARD as early as possible. Canada and YG focused instead on selling the site, pushing off the consequences of mining to future generations. Once DIAND did officially take responsibility for the site in 2003, Water Board licensing processes again proved inadequate in answering RRDC's demands for co-governance and oversight. Excluded from meaningful decision-making power through liability and licensing processes, RRDC instead leveraged their 2003 bi-lateral agreement with YG and federal consultation requirements to push for the creation of an Oversight Committee.

While the Faro Mine Oversight Committee and resulting engagement sessions were pivotal in early objective setting, without legal accountability mechanisms, these governance structures quickly fell apart. After a closure option was chosen in 2009, the Yukon Government put less and less effort into upholding relationships or following through on socio-economic promises. Mirroring previous promises made to RRDC, there were no accountability structures in place to enforce co-governance or socio-economic benefits. Additionally, both the federal and territorial governments became increasingly focused on their own settler government tug-of-wars

over jurisdiction and liability.¹⁴² While Faro lingered in bureaucratic limbo, the problem of acid generation expanded to the point where activities such as water treatment, seepage collection, and diversion upgrades – major remedial works – were ‘forced’ to happen on site via emergency *Waters Act* measures.

The project unravelled because resources and attention to relationships were de-prioritized as environmental conditions worsened, causing a never-ending cascade of band-aid solutions to on-site emergencies. Work on governance structures, socio-economic benefits, and future visioning were de-prioritized simply to ‘keep clean water clean.’ Historic demands were continually ignored, compounding extractive violences and violations of Kaska sovereignty. Large international consulting companies, many of whom had worked for the various owners of Faro Mine, swooped in to take over multi-million-dollar remediation design and maintenance contracts. With no avenues for direct jurisdiction over the project, Ross River members became increasingly frustrated and detached from the Faro Remediation Project. The decision to treat contamination ‘in place’ did not extend to socio-cultural needs for healing in place, or the justice dimensions of caring for waste *in place on Kaska lands* for countless generations to come.

The Faro Factor is representative of the bureaucratic mechanisms used to maintain the theft of land, limit the government’s liability and responsibility for that theft, and orchestrate a *theft of time*, or a theft of the future - as injustices remain unaddressed, and rebuilding of relationships with Tsē Zūl were perpetually put on hold. By stalling, avoiding, and ‘scoping out’ Kaska land rights in remediation planning, Canada and YG continued to allow and promote the extraction of Kaska lands and waters. Legal requirements for consultation did little to ensure

¹⁴² Rainey, interview with author. In 2007-8, the annual budget for the project was \$13.5 million. At the same time, post-remediation care costs were estimated to range between \$2.7-\$4.5 million per year: Tobin, “Plans for Faro mine whittled down.”

justice through remediation at Faro, and arguably served to facilitate the “expansion of colonial and capitalist social relations,” as the waste at Faro becomes re-commodified and the wealth of extraction’s leftovers continues to be funneled elsewhere.¹⁴³ The extraction of wealth from Kaska Land did not end when the mine closed, it merely reoriented – morphing into extraction disguised by the narrative that remediation will ‘make things better’.

Rather than directly confronting the Faro Curse, the federal and territories governments created the very Faro Factor that they now use to articulate their frustration with the constant delays of the Faro Remediation Project. No individual working on the Faro Remediation Project hopes for or welcomes these delays and emergencies. And yet, the settler-colonial structures that constructed Faro Mine continue to haunt the entire project. At Faro, remediation is stuck in a colonial holding pattern, caught in layers of complex settler jurisdiction without substantial space for radical, anticolonial, and decolonial change via direct governance by, and compensation for, RRDC members. Faro became a site that was, and continues to be, always in crisis management mode, rather than healing.

Delays are not just an inherent characteristic of a complex site, but instead represent a *theft of time*, as the slow violence of mining manifests in the slow violence of remediation. Through remediation, the Faro Curse transformed from the theft of place into a theft of futures, as manifest in what project employees call the ‘Faro Factor.’ Like the Faro Curse, while the Faro Factor is a creature of colonial infrastructure, it also points to the many cracks in this infrastructure and to the many ways in which stolen Kaska land fights back. The Faro Curse looms in Tsē Zūl’s groundwaters *and* in lawsuit documents, bubbling up and reminding us of the promises that have yet to be fulfilled and the scars in need of healing.

¹⁴³ Bernauer, “The Duty to Consult and Colonial Capitalism.”

CHAPTER 6: ASSESSING AN EVERLASTING EMERGENCY

6.1 Introduction

According to Kaska Elders, water is a precious resource. But much more than a resource, it has cultural and spiritual power. High quality drinking water sources are sacred. Headwaters are revered as the sources of water, where life begins. Hot springs, wetlands, and sloughs are valued for therapeutic properties, the homes of medicinal and rare plants, and the important roles they play in water filtering and the stabilization of flow rates.¹ Within this knowledge framework, the waters of Tsē Zūl are contaminated not only because they pose a health risk to animals, plants and humans, but because they have been robbed of their life-giving properties: “It don't take a scientist to know that every piece of that land down there is contaminated, all the way to Pelly Crossing... that's water, the most precious thing on Earth besides air.”²

This chapter focuses on the politics of assessment inherent in the Yukon Environmental and Socio-Economic Assessment Board's (YESAB) review of the Faro Mine Remediation Project (FMRP) – a project focused almost exclusively on water collection and treatment. YESAB's assessment of the FMRP began in spring 2019 and a Final Screening Report was published in July 2024, which recommended that the FMRP be allowed to proceed, subject to mitigations outlined in 30 terms and conditions.³ In September 2024, the federal decision bodies

¹ Ross River Dena Elders and the Ross River Traditional Knowledge Team, “An Inventory of Cultural and Natural Resource Values of the Ross River Dena, and a Summary of the Dena Worldview,” prepared for Ross River Dena Council (October 2011); Ross River Dena Elders and the Ross River Traditional Knowledge Team, “Ross River Dena Traditional Knowledge in relation to the North American Tungsten Project,” prepared for Ross River Dena Council (January 24, 2013).

² John Atkinson, interview with author, October 4, 2021.

³ Yukon Environmental and Socio-economic Assessment Board, “Final Screening Report: Faro Mine Remediation Project,” (July 5, 2024), YESAB Registry 2019-0149.

for the FMRP – CIRNAC, Fisheries and Oceans Canada, and Natural Resources Canada – referred the Final Screening Report back to the Executive Committee of YESAB for reconsideration.⁴ The reasoning for this reconsideration was outstanding concerns from both RRDC and LFN regarding socio-economic impacts, wildlife management, and governance structures, and CIRNAC’s concern about achievability of some of the terms and conditions for water quality.⁵ In response, in November 2024, YESAB issued a “Screening Report and New Recommendation,” with several small changes for clarity – but no substantial changes to the substance of the terms and conditions.⁶ As of writing, the final decision document for the FMRP has yet to be issued.

The goal of this chapter is not to summarize or analyze the engineering, hydrology, and geo-chemistry work proposed under the umbrella of remediation at Faro. Instead, I draw on interview data, project proposal documents, and comments available on YESAB’s public registry to investigate how YESAB defines and scopes remediation projects - and what is left out, obscured, or minimized in that scoping.⁷ More specifically, I look at whether and how theft and dispossession of Kaska land, wealth, and community is addressed in the impact assessment of the Faro Mine Remediation Project. In response to historical and ongoing thefts perpetuated through

⁴ This means that, rather than accepting the Final Screening Report and issuing a decision document on the FMRP, YESAB needs to review their terms and conditions to address specific issues identified by the federal decision bodies and any Indigenous Nations consulted. However, at the end of the day, the federal decision bodies are still the final decision maker.

⁵ Geoff Karcher (CIRNAC) and Alston Bonamis (Fisheries and Oceans Canada), Letter to the Executive Committee, Yukon Environmental and Socio-economic Assessment Board, “RE: Referral for Reconsideration of the Executive Committee’s Screening Report and Recommendation for the Faro Mine Remediation Project (YESAB File No. 2019-0149),” (September 27, 2024), YESAB Registry 2019-0149-7056.

⁶ Yukon Environmental and Socio-economic Assessment Board, “Screening Report and New Recommendation: Faro Mine Remediation Project,” (November 22, 2024), YESAB Registry, 2019-0149-5044.

⁷ For a full list of all Faro Mine Remediation Project assessment documents, see the YESAB Registry 2019-0149: <https://yesabregistry.ca/projects/39ca43c0-bd52-4dcd-90c7-37d55a305ebd>.

settler regulatory structures, Tū Łídlīni Dena Elders and leadership point to important points of resistance that plot a map for alternative futures at Tsē Zūl.

Building on Elder Clifford McLeod’s characterization of YESAB “sneaking in the backdoor,”⁸ I begin this chapter with an overview of the Yukon impact assessment (IA) structure and how it applies specifically to Kaska territory. Fundamentally, IA is structured to manage and facilitate development, using ‘mitigations’ as tools to limit the environmental and social risks associated with development. IA is part of larger jurisdictional mechanisms used to secure land rights and resource access for states and corporations.⁹ Federally, the Canadian Government has resisted enshrining any form of free, prior, and informed consent in impact assessment legislation, even after an Expert Panel on Environmental Assessment recommended a version of collaborative consent for the new federal IA legislation in 2019.¹⁰ Instead, Indigenous feedback in consultation processes must merely ‘be considered’. But consultation is not consent.¹¹

The tension between Indigenous consent and consultation within IA is particularly relevant for the YESAB review of the Faro Mine Remediation Project. There are three key structural aspects of the Yukon Environmental and Socio-Economic Assessment Act (YESAA) that directly conflict with Kaska sovereignty and demands for environmental justice. First, YESAA was created through the Umbrella Final Agreement (UFA), and therefore treats unceded

⁸ Clifford McLeod, interview with author, July 18, 2019.

⁹ Warren Bernauer, “Producing Consent: How Environmental Assessment Enabled Oil and Gas Extraction in the Qikiqtani Region of Nunavut,” *Canadian Geographer* 64, no. 3 (2020): 489-501; Shiri Pasternak and Hayden King, *Land Back: A Yellowhead Institute Red Paper*, Yellowstone Institute (2019); Rosemary-Claire Collard and Jessica Dempsey, “Capitalist Natures in Five Orientations,” *Capitalism Nature Socialism* 28, no. 1 (2017): 78-97.

¹⁰ Hayden King and Shiri Pasternak, “Canada’s Emerging Indigenous Rights Framework: A Critical Analysis,” Yellowhead Institute (2018); Expert Panel for the Review of Environmental Assessment Processes, “Building Common Ground: A New Vision for Impact Assessment in Canada,” prepared for the Canadian Environmental Assessment Agency (2017).

¹¹ Shiri Pasternak and Hayden King, *Land Back*, 20.

Kaska land as Crown Land.¹² Second, cumulative impacts are siloed in ways that limit the liability of the proponent and settler governments, and do not address the ongoing impacts of extractive colonialism.¹³ This problem is not confined to the Yukon. Across Canada, structures of extractive colonialism have been identified as root causes of health, wealth, and service inequities, yet colonialism is rarely addressed in IA mechanisms.¹⁴ Finally, remediation projects are often treated as ‘separate’ from the developments they propose to ‘cleaning up.’¹⁵ This results in assessment limitations that frame remediation projects as ‘one-off’ proposals, detached from history and context. This is not an innocent gap, but rather a structural tool to avoid confronting ongoing colonial impacts implicit in extraction.

Beginning with a grounding in the broader context of IA in Yukon, this chapter then moves to an examination of how the FMRP Proposal defines and scopes remediation. There are two mantras that guide the FMRP: ‘stabilize in place’ and ‘keep clean water clean.’¹⁶ Both methods harken back to key choices, discussed in Chapter 4, made by settler governments in collaboration with RRDC, LFN, and SFN in the early 2000s. Moving tailings and waste rock was determined to be more risky and expensive than managing it in place, and it was decided that, due to the dangerously high levels of ongoing and projected acid rock drainage (ARD), water

¹² Christopher Alcantara, “The Kwanlin Dün First Nation and the Kaska Nations in the Yukon Territory,” in *Negotiating the Deal: Comprehensive Land Claims Agreements in Canada*, ed. Christopher Alcantara (Toronto: University of Toronto Press, 2013); Bernauer, Warren. “The Duty to Consult and Colonial Capitalism: Indigenous Rights and Extractive Industries in the Inuit Homeland in Canada.” *The Northern Review* (March 2023): 1-28.

¹³ Jen Jones, “Confronting Settler Colonialism when Assessing the Impact of Mining on Indigenous Peoples’ Health and Well-Being” (PhD diss., University of Guelph, Geography, 2020); Kiri Staples, “Addressing Cumulative Effects in the Context of Sustainability and Co-governance in Tr’ondëk Hwëch’in Traditional Territory, Yukon” (PhD diss., Department of Social and Ecological Sustainability, Waterloo University, 2022).

¹⁴ Jen Jones and Ben Bradshaw, “Addressing Historical Impacts Through Impact and Benefit Agreements and Health Impact Assessment: Why it Matters for Indigenous Well-Being,” *Northern Review* 41 (2015): 81-109; Joan Scottie, Warren Bernauer, and Jack Hicks, *I Will Live for Both of Us: A History of Colonialism, Uranium Mining and Inuit Resistance* (Winnipeg: University of Manitoba Press, 2022).

¹⁵ Caitlynn Beckett, “Beyond Remediation: Containing, Confronting and Caring for the Giant Mine Monster,” *Environment and Planning E: Nature and Space* 4, no. 4 (2020): 1389–1412.

¹⁶ Faro Mine Remediation Project, “Section 5: Project Description,” in “2019 Project Proposal,” submitted to YESAB (August 2019), YESAB Registry 2019-0149-8532.

from the site would need to be collected and treated in perpetuity.¹⁷ The rest of the FMRP Proposal is built around these two guiding principles.

The bulk of this chapter focuses on the politics of assessment that arise from a focus on ‘stabilizing in place’ and ‘keeping clean water clean’. The FMRP Proposal closely constrains the scope of work to the collection and treatment of water, strategically overlooking the broader context of *water as life*, even as water regularly escapes containment, emergencies become normalized, and the lines between water collection, social impacts, and governance are continually blurred in on-the-ground care and maintenance practices. A focus on stabilization and water also points to the challenge of placing boundaries around the temporal and geographic scope of remediation. The basis of YESAA is the evaluation of environmental and socio-economic impacts stemming from *new developments*. Therefore, the FMRP Proposal argues that the assessment should focus only on assessing the *potential* impacts of *future* remedial activities, not on the impacts of past mining or the ability for the Project to successfully address legacy impacts. This results in a situation where some of the legacies of mining – tailings, contaminated water, and waste rock – are addressed through remediation, while others – Kaska displacement from Blind Creek and Tsē Zūl, theft of wealth, and the ongoing harms of extractive violence - are ‘scoped out.’ The term ‘legacy’ does not accurately encompass the fact that the histories of colonialism and racism are not just in the past but continue in current operations and relationships.¹⁸

¹⁷ Studies show that the Faro Mine Site is getting worse over time and that the conditions will continue to worsen if nothing is done to remediate the site: Faro Mine Remediation Project, “Plain Language Summary,” submitted to YESAB (August, 2021), YESAB Registry 2019-0149-0638, 3.

¹⁸ Yukon Environmental and Socio-economic Assessment Board, “Executive Committee Meeting with Ross River Dena Council, Scope of Assessment – Meeting Summary,” (March 11, 2021), YESAB Registry 2019-0149-0616.

By focusing on the containment of waste and the collection and treatment of water, the Project Team argues that they will achieve the goal of bringing back, as ‘close as practicable,’ pre-mining landscapes and land uses. But without confronting the legacies of mining, they ignore the cultural and socio-economic relationships that were broken and will not inevitably be brought back because water is cleaner, and trees have grown:

I think sometimes there's a big disconnect between what restoring land means for community and what restoring land means for like a science project... restoring land under more of an Indigenous governance approach would mean restoring relationships, which is a very different thing.¹⁹

The narrative of reclamation as inherently positive, in tension with the very real need to limit mounting contamination, results in major remedial activities being pushed through, while regulatory processes bumble along and RRDC’s governance over the Project remains somewhat opaque: “And I've always said, and I will continue to say, if we don't go through [regulation] quickly and efficiently, we're just gonna keep remediating.”²⁰

In this situation of continual emergencies, governance is always playing catch-up. RRDC has repeatedly expressed that they have no desire to delay the remediation or stall the settler regulatory process: “our top priority next to reconciliation is the immediate remediation of this contaminated site with the meaningful and full participation of our community.”²¹ Yet, they also argue that there is little chance that the YESAB process will confront their calls for justice, equitable benefits distribution, co-governance, and compensation. For example, several interviewees and public registry comments argued that knowledge gathered from Kaska Elders and community members is treated as piecemeal data, rather than expressions of Kaska legal and

¹⁹ Stuart Van Bibber, interview with author, October 25, 2019.

²⁰ Marie-Pascale Rousseau, interview with author, November 25, 2019.

²¹ Chief Jack Caesar in Yukon Environmental and Socio-economic Assessment Board, “Scope of Assessment Technical Advisory Committee Session – SATAC Session Summary and Presentation Slides,” (January 12-14, 2021), YESAB Registry 2019-0149-9158, 3.

governance structures.²² Instead of operating through the governance platforms offered by YESAB and Canada, Tū Lídłīni Elders and leadership outline alternative, community-directed processes, including ongoing legal negotiations for compensation and the implementation of an independent impact assessment process.²³

Faro is an everlasting emergency, with no walkaway solution. As part of remediation, harm reduction and healing “requires understanding the nature and extent of the harms from an Indigenous perspective with a clear, measurable, adaptable plan specifically intended to reverse those harms through planning and positive action.”²⁴ By linking care for water with care for community, past and ongoing injustices can instead be framed as a reservoir of mistrust, in need of an adaptive management plan that maps out relationships, trigger points, treatment options, and the need for long-term and evolving care. The notion of measurable and adaptable planning already exists as an approach for dealing with dynamic water flows on site; people and place simply need to be added to how water is conceptualized.

6.2 ‘Sneaking in the back door’: dispossession via impact assessment

²² Brittany Tuffs, “Kaska Legal Understandings of Land” (Master’s Dissertation, University of Saskatchewan, Saskatoon, SK, 2022).

²³ Ross River Dena Council v. Government of Yukon, 2015, YKSC 45; Ross River Dena Council v. Canada (Attorney General), 2017, YKSC 58; Ross River Dena Council v. Canada (Attorney General), 2017, YKSC 59.

²⁴ Yukon Environmental and Socio-economic Assessment Board, “Scope of Assessment Technical Advisory Committee Session - LFN Future SATAC Sessions,” (January 12, 2021), YESAB Registry 2019-0149-9801, 3: LFN also emphasized that they know YESAA does not directly require an assessment of effects to First Nation rights, however, they argued that: “the unclear and arbitrary separation of First Nation rights and VESECs in assessments in the Yukon and resultant lack of meaningful consideration of rights in assessments ultimately contributes to further harm for Kaska citizens when new developments in Kaska territory are approved.” Ibid, 6.

*RRDC believes that the YESAA process is inadequate, as it does not provide for the assessment of potential impacts on Aboriginal title and rights... As such, YESAA is a flawed impact assessment process that is imposed in Kaska traditional territory without consent.*²⁵

The Yukon Environmental and Socio-Economic Act (YESAA) and Board (YESAB) are direct products of Chapter 12 of the Umbrella Final Agreement (UFA), a document that ostensibly outlines mechanisms to clarify and repair the relationship between Yukon First Nations and settler society.²⁶ In 2003, YESAA received Royal Assent and YESAB began assessing projects in November 2005. YESAB is an arms-length assessment body and includes an Executive Committee and a Board, each with representatives appointed by the Council of Yukon First Nations (CYFN), the territorial government, and the federal government.²⁷ YESAB is mandated to consider the impacts of a project on land, water, flora, fauna, wildlife, and human communities. In considering these impacts, YESAB must “protect, promote, and where possible, enhance the well-being and traditional economies of Yukon First Nations persons and their special relationship with the land.”²⁸ YESAB is also mandated to ensure the participation of Yukon First Nations Peoples in decisions regarding changes to land use and the management of proposed projects.²⁹

YESAB is not a regulator and does not have the authority to permit or monitor a project. Instead, it makes recommendations to a ‘decision body’, such as Yukon Government’s Energy, Mines, and Resources Office (EMR) or CIRNAC. A First Nation is a decision body *only* if a

²⁵ Dena Cho Environmental and Remediation Inc., “Review of the Faro Remediation Project YESAB Proposal,” submitted to Ross River Dena Council for the YESAB review of the FMRP (August 2019), YESAB Public Registry 2019-014-0555.

²⁶ Council for Yukon Indians, *Umbrella Final Agreement between the Government of Canada, the Council for Yukon Indians, and the Government of Yukon* (May 29, 1993).

²⁷ *Yukon Environmental and Socio-economic Assessment Act* (2003), 11; Staples, “Addressing Cumulative Effects.”

²⁸ Yukon Environmental and Socio-Economic Assessment Board, “Information Bulletin: Consideration of Aboriginal and Final Agreement Rights in YESAB Assessments,” May 2018, 1.

²⁹ Jones, “Confronting Settler Colonialism,” 104.

project is on Category A Settlement Land. The Yukon Government is a decision body if a project is on any other types of land, including Category B Settlement Land and Non-Settlement land (i.e. unceded Kaska Lands).³⁰ Because the Board only has the power to make recommendations, it is up to decision bodies to ensure that those recommendations are reflected in permits and enforced via inspections and monitoring. Decision bodies are not *required* to include these recommendations in permitting.

In the case of placer and quartz mining permits, the current *Yukon Placer and Quartz Mining Acts* do not include provisions that address the socio-economic dimensions or impacts, of mining.³¹ For this reason, there is often a gap between socio-economic recommendations made by YESAB and the inclusion of tangible socio-economic expectations and mitigations in permits, inspections, and monitoring.³² The Yukon Government, like the federal government before it, prefers to leave these details to private companies and neoliberal, negotiated impact-benefit agreements, where socio-economic protections and benefits are negotiated on a bilateral, case-by-case basis and are not required for permitting, but rather fit under the purposefully vague umbrella of ‘social license’.³³ The privatization of such socio-economic agreements places the

³⁰ *Yukon Environmental and Socio-economic Assessment Act* (2003), 2-3.

³¹ *Yukon Placer Mining Act*, 2003. (R.S.C., 1985, c. Y-3); *Yukon Quartz Mining Act*, 2003. (R.S.C., 1985, c. Y-4).

³² For example, in a January 2021 SATAC meeting, SFN argued that, for the Minto Mine Socio-Economic Monitoring program, they needed to push for the inclusion of a socio-economic monitoring program in the mining license, since the Water Board had not been supportive of including socio-economic terms and conditions: Yukon Environmental and Socio-economic Assessment Board, “Scope of Assessment Technical Advisory Committee Session – SATAC Session Summary and Presentation Slides,” (January 12-14, 2021), YESAB Registry 2019-0149-9158; see also Jones, “Confronting Settler Colonialism;” Bram Noble and Jackie Broson, “Practitioner Survey of the State of Health Integration in Environmental Assessment: the Case of Northern Canada,” *Environmental Impact Assessment Review* 26, no. 4 (2006): 410-424.

³³ Scottie et. al., *I Will Live for Both Of Us*; Warren Bernauer, “The Duty to Consult and Colonial Capitalism: Indigenous Rights and Extractive Industries in the Inuit Homeland in Canada,” *The Northern Review* (March 2023): 1-28; O’Faircheallaigh, Ciaran. Aboriginal-Mining Company Contractual Agreements in Australia and Canada: Implications for Political Autonomy and Community Development.” *Canadian Journal of Development Studies / Revue canadienne d’études du développement* 30, no. 1-2 (2018): 69-86.

burden on Indigenous communities to fight for benefits and protections, with little public oversight or ability to collaborate across communities.³⁴

Despite the gap between IA recommendations and permit requirements, YESAB – at the behest of Yukon First Nations - has increasingly required socio-economic baseline and impact information on employment, economics, community services, human health, and cultural continuity.³⁵ And yet, YESAB still consistently fails to address the ongoing impacts of settler and extractive *colonialism* specifically: “attention to the structural marginalization of Indigenous Peoples is noticeably absent in [YESAB] technical guidance manuals and review documents for environmental assessments.”³⁶ For example, in research completed by Little Salmon Carmacks First Nations (LSCFN), they found that “there are no specific requests to the proponent to consider the impact of settler contact and settler colonialism on cultural continuity and its relevance to the project in question.”³⁷ Socio-economic baseline data requirements do not include references to the legacy of residential schools or the current context of colonialism, racism, and resource extraction in Yukon. Instead, both proponents and the Board itself continue to focus risk-based assessment on quantifiable indicators, such as job numbers and resource revenues. IAs continue to hinge on what can be easily measured, rather than *what should be measured*, and they rely on datasets and data analysis methodologies that tend to misrepresent Indigenous Knowledge.³⁸

In other words, assessment is directed towards translations and extractions of Indigenous Knowledge that are legible within colonial, dominant science frameworks for environmental

³⁴ Yellowhead Institute. *Cash Back: A Yellowhead Institute Red Paper* (Toronto: Yellowhead Institute, 2021).

³⁵ Jones and Bradshaw, “Addressing Historical Impacts.”

³⁶ Jones, “Confronting Settler Colonialism,” 206.

³⁷ *Ibid.*, 15.

³⁸ Bernauer, “Producing Consent;” B. Coombes, J. T. Johnson, and R. Howitt, “Indigenous Geographies I: Mere Resource Conflicts? The Complexities in Indigenous Land and Environmental Claims,” *Progress in Human Geography* 36, no. 6 (2012): 810–821.

decision making.³⁹ For instance, LSCFN members and government administrators felt that they had to obscure community values when submitting impact statements to YESAB because of requirements for report structure and inclusion in impact assessment jargon.⁴⁰ They found that the key barrier to articulating community impacts lay within what issues were tangibly *addressed*, versus what issues were simply *recorded*. As one LSCFN member with experience in assessments stated:

You bring up an issue and do something to address it – it might not get at the real issues – but you can get away with that, because it sounds like it’s addressing the issue, or it will be useful in the assessment, even if it’s not going to be, and it’s meaningless to the [First Nation] community. *There’s the issue, there’s addressing the issue, and there’s being seen to be addressing the issue.*⁴¹

Examples of unraveling trust in the Yukon assessment and regulatory system can be seen in multiple court cases recently brought by Yukon First Nations against the Yukon Water Board, YESAB, and EMR, including recent complaints filed at the Water Board by LSCFN regarding the alleged mismanagement of the Mount Nansen Remediation Project.⁴² The First Nation of Na-Cho Nyäk Dun has also recently submitted a court petition to quash YESAB and EMR’s decision to proceed with a mining project in a sensitive part of their traditional territories, in addition to requesting that all exploration activities be halted on their territories in response to a massive heap leach pad failure at the Victoria Gold Mine.⁴³

³⁹ Paul Nadasdy, *Sovereignty’s Entailments: First Nation State Formation in the Yukon* (Toronto: University of Toronto Press, 2017); Warren Bernauer, “Producing Consent: How Environmental Assessment Enabled Oil and Gas Extraction in the Qikiqtani Region of Nunavut,” *Canadian Geographer* 64, no. 3 (2020): 489-501.

⁴⁰ Jones, “Confronting Settler Colonialism,” 124.

⁴¹ *Ibid.*, 125, emphasis added.

⁴² Jim Elliot, “Little Salmon Carmacks First Nation takes Mine Remediation Complaints to Water Board,” *Yukon News*, April 12, 2023.

⁴³ First Nation of Na-Cho Nyäk Dun, “Self-governing First Nation in Yukon sues Territorial Government over Mining Project Approval,” *FFNND News*, March 15, 2021.

These challenges are particularly pronounced for non-UFA nations. For the Kaska and other unceded nations in the Yukon, YESAA is imposed on their territories without their consent:

Because YESAA is, yeah, it's a process that came out of the UFA, and Ross River's unceded, so we're not obligated to follow... follow that UFA. But YTG has been trying to force us into that, you know, that box... box of tools. And you know, we've been telling them for years that we don't have to do that. And yes, it's kind of tough.⁴⁴

In addition, YESAB is not mandated to address the potential infringement of Indigenous rights and title; it assumes that rights and title have been settled through UFA land claim agreements.⁴⁵ RRDC and other unceded nations are backed into a corner, forced to either participate in YESAB to have their concerns recorded (with no promise of meaningful mitigation) or resist consultation with the Crown via impact assessment, and be accused of refusing to participate 'in good faith':

Clifford McLeod: Well they sneak it in [...] I mean, the way I see it, is like they've gone in through the backdoor. You gotta look at it really good to see what... where I'm coming from. Unsettled [land] claims should be totally... should be separate at Faro... totally separate.

Caitlynn Beckett: Because this territory isn't covered under the Umbrella Final Agreement?

Clifford McLeod: That's right. It's a special project, it should be... should be... should not be under that UFA... I don't want to talk about YESAB [laughs].⁴⁶

Tū Łídlīni Dena link the Faro Remediation Project, and other mineral developments, directly to both a history of extractive injustice *and* attempted political dispossession through the UFA and

⁴⁴ Robbie Dick, interview with author, December 11, 2019.

⁴⁵ Norman Barichello, interview with author, October 25, 2019; Stephen Walsh, interview with author, December 16, 2019.

⁴⁶ McLeod, interview with author.

YESAA.⁴⁷ YESAA operates via a politics of recognition that boxes RRDC's participation in regulatory processes into the UFA box, negating their demands for self-determination.⁴⁸

In failing to address colonial impacts or unceded Indigenous rights and title, YESAB strategically overlooks some of the key causes of cumulative impacts from development and extraction. This is particularly relevant for remediation projects, which nominally seek to address decades of cumulative environmental and community harm. As a relatively new institution, and one focused on *future* development and impacts, YESAB's approach to reclamation remains somewhat opaque. Reclamation plans reviewed via YESAB for contemporary developments outline promises that form the basis for the mitigation of long-term and cumulative impacts. However, it is unclear how these reclamation promises, and YESAB's recommendations, are monitored and enforced and whether they are effective in reducing long-term liabilities and environmental violence.⁴⁹

When it comes to assessing reclamation as a stand-alone project, there is limited precedent for how YESAB assesses projects with 'legacy impacts.' Brewery Creek, a Type II mine, is considered the only 'post-remediation,' publicly managed site in Yukon and it was closed before YESAB was implemented.⁵⁰ Two YESAB reviews that have dealt directly with the

⁴⁷ Ross River member's resistance to YESAB came up in almost every interview. Robby Dick summed it up by saying: "Let it go... No good for us." Robbie Dick, interview with author, December 11, 2019.

⁴⁸ Graham White, "Cultures in Collision: Traditional and Euro-Canadian Governance Knowledge Processes in Northern Land-Claim Boards," *Arctic* 59 (2006): 401–414; Emilie Cameron and Sheena Kennedy, "Can Environmental Assessment Protect Caribou? Analysis of EA in Nunavut, Canada, 1999–2019," *Conservation & Society* 21 (2023): 121–132; Bernauer, "Producing Consent."

⁴⁹ Bill Slater (Slater Environmental), "Remediation and Closure of Yukon Mines: Common Concerns for Yukon First Nations," (2019), submitted to First Nations Mining MOU Group; Caitlynn Beckett, Elizabeth Dowdell, Miranda Monosky and Arn Keeling, "Integrating Socio-economic Objectives for Mine Closure and Remediation into Impact Assessment in Canada," prepared for SSHRC Knowledge Synthesis Grant: Informing Best Practices in Environmental and Impact Assessment (June 2020);

⁵⁰ The Brewery Creek Mine was Yukon's first heap leach gold mine and is located east of Dawson in the traditional territory of the Tr'ondëk Hwëch'in. The mine operated from 1997 to 2001. Post-closure monitoring has been ongoing since 2003 and has generally confirmed acceptable post-closure conditions. Golden Predator took over ownership (including closure and reclamation liabilities) of the site in 2012 and expects to resume development: Yukon Government, "Brewery Creek Mine: Licensing Documents."

question of legacy impacts are the United Keno Hill Remediation Project and the Aishihik Dam expansion. For the United Keno Hill Remediation Project (on Na-Cho Nyäk Dun territory), in 2020, YESAB determined that the remediation objectives outlined by the Project, in collaboration with the First Nation of Na-Cho Nyäk Dun, would provide benchmarks against which to determine the significance of potential impacts (rather than treating current conditions as a ‘baseline’).⁵¹ Soon after this determination, the Aishihik Dam, built in 1970 to supply Faro with power, was assessed for expansion. In its proposal, Yukon Energy made the argument that the current conditions of the area surrounding Aishihik dam should be the ‘baseline’ for assessing future development. In response, Champagne and Aishihik First Nations (CAFN) argued that this assumption would impact their self-determination over territory that has already been impacted by the dam:

Broken promises and disrespect from Aishihik facility management have resulted in both distrust and the acute sense that the CAFN does not have control over its territory. The promise of Aishihik facility engineers in the early 1970s that ‘the dam would not have any impacts on [the] lives or Village [of the people at Aishihik]’ did not preclude the later flooding of Aishihik Village to make way for the dam.⁵²

Instead of using the current dam conditions as the baseline, in 2021, YESAB characterized the baseline for each Valued Ecosystem and Socio-Economic Component (VESEC) on a case by case basis, and in some instances, the baseline was an “objective-based condition, a condition

⁵¹ Yukon Environmental and Socio-economic Assessment Board, “Designated Office Evaluation Report: United Keno Hill Mines Reclamation Project,” (February 24, 2020), YESAB Registry 2018-0169. The Keno Hill silver district has more than 100 years of mining history, much of it associated with the United Keno Hill Mine.

⁵² Champagne and Aishihik First Nations. “Champagne and Aishihik First Nations Reviews and Recommendations for Yukon Energy Corporation’s Aishihik Generating Station Three-Year Renewal.” (2019). YESAB Registry 2019-0035-8935, 12-13; see also Isobel Carlin, “Appendix 9: The Impact of the Aishihik Hydroelectric Facility on the Champagne and Aishihik First Nations,” in Anthony Hodge, Nadja Kunz, Stephen Hay, Isabel Carmen, Connor Hamely and Bulgan Batdor, *Through a Prism of Time: Faro Retrospective Initiative, Phase I Report* (Robert M. Buchan Department of Mining Engineering, Queens University: 2021), 12.

that is desirable,”⁵³ with the significance of adverse effects being reduced if and when conditions meet this objective.

The focus of impact assessment on facilitating and mitigating *development* poses specific challenges for assessing remediation projects. Impact assessment processes do not inherently challenge settler colonial structures or the wealth inequities of capitalist extractivism, although some communities and Indigenous Nations can sometimes use these platforms to further such goals. When the impacts already exist, and remediation projects have the potential to compound them, YESAB and other IA structures struggle to articulate and address how histories and ongoing structures of extractive colonialism can further entrench injustice and racism.⁵⁴ Because YESAB does not require proponents to address these questions, the burden placed on First Nation governments and citizens to articulate these concerns is “disproportionate to the burden placed on the mining industry to consider or address the past and persisting harms of settler contact and settler colonialism.”⁵⁵

For Faro, on unceded Kaska land, YESAB’s lack of consideration of ongoing extractive colonialism and the unceded nature of Dena Kēyeh allows the proponent to ‘sneak in through the backdoor’, sidelining RRDC’s concerns about rights, title, and self-determination and overlooking the role that Faro’s literal and figurative infrastructure plays in the historic and continued extraction of Tsē Zūl:

YESAA is a process that came out of the UFA, and Ross River's unceded, so we're not obligated to follow that UFA. But YG has been trying to force us into that, you know, that box of tools. And you know, we've been telling them for years that we don't have to do that. And yes, it's kind of tough.⁵⁶

⁵³ Yukon Environmental and Socio-economic Assessment Board, “Designated Office Evaluation Report: Aishihik Generating Station Long Term Relicensing Project,” (June 18, 2021), YESAB Registry 2020-0123, 35.

⁵⁴ Beckett, “Beyond Remediation;” Scottie et. al., *I Will Live for Both Of Us*.

⁵⁵ Jones, “Confronting Settler Colonialism,” 128.

⁵⁶ Dick, interview with author.

With these structural tensions in mind, particularly in relation to unceded Indigenous land, this chapter now shifts to how CIRNAC and the YESAB process are defining the Faro Remediation Project. Although YESAB only has advisory powers, their review could play a powerful role in defining the scope of future work. Meanwhile, RRDC is forced to either accept YESAB's processes and participate in the review, or navigate complicated consultation alternatives, relying (again) on vague promises from the federal government.

6.3 Defining remediation: keeping clean water clean

You end up with what appears to me to be a Faro water management project in the immediate footprint of the mine. And, surely, that's the priority. I have no qualms about that. I mean, I think that's very much a priority, but it's not... anytime we've mentioned the other residual impacts of the mine... we're told to shut up and stay at the back of the classroom.⁵⁷

Defining remediation is a tricky, slippery exercise. Reams of writing, academic discussion, and technical definitions attempt to rein in what terms such as reclamation, remediation, restoration, and rehabilitation refer to.⁵⁸ While there are some generally accepted differences and specific actions associated with these words – for example, restoration generally refers to ecological restoration to some pre-industrial state, whereas remediation generally refers to chemical control, containment, and treatment – the meanings of these words morph across

⁵⁷ Barichello, interview with author.

⁵⁸ Eric Higgs, Donald A. Falk, Anita Guerrini, Marcus Hall, Jim Harris, Richard J. Hobbs, Stephen T. Jackson, Jeanine M. Rhemtulla, and William Throop, "The Changing Role of History in Restoration Ecology," *Frontiers in Ecology and the Environment* 12, no. 9 (2014): 499-506; Marion Hourdequin and David G. Havlick, *Restoring Layered Landscapes: History, Ecology, and Culture* (Oxford, UK: Oxford University Press, 2015); Rohwer, Yasha and Emma Marris. "Renaming Restoration: Conceptualizing and Justifying the Activity as a Restoration of Lost Moral Value Rather than a Return to a Previous State." *Restoration Ecology* 24, n. 5 (2016): 674-679; Jacob Goessling and Jordan B. Kinder, "Reclamation," *Environmental Humanities* 15, no. 2 (2023): 236-239.

projects, disciplines, geographies, and cultural-linguistic spaces.⁵⁹ Throughout this chapter (and dissertation), I prefer to use the term reclamation – a general word for work that *reclaims some kind of value* (ecological, social, economic, political etc.) – but I also use the term remediation when referring to work that focuses on the control of contaminants.

The federal government’s choice of words for the Faro Mine Remediation Project is pointed and purposeful.⁶⁰ The title of the Project, *remediation*, is an attempt to limit the Project objectives to a specific type of clean-up, one focused on the containment and treatment of waste and water and the limitation of physical risk to humans, wildlife, and the environment. Risk, in this sense, is measured quantitatively and refers to risks of material or chemical harm, manifest in sickness, disease, or death, that can be directly linked to contaminants from the site. As stated in CIRNAC’s 2019 Project Proposal to YESAB, the purpose of the Faro Mine Remediation Project “is to improve the conditions on site, reduce effects on the environment, including air, land and water, and make sure that the site is safe for people and wildlife.”⁶¹

Key to how remediation (and reclamation) is defined within YESAA frameworks is what *kinds of knowledge* are used to create designs and management plans and assess safety. There are several points of fracture in reclamation knowledge at Faro. For example, while YESAB increasingly makes space for Indigenous Knowledge, there is a disconnect between addressing the issue and “being *seen* addressing the issue.”⁶² The FMRP team devotes considerable effort to dealing with water issues – defining remediation around the pivotal goal of ‘keeping clean water clean.’ However, outside of water treatment, they maintain a tight scope of work around what it

⁵⁹ Caitlynn Beckett and Arn Keeling, “Rethinking Remediation: Mine Reclamation, Environmental Justice, and Relations of Care,” *Local Environment* 24, no. 3 (2019): 216-230; Dimitris Papadopoulos, Maria Puig De La Bellacasa, and Maddalena Tacchetti, *Ecological Reparations: Repair, Remediation and Resurgence in Social and Environmental Conflict* (Bristol, UK: Bristol University Press, 2023).

⁶⁰ Beckett, “Beyond Remediation.”

⁶¹ Faro Mine Remediation Project, “Plain Language Summary,” 2.

⁶² Jones, “Confronting Settler Colonialism,” 125.

means to remediate or reclaim. The FMRP Proposal continually assumes that collecting and treating water, covering waste and tailings, and revegetating will inevitably result in a landscape that can be used by Kaska people. They are *seen* to be addressing the issue, while putting a tight limit around how that issue, and solutions to the issue, are defined.

In this section, I approach an analysis of remediation definitions at Faro through three windows: the definitions and limits of water treatment, the determination of temporal and geographic scopes, and the question of socio-economic impacts. In the Faro Mine Remediation Project Proposal, water is defined almost exclusively through toxicity thresholds. There is an assumption that if water is ‘kept clean’ and waste rock and tailings are covered, ‘traditional land use’ will be restored and socio-economic benefits will inevitably follow.⁶³ Temporally and geographically, the FMRP Proposal asserts it is not appropriate to include an assessment of the legacy impacts of the mine. Therefore, the Proposal presents only the risks of activities associated with current and future remedial activities. And yet, the very reason for these activities are the *legacies* of the mine. The limited scope placed around the boundaries of water, time, and space manifests in a lack of attention directed towards cumulative socio-economic impacts, especially when compared to the resources dedicated to project dimensions that bend more easily to quantification within the bounds of dominant science.

6.3.1 *‘That shit’s nasty:’ water on paper vs. water on (and under)-the-ground*

The central goal of the Faro Remediation Project is to *keep clean water clean*. In its proposal to the YESAB, the FMRP defines this goal as the collection and treatment of all

⁶³ Faro Mine Remediation Project, “Section 5: Project Description,” Faro Mine Remediation Project, “Section 8: Socio-economic Effects Assessment,” in “2019 Project Proposal,” submitted to YESAB (August 2019), YESAB Registry 2019-0149-0756.

‘contact water’ and the diversion of ‘non-contact’ water.⁶⁴ In order to limit the amount of water that comes in contact with waste, and to closely manage contact water, a *stabilize in place* approach centers on securing tailings and waste rock piles using various types of geoengineered covers, dam stabilization, re-sloping, revegetation, and channel construction: “The remediation will largely be done by re-shaping and covering tailings storage areas and waste rock dumps to protect people and the environment.”⁶⁵ Key remedial activities will include: a safety berm around the Faro pit to keep wildlife and people away from the pit; stabilizing tailings dams; placing covers over waste rock dumps and the Rose Creek Tailings Area; installing a network of water collection systems; and installing a permanent water treatment plant (Figure 4.3).⁶⁶

Keeping clean water clean is a deceptively simple remediation objective: “it’s a very simple statement... ‘we’ll keep the clean water clean.’ But... we’re... really going up against nature, and [nature] wanting to go back...”⁶⁷ At Faro, keeping clean water clean will entail a replumbing and redirection of the Rose Creek Valley’s hydrology (Figure 4.2 and Figure 4.3). A sprawling web of sumps, pumps, pipes, and channels will branch out across the site, collecting the contaminated water from around the covers and groundwater seepage (Figure 6.1):⁶⁸

...essentially every single drop of water that falls within the Faro catchment. If it’s clean water, they have to make it stay clean, and if it’s dirty, they have to make it stay dirty or

⁶⁴ Faro Mine Remediation Project, “Plain Language Summary.”

⁶⁵ Ibid., 2.

⁶⁶ Faro Mine Remediation Project, “Section 5: Project Description,” in “2019 Project Proposal,” submitted to YESAB (August 2019), YESAB Registry 2019-0149-8532.

⁶⁷ Heather Mills, interview with author, March 12, 2021.

⁶⁸ Future work includes (among many other things): moving the Faro Creek Diversion to keep clean water away from the Faro Pit; completing the North Fork Rose Creek Diversion; building a new water diversion called the Down Valley Diversion to move clean water along the northwest side of the tailings; increasing the size of the diversions to handle large floods; building drainage around the tailings and waste rock areas to prevent clean water from coming into contact with mine wastes; building sediment ponds that will collect and slow the movement of water coming off the site; building a permanent water treatment plant; and connecting all of these diversions, ponds, and treatment facilities with a network of pipes and pumps: Faro Mine Remediation Project, “Section 5: Project Description”; Faro Mine Remediation Project, “R3-25 Project Overview Round 3 Adequacy,” (July 2021), YESAB Registry 2019-0149-8140.

improve it to a certain level of environmental acceptability or store it in an environmentally safe way.⁶⁹

The water collection system will operate year-round. The Faro Pit will be used to store contact water before it is treated and released to the environment. The proposed water management plan requires 99.7-100% capture of all contaminated water, a very challenging target to meet.⁷⁰ In addition, contaminant loadings are expected to increase over time, before full remediation controls have a substantial impact on acidification.⁷¹



Figure 6.1 Components of a groundwater collection system that transports contaminated water that originates in waste rock to the Faro Pit, where it will be temporarily stored before treatment at the water treatment plant. Photo taken from: Faro Mine Remediation Project, “Plain Language Summary,” submitted to YESAB (August 2021). YESAB Registry 2019-0149-0638.

⁶⁹ Jordan Cummer, interview with author, April 30, 2020.

⁷⁰ There is a lot of uncertainty in exactly how well collection and treatment will work, given the uncertainty of ARD projections and delayed implementation timelines for key remedial works. This is why the Adaptive Management Plan for water treatment is key to the Faro Remediation: Mills, interview with author; Yukon Environmental and Socio-economic Assessment Board, “Faro Mine Remediation Project Water Model Technical Session: Session Summary,” (December 8-11, 2020), YESAB Registry 2019-0149-4934; Faro Mine Remediation Project, “Adaptive Management Plan for the Faro Mine Remediation Project,” (July 15, 2021), YESAB Registry 2019-0149-1878.

⁷¹ Dena Cho, “Review of the Faro Mine Remediation Project,” 6.

Despite the remedial focus on water quality, throughout the FMRP Proposal and the subsequent public discussion about remediation expectations, other dimensions of the restoration-reclamation-remediation spectrum begin to leak through. The overarching Project objectives include allusions to restoration and reclamation: “protecting and, to the extent practicable restoring the environment”; “returning the mine site to an acceptable state of use that reflects pre-mining land use where practicable;” and “maximizing local and Yukon socio-economic benefits.”⁷² Within the Project Proposal itself, the term *reclamation* is sometimes used, generally when referring to the management of soils, covers, and revegetation such that a ‘close-to-natural’ landscape will be constructed.⁷³

Final covers, sloping, and revegetation decisions will largely be shaped by water management needs but will also be used to “create a more natural looking landscape.”⁷⁴ To construct covers, channels, diversions, and berms, large amounts of ‘borrow material’ must be dug up and transported to the Faro site, becoming the substrate for future forest floors. These miniature quarries, created for the purpose of remediation, will also need to be reclaimed.⁷⁵ Waste rock and tailings will be covered with progressively thicker covers, made of different sizes and layers of rock and soil, depending on the area’s potential for acid generation. These covers will then be strategically sloped to direct water into engineered channels that will flow to clean water diversions. Parts of the covers will be planted with vegetation to reduce erosion and create ‘close to natural’ landscapes.

⁷² Faro Mine Remediation Project, “Section 1: Introduction and Overview,” in “2019 Project Proposal,” submitted to YESAB (August, 2019), YESAB Registry 2019-0149-1170.

⁷³ Stuart Van Bibber, interview with author, October 25, 2019.

⁷⁴ Faro Mine Remediation Project, “Plain Language Summary,” 21.

⁷⁵ Lou Spagnuolo, interview with author, November 26, 2019; Faro Mine Remediation Project, “Plain Language Summary,” 22.

As the plan-on-paper for water management is reviewed – first by YESAB, and eventually by the Water Board – the site changes daily and remediation work is ongoing under the banner of ‘care and maintenance.’⁷⁶ On the ground, the line between remediation planning and emergency remedial works shifts continually. As the former FMRP Director reflected, “I see us continuing to do urgent works all throughout that YESAB process. Whether they like it or not, I’m sure a lot of people will hate it. But... it’s like the site has a mind of its own. It’s the only way... It’s a ticking time bomb.”⁷⁷

Water is the source of constant crises that stall the Project, as resources are diverted to band aid solutions, rather than regulatory and design work:

Think about the changing conditions since we submitted [the proposal], right, like look at how much has changed at site and all of the different things we need to incorporate, and plan for, and design for... like Down Valley... We’ve known for years that we are going to have to collect [water there]. But it’s very difficult to design the details of that, understand what should be included in those regulatory submissions, and then have the review necessary, and do that on any type of timeline that allows you to follow that regulatory process.⁷⁸

As seeps materialize in unexpected places, such as along the North Fork of Rose Creek, or as water flows change in monitored areas, such as the Down Valley area, pumps, pipes, and piezometers need to be shuffled and installed. Technicians struggle to define the boundaries and sources of new and changing leaks. Some of these leaks require fast action, and come from unexpected places with little to no warning:

... the stuff coming out of that, the ancestral channel at the rock drain, where they put in the new interception system there, man, that shit’s nasty. And it’s making its way down to X2 [Down Valley]. And this winter has been so crazy. Because things were late getting installed, the ground froze before they could make this hydraulic connection... So, we’ve

⁷⁶ Parsons is the current care and maintenance contractor for the Faro Mine Site and provides updates on their project website: Parsons Corporation, “Faro Mine Remediation Project,” accessed July 25, 2024.

⁷⁷ Pascale-Rousseau, interview with author.

⁷⁸ Cam Malloch, interview with author, April 20, 2021.

got this new sump, but the water isn't coming in where they thought it was going to come in.⁷⁹

Several project employees emphasized that, even with a good Adaptive Management Plan, “literally overnight, you get a seep pop out of a massive creek and you’re now toxic... and you need to divert all those resources to addressing this issue... like one event completely sidelines a project.”⁸⁰ Ross River Elders echoed the challenge of water uncertainty: “They just finished the diversion up there... to fix the main channel. Could probably be... still seepage going through, nobody knows. They can’t tell you.”⁸¹



Figure 6.2 Elders Inspecting the X13 sump, located in the Down Valley area (down river from the Cross Valley Dam), a low area where water seeping under the dams is collected and pumped back for treatment. Caitlynn Beckett, Elders tour of the Faro Mine Site, June 2019.

⁷⁹ Scott Tomlinson, interview with author, March 16, 2021; Malloch, interview with author; Pascale-Rousseau, interview with author.

⁸⁰ Malloch, interview with author; Michael Van Aanhout and Stefan Reinecke, interview with author, November 25, 2019.

⁸¹ John Acklack, interview with author, July 17, 2019.

Almost all the Project employees, consultants, and regulators interviewed defined the Faro Mine Remediation Project as essentially a water collection, containment, and treatment project. However, in reviewing the Project Proposal, information requests, water modeling technical sessions, and ongoing plans for emergency works, it becomes apparent that this remediation plan *is not* about *containing* the waste and fully isolating it from oxygen or water. It is about *carefully managed leakage* and slowing down acidification over time, so that water can be treated and released from site in a slow trickle.⁸² Essentially, the goal of the Faro Mine Remediation Project is to create a situation where the ‘load’ of contaminants and acidification is stretched out over hundreds of years, until the acid-generation ‘inventory’ held in the tailings and waste rock is spent: “The existing contaminant load in the tailings will take on the order of roughly 800 years to be flushed out of the system based on the flow and the amount of inventory that is there.”⁸³

Canada has already begun this work - outside of YESAB review or water licensing - locking the FMRP into a reactionary remediation strategy. Ad hoc care and maintenance work has resulted in two remedial tracks – one proceeding through regulation and another that happens *outside* of this regulation, in response to emergency needs:

From an operational perspective, we're seeing it already, right, where you want to submit, you want to do those right things. But by the time you're done drafting the submission, the conditions have changed... And it's a moving target, it's very complex and interrelated and impossible to kind of fully encapsulate... especially with the timeline associated with these reviews.”⁸⁴

⁸² Yukon Environmental and Socio-economic Assessment Board, “Faro Mine Remediation Project Water Model Technical Session: Session Summary,” (December 8-11, 2020), YESAB Registry 2019-0149-4934.

⁸³ Ibid, 33.

⁸⁴ Malloch, interview with author, April 20, 2021.

Completed outside YESAB or water licensing, massive projects such as the North Fork Rose Creek Diversion and the installation of the Cross Valley Pond Treatment Plant have been necessary to avoid emergency situations (Figure 6.3).⁸⁵ The Permanent Water Treatment Plant is being finalized and constructed as I write, without an updated water permit in place. Many people involved in the FMRP, from all parties, casually joke that remediation work will be complete at Faro before the regulatory process is complete: “You know... it seems to me that that's kind of a failure of the regulatory process if we were to do that.”⁸⁶



Figure 6.3 Cross Valley Tailings Pond Water Treatment Plant (left) and Kathlene Suza ‘cutting the ribbon’ for the new North Fork Rose Creek Diversion. Photos taken from: Faro Mine Remediation Project, “Plain Language Summary,” submitted to YESAB (August 2021), YESAB Registry 2019-0149-0638.

The funneling of water into controlled, containment designed solutions is constantly in tension with the unfolding, on-the-ground relationships with water as leakage and seep.⁸⁷

Similarly, water management, on paper, is continually framed in strict dominant science

⁸⁵ Not all interviewees agreed that these emergency projects should move ahead without a YESAA review: “So [the Project Team] have argued that they can carry out things under the Waters Act, under the Emergency Procedures [...], but an emergency under the *Waters Act* does not exclude them from YESAA responsibilities. And so, to this day, they carried out \$100 million dollars of reclamation activity building [the Rose Creek] diversion without a YESAA assessment. And there simply is no, in my view, rational provision to allow them to do that. They have been avoiding YESAA for many years. Every time they put a drill on the ground on that site, they are in violation of YESAA.” Bill Slater, interview with author, March 17, 2021.

⁸⁶ Tomlinson, interview with author, March 16, 2021

⁸⁷ Tomlinson, interview with author; Malloch, interview with author.

frameworks of water treatment that do not make space for other discussions about *care for and by water*. In other words, connections between water, culture, and sovereignty are obscured or negated in the FMRP Proposal and, to some extent, in YESAB's Final Screening Report.⁸⁸

However, in interviews, project employees make direct connections between water and governance:

While the *what* is relatively simple - that we need to be managing the water because again, that ties everything in; the water ties in the environment, the health and safety, the geotechnical, the long-term planning, the mitigation of risks, it really does incorporate all of that. But then *how* are we managing that water is something else...⁸⁹

And yet, cultural questions, socio-economic implications, community wellness, and relationships with wildlife continue to fall in line behind the prioritization of water collection and treatment.

Detaching water treatment from socio-economic impacts and governance and framing it only within the umbrella of risk and safety leads to a focus on water that is detached from *water as life*, beyond acute toxicity. Limiting remedial action to 'keeping clean water clean' and 'stabilizing in place' strategically limits the scope of what is being assessed and planned for. The Project description implies that once water treatment systems are running and covers are installed, the legacies of socio-ecological impacts will be sufficiently addressed. In doing so, the Project Proposal carefully avoids further discussion on pivotal questions: what is the point of assessing and regulating a remediation project, and who is it for? With the Project focused almost exclusively on material risks via water, the scope of remediation is limited

⁸⁸ Kelsey Leonard, Dominique David-Chavez, Deondre Smiles, Lydie Jennings, Rosanna 'Anolani Alegado, Lani Tsinnajinnie, Joshua Manitowabi, Rachel Arseneault, Rene L. Begay, Aurora Kagawa-Viviani, Dawn D. Davis, Vincent van Uitregt, Hawlii Pichette, Max Liboiron, Bradley Moggridge, Stephanie Russo Carroll, Ranalda L. Tsosie, and Andrea Gomez, "Water Back : A Review Centering Rematriation and Indigenous Water Research Sovereignty," *Water Alternatives* 16, no. 2 (2023): 1-55; Nicole Wilson and Jody Inkster, "Respecting water: Indigenous Water Governance, Ontologies, and the Politics of Kinship on the Ground," *Environment and Planning: Nature and Space* 1, no. 4 (2018): 516-538.

⁸⁹ Malloch, interview with author, emphasis added.

geographically, temporarily, and socially to reduce the Canadian government's liability and to float through settler state water licensing and management.

6.3.2 *Temporal and geographic scoping: where and when is a 'baseline'?*

There is a tension between defining the Faro Remediation Project as a water containment project and approaching it as care and justice for Tsē Zūl. This tension can be traced along the blurry temporal and geographic boundaries placed around baselines/benchmarks and remedial actions. A baseline/benchmark is a tool that can be used to evaluate the success or progress of specific goals. Baselines can also be a mechanism to limit accountability, setting a boundary in time and space that cuts off future development from historic and ongoing violence.⁹⁰ Navigating how baselines are used to assess the FMRP activities, and the temporal and geographic scope of what was included in the assessment, is a mind-warping exercise in circular logic.⁹¹

In the Project Proposal, the FMRP Team asserted that the site conditions in 2019 should be used as the baseline from which to assess potential impacts.⁹² The FMRP identified a specific moment in time and focused on characterizing the potential risks of remedial activities in relation

⁹⁰ Jennifer Grenz, "Healing the Land by Reclaiming an Indigenous Ecology: A Journey Exploring the Application of the Indigenous Worldview to Invasion Biology and Ecology," (PhD Diss, Integrated Studies in Food and Land Systems, University of British Columbia, 2020).

⁹¹ In the Scope of Assessment Technical Advisory Committee Sessions held between January 12, 2021 and May 5, 2021, YESAB recognized that there were significant diverging opinions on the scope of assessment, and the purpose of these technical sessions was to better inform the selection of valued environmental and socio-economic components that reflected First Nations ideas of the scope of the project. These discussions included topics such as chinook salmon, aquatic life, traditional land use, socio-economic components and the historic development and operation of the Faro Mine: Yukon Environmental and Socio-economic Assessment Board, "Scope of Assessment Technical Advisory Committee Session – SATAC Session Summary and Presentation Slides," (January 12-14, 2021), YESAB Registry 2019-0149-9158.

⁹² A similar approach was taken by CIRNAC for the United Keno Hill Remediation Project and by Yukon Energy for the Aishihik Dam Expansion: Yukon Environmental and Socio-economic Assessment Board, "Designated Office Evaluation Report: United Keno Hill Mines Reclamation Project," Yukon Environmental and Socio-economic Assessment Board. "Designated Office Evaluation Report: Aishihik Generating Station Long Term Relicensing Project."

to those (already degraded) conditions, including risks associated with land clearing for construction, borrow sources, incinerator use, transportation, dust dispersal and air quality, noise pollution, changing water levels, and fish habitat disturbance. Proposed mitigations for these various risks include management plans to reduce issues with dust, noise, and habitat destruction from the construction of borrow sources, stream diversions and cover placement. But the mitigations for most of these risks are, circularly, remediation itself: “Cleaning up Faro will improve air quality in the long term and will limit dust blowing... the main benefit of remediation is that the quality of treated water released to Rose Creek will be greatly improved compared to if the Project does not go ahead.”⁹³

Using this baseline, the Project Team argued that remedial actions will improve the environment. No significant impacts were predicted in the 2019 Project Proposal, as the FMRP argued that remedial activities do not pose a risk when balanced with remediation’s environmental benefits: “The key objective of our remediation project is to mitigate against the existing and deterioration of conditions at the Faro Mine site... Overall our assessment concludes that the Project will result in *positive* environmental and socio-economic effects.”⁹⁴ By establishing this baseline, the Project temporally and geographically circumscribed what kinds of ‘legacies’ would be remediated and reclaimed. Certain kinds of past mine impacts - including waste, contaminated water, and habitat destruction – are directly addressed in the remediation plan. Yet, in the same breath, the Project Proposal explicitly stated that the FMRP would not address legacy impacts. Here, the Project Team means that they did not want to include the

⁹³ Faro Mine Remediation Project, “Plain Language Summary,” 30.

⁹⁴ Marie-Pascale Rousseau, Director of the Faro Mine Remediation Project CIRNAC, letter to Lawrence Joe, Executive Committee Member YESAB, “Re: Formal Submission of the Project Proposal” (August 28, 2019), YESAB Registry 2019-0149-9970, emphasis added.

impacts of *past* mining as a part of impact assessment – including the impacts on Tū Łídlíni Dena; they proposed to only include the *potential impacts of remedial work*.⁹⁵

But the Project’s reference to a single temporal baseline from which to assess remediation quickly became murky as the YESAB process unfolded. Ross River Dena Council, other impacted First Nations, and even some project employees, argued that this approach is counterintuitive.⁹⁶ Project employees noted their inability to detach the Project from historic legacies:

You can't study the history without seeing the now, you can't study the now without seeing the future, and you can't bookend the future without considering the history and what's happening now. You try to bookend, and then the minute you make a decision in time that we're going to cut it off here, the next day, something's going to change. So, it's a very fluid timeline... I also have a bit of concern around trying to silo work or pinpoint certain times... because it's too big and too fluid to kind of segregate like that.⁹⁷

At the same time, Elders recognized that the area will never be what it once was – they don’t want to get caught up in trying to achieve something that is impossible. As one Elder stated, he “wish[es] they would start the remediation like, yesterday!”⁹⁸ Instead, Elders want to establish more detailed objectives that bring together the history of the site with *accountability* for future land care and monitoring.⁹⁹

⁹⁵ This not necessary an inherent design of YESAA. The tactic of separating legacy impacts from remediation work was an approach used in the assessment of the United Keno Hill remediation proposal. SFN, in a consultation session for the YESAB review of Faro, stated that: “CIRNAC argues that because they didn't make the effects, they should not be held responsible, but we have to assume that the federal government regulators who approved the project thought reclamation was required. Responsibility for remediation is what the government accepted when it took over responsibility for the mine in 2003.” Yukon Environmental and Socio-economic Assessment Board, “Scope of Assessment Technical Advisory Committee Session,” (January 12-14, 2021), YESAB Registry 2019-0149-9158, 10.

⁹⁶ Dena Cho Environmental Remediation Inc., “Review of the Faro Mine Remediation Project”; Yukon Environmental and Socio-economic Assessment Board, “Executive Committee Meeting with Ross River Dena Council, Scope of Assessment – Meeting Summary,” (March 11, 2021), YESAB Registry 2019-0149-0616.

⁹⁷ Malloch, interview with author; Bill Slater, interview with author, March 17, 2021.

⁹⁸ Sterriah, interview with author.

⁹⁹ Yukon Environmental and Socio-economic Assessment Board, “Executive Committee Meeting with Ross River Dena Council, Scope of Assessment – Meeting Summary,” (March 11, 2021), YESAB Registry 2019-0149-0616;

One of the five overarching objectives of the Faro Remediation Project is to return the environment to “as close as practicable” to pre-mining conditions – an objective that clashes somewhat with the Project Proposal’s assertion that ‘legacy impacts’ would not be assessed.¹⁰⁰ In addition, the details of what ‘pre-mining conditions might look like were only superficially fleshed out in the Project Description and there is no record of consensus with RRDC, LFN or SFN about what a ‘practicable pre-mining state’ might look like:

The Project has committed to reflecting ‘pre-mining land use, where practicable,’ yet this Proposal does not outline what clear objectives or indicators of success might be when assessing reclamation (where possible) to pre-mining land uses.¹⁰¹

For example, in the wildlife section, little attention was paid to species that were present before mining, including blue grouse, ptarmigan, marmots, and the Tay caribou herd, as identified by Ross River Elders.¹⁰² As one Project employee stated with frustration:

And so, people say, well, there are no fish in the area. Of course there are no fish in there. Because fish do have some sense. They're not going to swim in that shit. Would you? So yeah, like we're not killing fish, because they're not there... but that doesn't mean we should be going, okay, great there's no fish there. Like no, maybe we should put fish back there and clean it up.¹⁰³

Because of confusion between baseline conditions, existing conditions, pre-mining conditions, and objectives for future land-use, it is incredibly difficult to assess whether the

Atkinson, interview with author; McLeod, interview with author; Sterriah, interview with author; Louie Tommy, interview with author, October 4, 2021; Nora Ladue, interview with author, October 6, 2021; Willie Atkinson, interview with author, October 6, 2021; Testloa Smith, interview with author, November 11, 2019.

¹⁰⁰ Faro Mine Remediation Project, “Section 1: Introduction and Overview,” YESAB Registry 2019-0149-1170, 12.

¹⁰¹ Dena Cho, “Review of the Faro Mine Remediation Project,” 7.

¹⁰² Dena Cho, “Review of the Faro Mine Remediation Project”; Martin Weinstein, “Just Like People Get Lost: A Retrospective Assessment of the Impacts of the Faro Mining Development on the Land Use of the Ross River Indian People,” prepared for Ross River Dena Council (June 1992); Ross River Dena Council, “Kaska Traditional Land & Resource Use in the Vicinity of Mount Mye, Yukon,” prepared for Faro Project Remediation Management Team (2009).

¹⁰³ Tomlinson, interview with author.

remedial activities outlined will be sufficient to achieve a ‘close as practicable pre-mining environment’.¹⁰⁴

...First Nations have kept on delivering a message back to the feds: ‘yes, you say you're going to make things better than now, but we need to have something to quantify that.’ You can't just qualitatively say, yes, we're going to spend all this money and do all this work. And at some point, in the future, it's going to be better...What does better look like? How do you measure better? How do you measure ‘better’ in terms of timeframes?¹⁰⁵

Both Ross River Dena Council and Liard First Nation argued that the 2019 Project Proposal failed to recognize or mitigate the residual impacts of mining activity, and therefore did not achieve the objectives of reclamation.¹⁰⁶ As LFN noted in a submission to YESAB:

It is clear that the Proponent views this Project as a contaminated site remediation project only, where site conditions will by definition improve, and therefore any effects or harmful impacts [of mining] will improve. This is not the case from an Indigenous perspective.¹⁰⁷

While the importance of choosing a single point in time from which to assess – or a collection of baselines and benchmarks – may seem like an exercise in IA jargon and bureaucracy, the control over and controversy around temporal, geographic, and environmental

¹⁰⁴ In their presentation to SATAC in January, 2021, Selkirk First Nation resisted the FMRP's assertion that the assessment should not examine historic impacts on environment and socio-economic valued components: “regarding Cumulative Effects, it's important to look at the past as well as the present and future – the past is critical.” SFN also argued that the artificial creation of some ‘new normal’ represents a ‘shifting baseline syndrome’ and produces a tolerance for degraded environmental conditions: “We need to consider the remediation as a final stage in a project that has already had legacy effects. The reclamation project has no purpose on its own and is only relevant to preceding activities.” Yukon Environmental and Socio-economic Assessment Board, “Scope of Assessment Technical Advisory Committee Session,” YESAB Registry 2019-0149-9158, 7-8. Similar arguments were made by RRDC: Yukon Environmental and Socio-economic Assessment Board, “Executive Committee Meeting with Ross River Dena Council, Scope of Assessment – Meeting Summary” (March 11, 2021), YESAB Registry 2019-0149-0616.

¹⁰⁵ Dustin Rainey, interview with author, November 13, 2019.

¹⁰⁶ Barichello, interview with author; Dena Cho, “Review of the Faro Mine Remediation Project.”

¹⁰⁷ Liard First Nation argued that because the Proponent used the existing, impacted environment as the baseline for the effects assessments (rather than using a pre-mine baseline or a ‘future goal’ approach), only five valued components were carried forward for the cumulative effects assessment: Liard First Nation Executive Council Office, letter to Executive Committee, Yukon Environmental and Socio-economic Assessment Board, “RE: Request for Future Scope of Assessment Technical Advisory Committee (SATAC) Sessions,” (March 26, 2021), YESAB Registry 2019-0149-9801, 2.

baselines, benchmarks, and objectives points to a pivotal question that is absent from the 2019 Project Proposal, but hovers over the YESAB participatory process: what is the point of assessing a remediation project? Is it to assess whether remedial work will have negative impacts, or is it to evaluate whether the ‘benefits’ of remediation are satisfactory:

I don’t think YESAA is designed or well suited to assess a remediation project. The most important question is whether the proposed reclamation will effectively remediate the residual impacts of the mine, not whether the reclamation activities themselves will cause further environmental impacts.¹⁰⁸

Treating the FMRP as if it is a new development and assessing impacts using current, contaminated conditions as a baseline strategically circumscribes what the federal government will be accountable for, detaching it from responsibility for past violence. In doing so, remediation is defined by a single moment and place from which to compare, rather than a set of networks and relationships that need to be rebuilt and then maintained.

The temporal Project baselines are inextricably linked to the geographic boundaries of the Project. The regional geographic scoping (outside the lease boundary of the site) included in the 2019 Project Proposal is used only to assess potential impacts from remediation itself, not to evaluate how or if remediation is addressing historic impacts, and *where* those impacts are.¹⁰⁹ By focusing assessment only on the potential negative impacts of remedial activities, the Project Proposal argues that all historic impacts beyond the lease boundary of the Faro site, such as the displacement of Tū Łídlīni Dena from the Blind Creek area, should not be included in YESAB’s assessment of the FMRP.¹¹⁰

¹⁰⁸ Barichello, interview with author.

¹⁰⁹ Faro Mine Remediation Project, “Section 6: Assessment Methodology,” in “2019 Project Proposal,” submitted to YESAB (August, 2019). YESAB Registry 2019-0149-9730, 10-11.

¹¹⁰ Local Assessment Areas (LAA) and Regional Assessment Areas (RAA), outside of the Mine Development Footprint (MDF) vary depending on the Valued Ecological and Socio-economic Component (VESEC). For socio-

Resisting this approach, Elders and RRDC advisors point to the many historic impacts that stretch beyond the site – such as the exploration work that destroyed gravesites and traplines, the roads that provide hunting access to settlers and that brought violence to Kaska communities, the Faro townsite, their fear of fishing in the area, and the historic tailings deposits far downriver along Rose and Anvil Creeks.¹¹¹ Blind Creek, Desdele Chō Mené (Swim Lakes) and Fish Hook were all important community gathering, fishing, and hunting areas that had to be abandoned due to the Faro Mine (Figure 1.4).¹¹² Elder Norman Sterriah wants the FMRP to “look at the big picture.” For example, Norman emphasized that “they don’t mention anything about the old Blind Creek townsite, I’d like to see that come back...”¹¹³ Other Elders point to the large network of roads and exploration sites, remembering where waste piles were left by work crews.¹¹⁴ Almost every Elder interviewed referred to their reluctance to fish, hunt, or collect water within hundreds of kilometers of Faro: “Because of all that stuff being... they call it mine effluent... pouring into many water courses, creeks, and streams [...] it goes against our way... a large track of land has been left not cleaned up.”¹¹⁵

RRDC Elders and advisors also outlined ways that some of these impacts could be remedied, including by providing RRDC control over hunting access around Faro, targeting reclamation and access management for old exploration roads, reclaiming the Blind Creek area as a community gathering place, and supporting Land Guardian monitoring programs tailored to

economic VESECs (housing, economies, community services, health etc.) the LAA and RAA extend far beyond the MDF to include communities such as Faro, Ross River, and even Whitehorse (depending on the VESEC), but those potential regional impacts are tied to future impacts from the proposed remediation activities *within* the MDF. They do not account for historic mine impacts off the MDF, such as Blind Creek or the construction of the Faro townsite.

¹¹¹ Sterriah, interview with author; McLeod, interview with author; Acklack, interview with author; Ladue, interview with author; Smith, interview with author.

¹¹² Dena Cho, “Review of the Faro Mine Remediation Project,” 3.

¹¹³ Sterriah, interview with author.

¹¹⁴ Smith, interview with author.

¹¹⁵ Nora Ladue and Mary Maje, interview with author, October 4, 2019.

the specific needs at Faro.¹¹⁶ Despite demands to include these topics in the Remediation Project Proposals, there is no mention of how these legacy impacts, deemed to be outside the geographic and temporal scope of the FMRP, will be dealt with directly.

Even within the lease boundary, there are geographic and ecological assumptions made by the Project Proposal that illuminate key differences in understanding of what a ‘pre-mining’ state is or should be, and how it can be achieved.¹¹⁷ In interviews, Project employees and dominant science consultants often focus on covers, water management, and aesthetics, pointing to how covers, revegetation, dam stability, and water treatment will result in a habitat that could be used by Tū Łídlíni Dena in the future.¹¹⁸ This characterization of a pre-mining state relies on the assumption that Kaska relationships with land depend on aesthetic ‘sameness’ or on the availability of habitat that looks ‘similar to the surrounding region.’ It also assumes that constructing a landscape that *looks* “as close as practicable” to what was there before will heal the scars of Faro.

Ross River Elders and advisors have several other ideas about how pre-mining states could be achieved, more focused around justice and community than around the specific aesthetic or ecological characteristics of Tsē Zul:

Clifford McLeod: One thing I would really like to see there, once they do the clean up, they should clean up all the hunting shacks back there too.

Caitlynn Beckett: Okay, like to make them usable?

Clifford McLeod: No, just take them out... all the... clean up all the tote roads and back there...

Caitlynn Beckett: So that people can't access it for hunting?

Clifford McLeod: Yeah, it should be regulated so that you can only hunt at certain times... we manage our land....¹¹⁹

¹¹⁶ Barichello, interview with author.

¹¹⁷ Yukon Environmental and Socio-economic Assessment Board, “Preliminary Scope of Assessment – VESECs,” (June 16, 2021), YESAB Registry 2019-0149-8171.

¹¹⁸ Mills, interview with author.

¹¹⁹ Clifford McLeod and John Acklack, interview with author, October 4, 2021.

While the safety of animals and plants remains central to Tū Łídlīni Dena Elders' concerns, this safety is directly linked to broader community healing, working towards a 'pre-mining' state that restores RRDC's land use and governance, not just 'clean' landscapes.

Participating First Nations – RRDC, LFN and SFN – remained critical of the Project's circumscribed temporal and geographical scope throughout YESABs review:

Using standard methods and a narrow scope related to future harm is a colonizing approach that will at best maintain the status quo. We are saying that business as usual isn't enough given the obligations of the Crown.¹²⁰

When asked about the FMRP detaching itself from wider histories of colonialism, violence and theft, one YG employee stated: "Yes, it's easier for government to draw the... draw a boundary around the site and say our scope is inside the line."¹²¹ But these are not just historical phenomena. And while Canada might 'acknowledge' the past harms, the current scope of remediation is limited to managing contaminants in the present and future, strategically disconnecting present contamination from past violence. This approach limits the liability directly connected to Faro and confines remedial actions to engineering and environmental activities. While the FMRP must move forward as quickly as possible to prevent further contamination, there is no promise the remedial actions will align with Tū Łídlīni Dena calls for justice, such as compensation, socio-economic benefits, and co-governance of extractive projects.

6.3.3 *Socio-economic remediation*

¹²⁰ Liard First Nation, in Yukon Environmental and Socio-economic Assessment Board, "Scope of Assessment Technical Advisory Committee Session," (January 12, 2021), YESAB Registry 2019-0149-9158, 46.

¹²¹ Rainey, interview with author.

When reading the 2019 Project Proposal and the FMRP's answers to nine rounds of information requests, it quickly becomes obvious that most Project planning resources have been directed towards water management, and it is assumed that other aspects of the assessment – wildlife, plants, socio-economics – will all be 'improved' alongside water conditions. In other words, water treatment will lift all boats. According to the proposal, remediation of the Faro Mine is expected to have a positive outcome for the local economy. Over the projected 15-20 years of active remediation work, job and contract opportunities are predicted to result in regional economic benefits akin to a mining operation, including increasing real-estate values, employment, and demand for local service industries.¹²² The Proposal does outline some potential risks associated with community cohesion, due to increased wealth and changes in population dynamics: "It is expected that Indigenous identity will be affected for a family with a member working at the Project."¹²³ However, they predict that "with the implementation of mitigation, communities are predicted to be resilient to the small changes in population size, social cohesion, and well-being..."¹²⁴ The Proposal concludes that there will be no significant negative socio-economic impacts.

This conclusion raises three key issues. First, stemming from the deep divide between socio-economic and technical aspects of the Project, the Proposal and subsequent responses to information requests paper over a lack of contemporary socio-economic 'baseline' data. For example, the assertion about 'resilience' in the above quote is not based in information gathered from the community or other local data. According to Dena Cho Environmental:

¹²² Lou Spagnuolo, interview with author, November 26, 2019. Remedial work was expanded from 5-10 years to 15-20 years to provide longer term and more stable economic benefits. This stems from plan reviews, water licensing hearings, and consultations in the early 2000s that emphasized the risk of a 'boom-bust' economy for remediation.

¹²³ Faro Mine Remediation Project, "Section 8: Socio-economic Effects Assessment," in "2019 Project Proposal," submitted to YESAB, (August 2019). YESAB Registry 2019-0149-0756, 13.

¹²⁴ Ibid.

‘Resilience’ in the face of boom-and-bust mining economies should not be considered a mitigation tool for economic or community wellness socio-economic indicators. Responsibility for the impacts of both mining and remediation should be placed solely on the Proponent, not on the community of Ross River and a reliance on their historical ‘resilience’ despite colonial violence.¹²⁵

Second, the Project Proposal’s assertion of economic benefits overlooks the significant risk of *inequitable* benefit distribution. For example, without support for transportation and housing in Ross River, jobs and services continue to be centered in the town of Faro. Third, Elders and RRDC leadership link the risk of inequitable benefit distribution and a chronic lack of socio-economic resources directly to the residual impacts of historic mining. It is difficult for RRDC members to take advantage of economic opportunities or assert their own priorities for socio-economic planning *because of* historic and ongoing dispossession and violence.¹²⁶

Inherent in the assumption that remediation will bring about local benefits is the divide between socio-economic and what is referred to as the ‘technical’ information. Despite twenty years of planning and engagement, the Proposal does not include a draft socio-economic management plan and it does not draw on any socio-economic data from the previous decades of care and maintenance work, relying instead on generalized Yukon statistics.¹²⁷ Like the socio-economic assessment in YG’s 2010 Draft Project Proposal, the socio-economic planning in Canada’s 2019 submission to YESAB is equivalent to a “blah, blah, blah” placeholder:¹²⁸

The other thing that I think has been a failure on the Project is, is really trying to be effective in bringing about real benefits to communities, through the Remediation

¹²⁵ Dena Cho, “Review of the Faro Mine Remediation Project,” 9-10.

¹²⁶ Ladue and Maje, interview with author; J. Atkinson, interview with author; Dennis Shorty, interview with author, April 2021; Sue Moody and CCSG, Aja Mason and Yukon Status of Women Council and Lois Moorcroft, “Never Until Now: Indigenous and Racialized Women’s Experiences Working in Yukon and Northern British Columbia Mine Camps,” prepared for Liard Aboriginal Women’s Society (August 2021).

¹²⁷ Faro Mine Remediation Project, “Section 8: Socio-economic Effects Assessment,” in “2019 Project Proposal,” submitted to YESAB (August 2019), YESAB Registry 2019-0149-0756.

¹²⁸ Several intervenors noted concerns about the lack of detail and commitments outlined in the Socio-Economic Management and Monitoring Plan included in the Project Proposal: Yukon Environmental and Socio-economic Assessment Board, “Information Request No. 1,” (November 25, 2019), YESAB Registry 2019-0149-2285.

Project, whatever that might look like, and there just wasn't, you know, there was always acknowledgement that that should be done, but it was... nobody ever actually made, took the steps to make it happen.¹²⁹

YESAB itself notes that the Proposal did not utilize the best available information in its initial assessment of socio-economic effects, requesting a major revision with updated local data.¹³⁰ By contrast, detailed historic and regional water, geotechnical, and contamination data is central to creating the Adaptive Management Plan included in the Proposal package.

A second example of the imposed divide between socio-economic knowledge and technical work can be seen in the FMRP's approach to what they call 'perceived contamination.' In a response to an Information Request (IR) about fears of contamination, CIRNAC argues that:

The challenges and uncertainty of long-held perceptions of contamination of plants, fish, and wildlife may be considered as having an irreversible influence on traditional land use within the adjacent area of the Project, even if there is an increase in the availability/abundance of these ecological services.¹³¹

CIRNAC and its consultants separate environment improvements (measured through increased availability of fish, wildlife, vegetation etc.) from social *perceptions* of contamination, arguing that remediation will improve the environment, but that they can't control perceptions of environmental health.¹³² This offers a 'get out of jail free card' if so-called traditional land use is

¹²⁹ Bill Slater, interview with author, March 17, 2021.

¹³⁰ Yukon Environmental and Socio-economic Assessment Board, "Information Request No. 2," (June 8, 2020), YESAB Registry 2019-0149-6359, 37-38. CIRNAC responded with an updated Socio-Economic Existing Conditions Report attached to the Information Request No. 2 Response document, including updated labour force characteristics, mortality data, a new table showing harvesting by Indigenous people living off-reserve in Yukon, new TK information, a summary of training programs and procurement strategies, childcare options; transportation options and the implementation of Indigenous sensitivity training: Faro Mine Remediation Project, "Responses to Information Request No. 1," (March 16, 2020), YESAB Registry 2019-0149-5406.

¹³¹ Yukon Environmental and Socio-economic Assessment Board, "Information Request No. 2," (June 8, 2020), YESAB Registry 2019-0149-6359, 87-88.

¹³² CIRNAC does outline how their various management plans will help to deal with the issue of perception of contamination, including increased engagement and community-based monitoring over time. However, YESAB notes that no evidence is presented to substantiate the suggestion that monitoring and public information is effective in eroding and changing perceptions about contamination: Yukon Environmental and Socio-economic Assessment Board, "Information Request No. 2," (June 8, 2020), YESAB Registry 2019-0149-6359.

not resumed in the future. By detaching contamination from *perception* of contamination and failing to provide data and planning for the roots of these fears, accountability for ongoing socio-economic and cultural harms is limited.

A lack of meaningful historic socio-economic data and planning at Faro leads to the simplistic assumption that increased employment and other economic opportunities - such as service contracting, rental income, and training - is an inevitable benefit. This approach has the potential to perpetuate historic economic discrimination at Faro.¹³³ The Project Proposal does not evaluate the risk of inequitable distribution of benefits. As one Elder said:

I mean, anybody who gets a job at the mine [today], even the people who bid on the projects, they're from outside, they don't consider Ross River. You know, they don't even come here to gas up unless their gas station goes down. They [Faro] have the bank, they have health and social services. You know, it's sickening to keep going back to that.¹³⁴

Many of the economic benefits presented in the Project Proposal are reliant on existing infrastructure, accommodation, and services in the town of Faro. Other examples of benefits, such as increased opportunities for land use, tourism, and outfitting, make assumptions about who has *access to* and *ownership of* land and land use permits.¹³⁵ Access to the area for non-Kaska hunters and outfitters has historically been a method of displacement for Tū Łídlīni Dena people and remains a concern for RRDC.¹³⁶

The disparities in economic opportunities generated from remediation can already be seen. The settler-dominated Town of Faro is actively reorienting itself around remediation and

¹³³ Yukon Environmental and Socio-economic Assessment Board, "SATAC II Session Summary," (October 26, 2021), YESAB Registry 2019-0149-2563.

¹³⁴ Ladue and Maje, interview with author.

¹³⁵ Faro Mine Remediation Project, "Section 8: Socio-economic Effects Assessment," in "2019 Project Proposal," submitted to YESAB (August 2019), YESAB Registry 2019-0149-0756.

¹³⁶ Yukon Environmental and Socio-economic Assessment Board, "Executive Committee Meeting with Ross River Dena Council, Scope of Assessment – Meeting Summary," (March 11, 2021), YESAB Registry 2019-0149-0616.

“providing jobs for Yukoners as active stewards of the land for generations to come.”¹³⁷ There is a rush to buy and renovate abandoned properties in town, knowing that work crews will need a place to rent. Meanwhile, mining, contracting, and environmental companies, such as Parsons (the contracting company that built the mine and now has the construction management contract at Faro), have also reoriented themselves towards the financial opportunities in remediation.

Speaking about a local Yukon company, one government employee highlighted that:

... if you're a mining company that is not mining, then you're just spending money on exploration. So, in order to keep that going, part of their business model was to have an environmental arm, that would do the care and maintenance of the abandoned part of the mine. And they would get paid by the feds to do that do that work... Smart to have the federal government as a payment option.¹³⁸

Meanwhile, Kaska people continue to express frustration at exclusion from reclamation work and the profits of those activities.¹³⁹ “Yes you can see all the new companies that's going up.... where are they getting the money from? You know, they're putting up new buildings and you see new faces coming in. Are they ever gonna get off our land.”¹⁴⁰ By centering opportunities in Faro and focusing solely on the positive impacts of business opportunities, the Project risks perpetuating economic discrimination and underestimating the resources needed to support socio-economic benefits for RRDC members – all while funneling billions to the same types of companies that facilitated historic extraction.¹⁴¹

The Project Proposal's divisions between socio-economic vs. technical and its focus on future economic benefits are both mechanisms used to conceptually distance the Remediation Project from the residual impacts of the Faro Mine. The Project Proposal does acknowledge that:

¹³⁷ Yukon Government, “Faro Mine Complex: A Plan for Closure,” Whitehorse, 2008.

¹³⁸ Rainey, interview with author.

¹³⁹ CBC North. “Kaska say Yukon Leaving Them Out of the Faro Mine Clean-up.” *CBC News*, August 2, 2012.

¹⁴⁰ J. Atkinson, interview with author.

¹⁴¹ Dena Cho, “Review of the Faro Mine Remediation Project,” 8.

The historic mining operation has also had effects on the local population size, jobs and the economy, housing and services, community and family wellness, crime rates, drug and alcohol use, and traditional and cultural values.¹⁴²

However, when it comes to the assessment of socio-economic impacts of remediation, the Project Team continually detaches historic extractivism from contemporary remediation work: “The concerns people have about using the land in the area of the Faro Mine site are because of historical mining activity. The Project itself will not create additional health risks for people using the land.”¹⁴³ In this way, the FMRP fails to account for the *cumulative*, negative socio-economic impacts of the Faro Mine and other historic and ongoing developments on Kaska territory, which continue to put RRDC members at a disadvantage for jobs and other benefits associated with extractive developments.

In response, interventions from SFN, LFN, and RRDC argued that historic grievances and legacies needed to be included as a part of cumulative effects assessment.¹⁴⁴ YESAB subsequently requested that Canada provide information on the past and current environmental and socio-economic effects of historic mining.¹⁴⁵ In its response, Canada summarized the historical impacts on Ross River. However, they made no attempt to connect these historic impacts to the potential impacts of reclamation:¹⁴⁶

¹⁴² Faro Mine Remediation Project, “Plain Language Summary,” 12.

¹⁴³ Faro Mine Remediation Project, “Plain Language Summary,” 36.

¹⁴⁴ Dena Cho, “Review of the Faro Mine Remediation Project,” Liard First Nation. “Comment on IR1 Response.” (May 14, 2020), YESAB Registry 2019-0149-3258, 6463, and 0359; Selkirk First Nation, “Comments on Response to IR No. 3-SFN Comments on Socio-Economic Issues,” (May 10, 2021), YESAB Registry 2019-0149-5662.

¹⁴⁵ Yukon Environmental and Socio-economic Assessment Board. “Information Request No. 2.” (June 8, 2020). YESAB Registry 2019-0149-6359.

¹⁴⁶ Faro Mine Remediation Project. “Response to Information Request No. 2.” (September 25, 2020). YESAB Registry 2019-0149-7010, 40-42: Currently, roughly two to five years before the start of active remediation on Faro, there are six additional major remediation or mineral development projects in Kaska territory: Wolverine, Ketza River, Kudz Ze Kayah, Cantung, Silvertip, Snowline Gold, Fireweed, and Seabridge. This list does not include the Vangorda-Grum portion of the Faro Mine Complex, which is not part of the Project, but which remains as an overlapping issue and is substantially integrated with many aspects of the Faro Mine. The cumulative effects on community well-being are rated as “not significant” after mitigation, with the rationale that social cohesion and well-being will be maintained.

The Project is forward focused and while ongoing engagement through the Oversight Committee and Technical Review Committee provide a forum for discussion on the objectives and goals of the Project, issues related to historical grievances with government are dealt with outside of the Project by the appropriate groups in CIRNAC.¹⁴⁷

As argued in a follow-up response from SFN, “The description of socio-economic, socio-cultural, and socio-ecological ‘contexts’, while informative, is not a substitute for effects pathways in project assessments and monitoring.”¹⁴⁸

The Project Proposal simply assumes that socio-economic benefits will stem from the material remediation of contamination and landforms. Making this assumption reinforces the Project focus on so-called ‘technical’ aspects of the Project, while overlooking the need for resources and deep attention to the socio-economic and governance dynamics, as exemplified in the lack of a socio-economic planning, compared to the incredibly detailed water management plans. Intervenors consistently emphasize the disconnect in expectations between the federal government’s focus on quantifying risk and limiting liability, and communities’ expectations for healing, justice, and rekindling of relationships.¹⁴⁹

Decisions about what issues to prioritize - how to treat water, where to store water, who is hired to do this work, and what future land use objectives should be – are all socio-economic, governance, and cultural questions about how a community wants to live, how they will support themselves, and how they will protect and steward their Land and relationships. An artificial division between technical and socio-economic aspects only serves to give power, resources, economic benefits, and data to some voices, while stripping others. As one interviewee reflected,

¹⁴⁷ Faro Mine Remediation Project. “Response to Information Request No. 2.” (September 25, 2020). YESAB Registry 2019-0149-7010, 37-38.

¹⁴⁸ Selkirk First Nation, “Comments on Response to IR No. 3-SFN Comments on Socio-Economic Issues,” (May 10, 2021), YESAB Registry 2019-0149-5662, 9.

¹⁴⁹ Selkirk First Nation, in Yukon Environmental and Socio-economic Assessment Board, “Scope of Assessment Technical Advisory Committee Session – SATAC Session Summary and Presentation Slides,” (January 12-14, 2021), YESAB Registry 2019-0149-9158, 29.

“For some reason, Faro seems to be just devoid of us having those difficult conversations.”¹⁵⁰ For many interviewees, there is a disconnect between YESAB’s assessment, and what folks living in Ross River are really concerned with. Many Elders expressed the sentiment that ‘there are bigger fish to fry’ and that they’ve tried many times to state their expectations for Faro. Instead, Tū Lídlini Dena Elders and leadership are working on a different kind of IA and environmental governance, where their knowledge can centre and guide the process.¹⁵¹ Until then, when it comes to Faro, many interviewees from RRDC wanted to focus instead on building nation-to-nation agreements and compensation negotiations with CIRNAC, outside of YESAB.

6.4 Navigating governance for an everlasting emergency

*There's a group of young people sitting around a campfire with the Elders, and they ask that Elder, Grandpa, why did these things happen? Why are things the way they are? And the guy says, 'I want to be able to tell my grandchildren that I was part of that process - this is the reason why we made these decisions, these are the options that were available to us, and this is what we chose on these merits.' And I want to be able to say that to my great grandchildren - these are the options that were available to me, and that's the reason why I choice it. I want to be able to say that.*¹⁵²

When Canada initiated the Faro YESAB process in 2019, a finalized governance structure, including Terms of Reference for the Oversight Committee, was still in negotiation. As one Project employee stated: “I think governance with this Project has [...] always been kind of a difficult nut to crack, for whatever reason.”¹⁵³ As of writing, the Project has a governance

¹⁵⁰ Van Bibber, interview with author.

¹⁵¹ Ross River Dena Council, “Tū Lídlini Assessment Process Information Package, Version 1,” (May 2024).

¹⁵² Sterriah, interview with author.

¹⁵³ Cummer, interview with author. In their intervention on CIRNAC’s response to IR1, SFN noted that: “the current proposed governance structure is based on the initial bilateral agreement made between Yukon and the Canadian

structure that has been endorsed by all impacted First Nations but is still in flux as the Project moves through various regulatory structures and emergency actions.

The current governance of the Project consists of an Oversight Committee (OC), a Management Board, multiple Bilateral Working Groups, the Technical Review Committee (TRC), and the Independent Peer-Review Panel (IPRP) (Figure 6.4).¹⁵⁴ RRDC and the other impacted Nations have representatives on the OC, on a Bilateral Working Group (one for each Nation), and on the TRC. Many of these governance bodies have been operating in some form for decades – born out of partnership agreements between Canada, YG, and the First Nations in 2004.¹⁵⁵ While the FMRP was undergoing impact assessment, YESAB was not privy to the details of discussions and decisions generated at these tables. YESAB therefore set up an additional working group, the Scope of Assessment Technical Advisory Committee (SATAC) to “provide one forum in which parties can directly inform the Executive Committee of matters discussed in these agreements or committees, which they see as most relevant to the assessment.”¹⁵⁶

Government, which is not appropriate for First Nations governments.” Selkirk First Nation, “Comments on IR1 Response – SFN Submission,” (May 14, 2020), YESAB Registry 2019-0149-2880, 3447, 2240, 9030, 5145, 5184, 4984, and 4287. See also: The Faro Remediation Project, “Plain Language Summary;” and Spagnuolo, interview with author.

¹⁵⁴ Faro Mine Remediation Project. “Section 1: Introduction and Overview.” In “2019 Project Proposal.” Submitted to YESAB (August 2019). YESAB Registry 2019-0149-1170.

¹⁵⁵ Kathlene Suza, personal communication; Ladue, interview with author; Ladue and Maje, interview with author.

¹⁵⁶ Yukon Environmental and Socio-economic Assessment Board. “Letters to SFN, LFN, RRDC, Re: Invitation to Present to the Executive Committee, Scope of Assessment Technical Advisory Committee.” (December 4, 2020). YESAB Registry 2019-0149-5826.

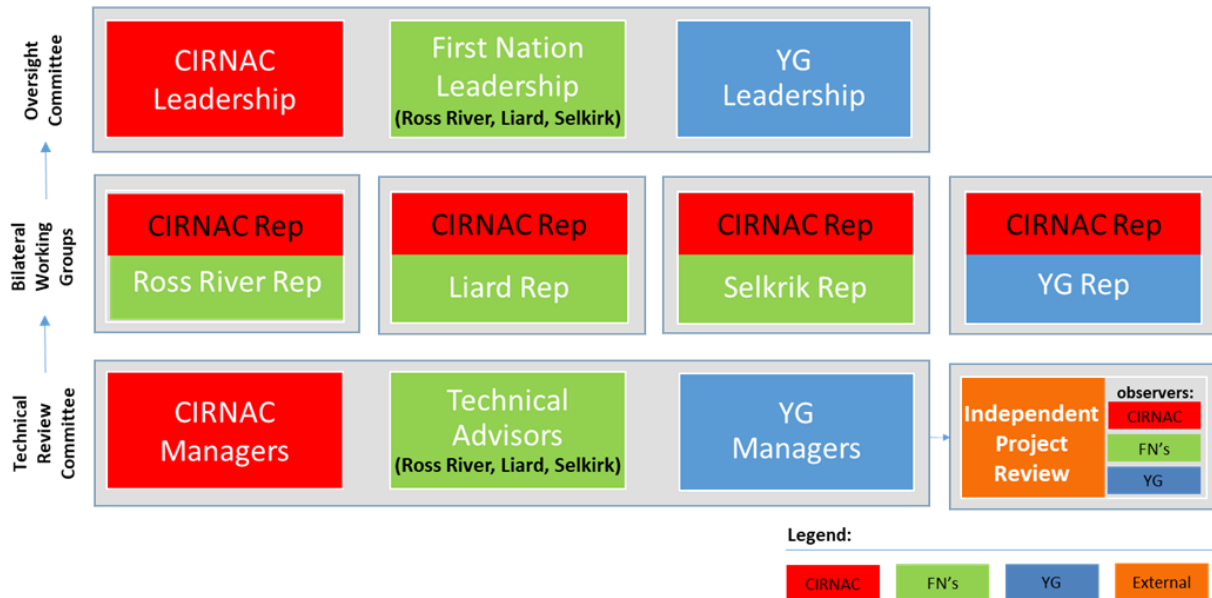


Figure 6.4 Faro Remediation Project Governance Structure, 2024.

Within this complicated, changing, and somewhat uncertain governance structure, there are two key avenues of intervention for RRDC at Faro: 1) attempts at co-governance via the Oversight Committee and Bilateral Working Group, and 2) the settler regulatory process laid out in YESAA and the *Yukon Waters Act*. While the potential for some level of co-governance does exist through the Oversight Committee (OC), the extent to which this committee could be called ‘co-governance’ is unclear, as final decisions still rest with CIRNAC. The OC and Bilateral Working Groups exist outside of YESAA and the UFA (and to some extent, outside the DTA), so there is the potential for RRDC to shape a government-to-government relationship that reflects their priorities. Many Project employees stressed the value and importance of these governance bodies:

I love those bodies. I mean, they're difficult, they're frustrating, sometimes they're challenging, but they're pretty amazing, right? Like you get... a meeting that happens every two weeks with technical and historical and colloquial and cultural input... I think there's a lot to be learned from that and carried forward.¹⁵⁷

¹⁵⁷ Malloch, interview with author.

However, despite the good intentions of Project employees, these governance structures are largely based on the federal government's legal obligation to *consult* First Nations. The Terms of Reference for the Oversight Committee and its decision-making processes were not included as a part of the Project Proposal submitted to YESAB.¹⁵⁸ At the end of the day, it is unclear if formalized *consent* from RRDC will be sought throughout various stages of the Project.

Recognizing that the internal workings of the Oversight Committee are not open to public scrutiny, this section focuses on how governance of the Project was framed throughout the YESAB review. I approach this analysis in the context of RRDC's continued resistance to YESAA as a platform to approve projects on their territory. The requirement to fulfill UFA regulatory mechanisms that RRDC actively resists results in tensions that have the potential to limit RRDC's ability to keep the Faro Mine Remediation Project accountable to their own expectations and stewardship systems. As one RRDC advisor put it: "The closure plan was decided by Canada, through the lens of the UFA and the DTA, and, subsequently [YESAA], not through the lens of Section 35 obligations."¹⁵⁹ An Elder stated plainly:

They keep talking about reconciliation. They're just a bunch of BSers... Why does it take one little old lady to say that? I mean, they get paid the big bucks to do what... just sit back and develop policies... and make Faro, like a special project to be known around the world... but it's in a bad way.¹⁶⁰

¹⁵⁸ Yukon Environmental and Socio-economic Assessment Board. "Information Request No. 2." (June 8, 2020). YESAB Registry 2019-0149-6359: YESAB asked for addition information on the involvement and decision-making authority of each First Nation in the following groups: the Faro Oversight Committee, the Technical Review Committee, the Affected First Nation Working Groups, and the Independent Peer Review Panel. They asked to see the Terms of Reference for each of these groups (or indicate timelines for creation/revision if these are not complete). They also wanted to see a detailed description of funding alternatives for continued engagement and active involvement of First Nations, and long-term care.

¹⁵⁹ Barichello, interview with author.

¹⁶⁰ Ladue, interview with author.

Tensions between consultation and consent come to a head in examples of how the Project Proposal uses Traditional Knowledge (TK); how the Proposal articulates, and plans to implement, the five overarching Project objectives (Figure 5.1); and YESAB's inability to *require* legal accountability. Outside of the YESAB process, Tū Łídlīni Dena continue to work towards remedial alternatives that will help to heal Tsē Zūl on their own terms, and in resistance to settler colonial regulatory structures.

In the public comments on the Faro Remediation Project Proposal on YESAB's registry, there are countless questions about how 'Traditional Knowledge' (TK) has informed design and Project governance.¹⁶¹ On the public registry, Canada, YESAB and their consultants are constantly 'talking past' questions from impacted First Nations about TK and governance.¹⁶² There is a disconnect between how RRDC, and the other impacted Nations, communicate their knowledge and how Canada and YESAB use this knowledge within the IA. Canada, YESAB, and their consultants subtly limit what types of TK get included in the Project assessment. Beyond a recognition of historic harms, there are almost no considerations of the connections that Elders make between the mine and *ongoing* impacts on their cultural practices and systems of governance.¹⁶³ For example, the Project Proposal outlines how TK will be used to identify plant species for revegetation, but does not connect this to demands for Kaska governance:

¹⁶¹ Yukon Environmental and Socio-economic Assessment Board, "Information Request No. 2," (June 8, 2020), YESAB Registry 2019-0149-6359: In response to LFN, RRDC and Selkirk's comments about meaningful and respectful integration of Traditional Knowledge, YESAB asked the Project Team to demonstrate how TK and the views of affected First Nations have been incorporated in to the proposal..

¹⁶² Liard First Nation, "Comments on Response to IR No. 3 – LFN Comments Cover Letter," (May 10, 2021), YESAB Registry 2019-0149-2329; Liard First Nation, "Comments on Response to IR No. 3 – Outstanding Question," (May 10, 2021), YESAB Registry 2019-0149-9007.

¹⁶³ In response to a request from YESAB to identify how consultation and TK had contributed to project decisions, CIRNAC provided a Table (2.4-2) that identified key decisions made based on consultation with First Nations.' Key examples included beginning work on water treatment and diversion work as soon as possible, training opportunities, and the fish overwintering ponds in the Rose Creek Diversion. CIRNAC stated that TK was used to identify key issues in early planning (i.e. the development of the five project objectives), and that TK was used to identify temporal and spatial scope, including the selection of human receptors and food items for health impact

Well, I think one of the perfect examples is the covers... in the future we might want to use TK to help us. We're hoping to use that knowledge to help us pick the options and the kind of covers, which is highly technical... Probably only TK can help us determine what kind of vegetation we're going to try to grow, in order to bring back, possibly, what was there... which could possibly bring us to some form of reconciliation in the future... might bring back, you know, the caribou or... whatever they used to hunt in the past... So even though we don't do actual historic compensation, we can still bring back hopefully, a little bit of what was there before to help them, to help us reconcile into the future.¹⁶⁴

But Kaska knowledge is not just about what landscapes used to look like. In the YESAB process, practices such as hunting, berry picking, and fishing are disconnected from structures of Kaska governance, and from demands for rights, compensation, and economic benefits.¹⁶⁵ Similar accusations were made by RRDC in the early 2000s when Deloitte and Touche and YG engaged RRDC members for a TK study, but then included little of the information in their water license application.¹⁶⁶

The complexities of how TK, and Kaska Knowledge more specifically, is used within remediation governance and YESAB processes can be seen in recent refusals and hesitancy to share certain types of information with settler governments and YESAB:

Governments... they don't like to charge any decisions to Ross River itself. When Ross River starts imposing conditions, I think they get a little nervous about precedent. But Ross is always concerned that if they don't follow these policies, and really bring Ross River in as a partner, as kind of a wholesome partner, that YG can then harvest

studies. However, they do not provide any details for these assertions. They also do not mention anything about concerns about governance, sexism, racism, wildlife health, or site access: Faro Mine Remediation Project, "Response to Information Request No. 2," (September 25, 2020), YESAB Registry 2019-0149-7010. YESAB found these responses, particularly the responses regarding the consideration of First Nation information in the effects assessment, to be inadequate, and issued a third Information Request: Yukon Environmental and Socio-economic Assessment Board, "Information Request No. 3," (November 24, 2020), YESAB Registry 2019-0149-8066.

¹⁶⁴ Rousseau, interview with author; see also, Dena Cho, "Review of the Faro Mine Remediation Project," 4.

¹⁶⁵ Gillian Stavely, "The Kaska Dena: A Study of Colonialism, Trauma and Healing in Dena Kēyeh" (Master's Thesis, University of British Columbia, Vancouver, BC, 2018); John Sandlos and Arn Keeling, "Toxic Legacies and Environmental Justice at Giant Mine, Northwest Territories," *The Northern Review* 42 (2018): 7-21; Brittany Tuffs, "Kaska Legal Understandings of Land" (Master's Dissertation, University of Saskatchewan, Saskatoon, SK, 2022).

¹⁶⁶ Deloitte and Touch Inc., "Anvil Range Mining Corporation – 2004-2008 Water License Renewal Key Documents," (2003), Yukon EMR Library; Testloa George Smith and Ross River Dena Council, "Summary Report of the Review of the EAR for the Faro Mine Water License Application by the Ross River Dena Council," (2003), Yukon EMR Library.

information. So, they can take the report, use what they want, and the phone goes dead in terms of energy and interaction with Ross River.¹⁶⁷

For example, the Ross River Lands Department completed a Traditional Knowledge assessment and report for the Tsē Zūl region in 2009, but the report has not been shared with the Yukon or Federal governments because “we couldn’t get the Yukon Government to sign off on a confidentiality agreement.”¹⁶⁸ RRDC wanted to have complete ownership of the data, including consent for how the information would be used and shared: “Maybe they were worried about the fact that Ross River would own it. Maybe they were concerned about the confidentiality aspects. I don’t know, but they weren’t willing to undertake that negotiation.”¹⁶⁹

For these reasons, much of the TK used in the YESAB process relied on public documents from the 1970s-1990s, and work completed for other mining projects.¹⁷⁰ The majority of Kaska TK work cited refers to Weinstein’s 1992 report for RRDC. Drawing on Weinstein’s report, the Project concluded that:

Overall, Traditional Knowledge and scientific information indicate that previous and existing effects from the Faro Mine and Town of Faro and expected effects from the Project are within the resilience and adaptive capacity limits of vegetation and wildlife valued components.¹⁷¹

¹⁶⁷ Barichello, interview with author.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Weinstein, “Just Like People Get Lost;” Peter Dimitrov and Martin Weinstein, “So That the Future Will Be Ours: Volume 1 and 2,” prepared for Ross River Dena Council (1984); Gartner Lee Ltd., Mehling Environmental Management Inc., BGC Engineering Inc., and Sheila C. Greer, “Faro Mine Site – Phase 1 Environmental Assessment Final Report,” submitted to Deloitte and Touche Inc. (2001), Yukon EMR Library; Glenn Icton, “Defining Space: How History Shaped and Informed Notions of Kaska Land Use and Occupancy” (PhD Diss., University of Saskatchewan, Department of History, 2019).

¹⁷¹ Faro Mine Remediation Project, “Response to Information Request No. 2,” (September 25, 2020), YESAB Registry 2019-0149-7010, 91-92. In YESAB, “Information Request No. 2,” LFN noted that it was unclear how Indigenous Knowledge informed the wildlife and vegetation cumulative effects on valued components. YESAB then required that the Project team comment on how First Nations were involved in or verified the definitions of thresholds of resiliency and acceptability in relation to wildlife and vegetation. This quote is the response that CIRNAC provided to IR 2-91 and 92.

Yet, the Project Team didn't reference the extensive sections of Weinstein's report that document RRDC members' concerns about harms to wildlife and vegetation – particularly due to overhunting and metals uptake. The key argument of Weinstein's 1992 report was that *retrospective assessment* needed to be completed for Faro to support demands for compensation and reparation for past harms and impacts.¹⁷² In contrast, the Project Proposal and YESAB process used the report to cherry pick information about plants and wildlife.

In several information requests, YESAB pushed Canada to show how TK and community consultations are linked to key Project decisions and how the governance structure will facilitate some level of co-governance.¹⁷³ In general, responses from Canada and their consultants continually referred to the co-created Project objectives and opportunities for First Nations to review drafts of the Project Proposal.¹⁷⁴ While these points are both true, these vague answers are a diversion from uncertainty around governance and socio-economic impacts:

... those five objectives keep coming up. And they're not bad objectives, you know, but... I mean, part of it is because there just hasn't been the kind of engagement and continued active relationship building through governance since that time [2008], so you know, that's what they're left to pull out... because there isn't anything else.'¹⁷⁵

¹⁷² Weinstein, "Just Like People Get Lost."

¹⁷³ Yukon Environmental and Socio-economic Assessment Board, "Information Request No. 2," (June 8, 2020), YESAB Registry 2019-0149-6359; Yukon Environmental and Socio-economic Assessment Board, "Information Request No. 3," (November 24, 2020), YESAB Registry 2019-0149-8066; Yukon Environmental and Socio-economic Assessment Board, "Information Request No. 4," (May 20, 2021), YESAB Registry 2019-0149-8066. In the Preliminary Scope of Assessment, YESAB added several VESECs and subcomponents that they used for their assessment (diverging from CIRNAC's suggested VESECs), including 'Sense of Place,' which refers to valued individual or collective connection to a physical location or landscape. YESAB also added a 'Public Trust' VESEC: "First Nations expressed the importance of First Nation representation in Project governance and decision making, and in the potential for perpetuating social and cultural harms in the permitting of this project and in project implementation." Subcomponents of this new VESEC included long-term funding, oversight and governance, perpetual care, and legacies for future generations: Yukon Environmental and Socio-economic Assessment Board, "Preliminary Scope of Assessment – VESECs," (June 16, 2021), YESAB Registry 2019-0149-8171.

¹⁷⁴ In a detailed review of the consultation records submitted for the Faro Remediation Project Proposal and the rounds of answers to information requests, it becomes obvious that CIRNAC and their consultants have relied on relatively inconsistent direct engagement with RRDC community members at large since the mid 2010s. Between 2009-2016, there is little engagement outside of meetings between leadership and the Kaska Secretariat, after it was created. Several large engagement sessions were held in 2017, with the COVID-19 pandemic derailing engagement from 2020 onward.

¹⁷⁵ Slater, interview with author.

Many RRDC Elders noted that they knew the Faro Mine site would never be returned to ‘what it was’, but they wanted to see some kind of discussion of what ‘good enough’ looks like within a Kaska governance and stewardship framework. LFN echoed these sentiments: “the identification of significance thresholds needs to take into account Kaska people's desired future states for the site, rather than thresholds solely based on avoiding or minimizing adverse effects.”¹⁷⁶ Along these same line, RRDC advisors noted an important gap between the five closure objectives and the Project Proposal scope:

I get the sense that what's happened is [that]... there were some closure objectives that were set that were very, very general, and it seems to me that those objectives have been essentially abandoned and there's very prescriptive objectives now that largely address water.¹⁷⁷

Ross River Dena Council has continually asked to develop governance mechanisms, outside of the UFA and YESAB, that would align with their unceded status *and* the five objectives they approved in 2009 (Figure 5.1).¹⁷⁸ And yet, the five objectives continue to be interpreted vaguely within UFA and DTA structures.

There is a long history of ‘consultation’ at Faro, only to be followed with many broken promises and vague commitments: “when somebody else comes in... they just, I don't know, they say something to our First Nation then they go home, they take off.”¹⁷⁹ While RRDC members were deeply engaged in creating the five Project objectives in 2009, since then Elders, community members, and advisors have all expressed concern about the lack of clarity regarding

¹⁷⁶ Liard First Nation, “Scope of Assessment Technical Advisory Committee Session – LFN comments on Future SATAC Sessions,” (January 12, 2021). YESAB Registry 2019-0149-9801, 1-2.

¹⁷⁷ Barichello, interview with author.

¹⁷⁸ Barichello, interview with author. LFN also pushes for a discussion about how remediation might impact rights and title, see Comment on IR1 Response - LFN Submission, May 14, 2020, 2019-0149-3258, 6463, 0359.

¹⁷⁹ McLeod and Acklack, interview with author.

governance, monitoring, promises for socio-economic benefits, and long-term funding. Similar concerns can be traced through multiple rounds of information requests for the YESAB review of the FMRP:¹⁸⁰

I think that Faro, at the moment, is still missing any sort of independent oversight and accountability, and the assessment process, and the licensing process will provide a little bit of that, but it's periodic at best. And it's not enough.¹⁸¹

Some interviewees pointed out that, unlike contemporary mining projects, the FMRP has so far not negotiated any kind of impact benefit agreement, nor developed a socio-economic management plan: “they aren't held to the same standards of getting impact benefit agreements, or any kind of other governance agreement that a new mining company these days would have to go through.”¹⁸² Such mechanisms are particularly important for managing socio-economic impacts and ensuring that benefits are equitably distributed:

Having governance over the Project also means having governance over your economic opportunities, right. And like, I think it can be difficult, because you see industry and government reaching out and saying, oh, here's a partnership agreement, or here's a contract to work on site. And that's great in the short term - because it's instant cash flow and opportunities for the community - but over the long term, the community still doesn't have decision making power over how those contracts happen.¹⁸³

¹⁸⁰ Yukon Environmental and Socio-economic Assessment Board, “Information Request No. 2,” (June 8, 2020), YESAB Registry 2019-0149-6359; Yukon Environmental and Socio-economic Assessment Board, “Information Request No. 3,” (November 24, 2020), YESAB Registry 2019-0149-8066.

¹⁸¹ Slater, interview with author.

¹⁸² Michael Van Aanhout and Stefan Reinecke, interview with author, November 25, 2019: see also, Slater, interview with author: “They don't... [Giant Mine] did actually end up with an environmental agreement, which is super unique. But that hasn't really played out in any other places. The only other one I can think of is Keno Hill. And that's a private company doing the remediation, but they do have an agreement with Na-cho Nyak Dun about the remediation.”

¹⁸³ Van Bibber, interview with author.

One federal employee noted that the requirement for some kind of socio-economic benefits agreement is “scary to some people. I don't know why necessarily... it could be positive for all sides and would maybe provide the clarity on some of the stuff that's needed.”¹⁸⁴

Throughout interviews, YESAB interventions, and two decades worth of Crown consultation,¹⁸⁵ one theme rings through— the need for some kind of community accountability that does not rely only on the promises of the federal government and settler regulators, who have failed Tū Łídlīni Dena and other Yukon First Nations countless times in the past. Elders point to the need to establish long-term oversight and environmental and socio-economic monitoring that will guarantee Tū Łídlīni Dena's involvement in decision making, economic benefits, and monitoring:¹⁸⁶ “The Kaska law says that the people, the family that's affected by the Project should have some oversight.”¹⁸⁷ Throughout the YESAB review, Canada and their consultants countered these concerns with the promise that the federal government “isn't going anywhere,” and that collaborative governance processes, including continued engagement and local procurement policies, will continue past regulatory phases.¹⁸⁸

But since YESAB can only make recommendations, it does not have the legal ability to hold the FMRP accountable to such promises. Since YESAB operates through the UFA, it negates the unceded nature of Kaska territory and, in effect, makes recommendations for Lands it has no authority over. In addition, because the FMRP is not a mining project, it will not need to

¹⁸⁴ Jesse George and Natasha St.Pierre, interview with author, November 25, 2019.

¹⁸⁵ Faro Mine Remediation Project, “Section 2 First Nations and Community Consultation, Appendix 2A Consultation Records,” submitted to YESAB (August 2019), YESAB Registry 2019-0149-7642.

¹⁸⁶ Caitlynn Beckett and Brittany Tuffs, “Ross River Elder's Council Workshop on the Faro Remediation Project,” prepared for Ross River Dena Council (June 2019).

¹⁸⁷ Sterriah, interview with author; J. Atkinson, interview with author.

¹⁸⁸ Rousseau, interview with author; see also, George and St. Pierre, interview with author; Tomlinson, interview with author; Faro Mine Remediation Project, “Response to Information Request No. 1,” (March 16, 2020), YESAB Registry 2019-0149-5406; Faro Mine Remediation Project, “Response to Information Request No. 2,” (September 25, 2020), YESAB Registry 2019-0149-7010.

obtain a mine license. Therefore, the only opportunity for permitting requirements that will hold the FMRP legally accountable, will come through water licensing. The *Yukon Waters Act* has little authority to issue terms and conditions related to governance or socio-economics – again hiving off water from cultural priorities.¹⁸⁹

In July 2024, YESAB published a Final Screening Report for the FMRP, which recommended that the Project be allowed to proceed, subject to mitigations outlined in 30 recommendations, including:

- reviews of the water quality adaptive management;
- a carbon offsetting plan;
- emissions tracking;
- wildlife management plans;
- tracking of housing availability;
- implementation of additional emergency health services;
- creation of a mentorship program for Yukon First Nation employees;
- establishment of a monitoring program for socio-cultural and economic effects;
- creation of a perpetual care plan; and
- the creation of an Independent Review Body.¹⁹⁰

In September 2024, the Federal Decision Bodies (including CIRNAC and Fisheries and Oceans Canada) referred the Final Screening Report back to YESAB’s Executive Committee, citing concerns about timelines for perpetual care planning, the role of the proposed Independent

¹⁸⁹ Nicole Wilson, “Querying Water Co-Governance: Yukon First Nations and Water Governance in the Context of Modern Land Claim Agreements,” *Water Alternatives* 13, no. 1 (2020): 93-118.

¹⁹⁰ Again, because YESAB only has the authority to make recommendations, these terms and conditions are not binding: Yukon Environmental and Socio-economic Assessment Board, “Final Screening Report: Faro Mine Remediation Project,” (July 5, 2024), YESAB Registry 2019-0149.

Review Body, and wording that could potentially require the FMRP to ensure that water quality objectives are always met (likely an impossibility at Faro). RRDC also noted concerns about the structure of the proposed Independent Body and highlighted unanswered concerns about wildlife management, monitoring, housing, community services, economic impacts, and YESAB's role on Kaska territory.¹⁹¹ With small changes made in response to these concerns, YESAB published its final recommendations in November 2024.¹⁹² The federal decision bodies have yet to issue a final decision on how the FMRP will proceed.

Throughout the review process, YESAB made an important, albeit convoluted shift in the temporal scope of the Project scope. Consistent with approaches used for the Keno Hill Remediation Project and the Aishihik Generating Station Relicensing Project assessments, YESAB determined that the current conditions of the site were not a sufficient baseline:

The historic development, operation, and abandonment of the Faro Mine are not part of the Project activities in the Project Proposal. However, legacy issues are considered in relation to VESECS where adverse effects might continue to occur or be exacerbated by the historic operation of the Faro Mine.¹⁹³

In other words, the legacy impacts of past mining may be considered as a part of the *cumulative* impact assessment.¹⁹⁴ In line with this approach, YESAB stated that effects predicted to occur during active remediation were “characterized compared to current conditions” and that effects

¹⁹¹ Geoff Karcher (Crown-Indigenous Relations and Northern Affairs Canada) and Alston Bonamis (Fisheries and Oceans Canada), “Letter to Executive Committee, Yukon Environmental and Socio-economic Assessment Board, RE: Referral for Reconsideration of the Executive Committee’s Screening Report and Recommendation for the Faro Mine Remediation Project,” YESAB Public Registry 2019-0149-7056 (September 27, 2024); Travis Stewart (Liard First Nation Lands), “Letter to Executive Committee, Yukon Environmental and Socio-economic Assessment Board, RE: Referral back of the Faro Mine Remediation Project Final Screening Report,” YESAB Public Registry 2019-0149-5572 (September 23, 2024).

¹⁹² Yukon Environmental and Socio-economic Assessment Board, “Screening Report and New Recommendation: Faro Mine Remediation Project,” (November 22, 2024), YESAB Registry, 2019-0149-5044.

¹⁹³ *Ibid.*, 63.

¹⁹⁴ Yukon Environmental and Socio-economic Assessment Board, “Preliminary Scope of Assessment – VESECS,” (June 16, 2021), YESAB Registry 2019-0149-8171.

predicted to occur during operations and maintenance (i.e., after active remediation works are completed), were “characterized compared to pre-mine conditions and the overarching restoration objectives of the Project.”¹⁹⁵

However, the Project Proposal did not define pre-mining conditions, and in the same breath stated that:

The work of the EC is forward-looking within its screening, and the Proponents, in undertaking the Project, might not adequately address the legacy issues from the Faro Mine. CIRNAC, as the Proponent, recognized the severity and importance of discussing the legacy effects of the Faro Mine and notes in the Project Proposal that these will be discussed outside of the YESAB process.¹⁹⁶

So, while YESAB did push against the Project’s assertion that the legacies of the Faro Mine should not be included in the assessment, it offered little clarity in how these legacies should be concretely addressed. YESAB made no recommendations to flesh out what reclamation *success* (based on pre-mining conditions) looks like under the five Project objectives. In other words, the FMRP was assessed based on mitigations that propose to limit the impacts from remediation activities; it was not assessed on its *ability* to achieve the five overarching objectives or bring about benefits and justice for RRDC members.

YESAB’s recommendations for socio-economic monitoring, additional emergency health services, employment mentorship, wildlife management plans, and for an Independent Body address some of the concerns raised by RRDC, LFN and SFN. However, as noted in LSCFN’s

¹⁹⁵ For the temporal scope, the Project was broken up into two phases: Active reclamation (major construction, water treatment, monitoring and adaptive management), and Operations and Maintenance (the period when the efficacy of active remediation and reclamation success is confirmed through performance monitoring, to “achieve a predictable state that meets the overarching objective of the Project”). A temporal boundary of 25 years was selected: 15 years for Active Remediation and 10 for Operations and Maintenance. 25 years is also the maximum water license duration: Yukon Environmental and Socio-economic Assessment Board, “Screening Report and New Recommendation: Faro Mine Remediation Project,” (November 22, 2024), YESAB Registry, 2019-0149-5044, 55.

¹⁹⁶ Yukon Environmental and Socio-economic Assessment Board, “Screening Report and New Recommendation: Faro Mine Remediation Project,” (November 22, 2024), YESAB Registry, 2019-0149-5044, 63.

research on how YESAB approaches mining, such recommendations can “be seen to be addressing the program, without really addressing the problem...”¹⁹⁷ In other words, even if RRDC and others were satisfied with YESAB’s recommendations, there is nothing to hold the Project accountable to various management plans and engagement expectations outlined in the Final Screening Report.

6.4.1 *Kaska alternatives for reclamation governance*

For Tū Łídlīni Dena Elders and leadership, the question posed by YESAB - whether reclamation activities will cause environmental and socio-economic impacts – is not the fundamental challenge posed by the Faro Mine Remediation Project. Instead, Elders wanted to know *how the proposed remediation will effectively reclaim the residual impacts of the mine* and how the federal government will be *held accountable*.¹⁹⁸ In this regard, RRDC’s advisors questioned the purpose of YESAA for remediation projects:

I think an EA is not necessary... That's not to say that conversation shouldn't be had as to the inclusion of First Nations and compensation and reconciliation, rights, and title and all those sorts of things. But that can be done outside of the environmental assessment process. It can be done government to government. So, I think there's just a bit of a fundamental flaw in running this program through an environmental assessment process.¹⁹⁹

¹⁹⁷ Jones, “Confronting Settler Colonialism,” 125, emphasis added.

¹⁹⁸ Van Aanhout and Reinecke, interview with author: “How do they ensure that discussions about compensation and the kind of broader legacies of what remediation, you know, could perpetuate or deal with? How do they have those discussions while also starting the remediation as soon as possible, because the environmental assessment isn't offering a venue for those kinds of discussions, there's no promise from the federal government that those kinds of discussions will be had.”

¹⁹⁹ Van Bibber, interview with author.

The Project Proposal and YESAB's recommendations also do not include any structure for *how* the success of remediation will be measured in relation to historic violence and dispossession, or the *future* of Kaska governance of Tsē Zūl's waters.

In particular, YESAB's recommendation for the creation of an Independent Body (tasked with reviewing the Project progressions and making recommendations), introduces more uncertainty, including the potential for duplication, into the structure of the First Nations' co-governance of the Project and how RRDC can best hold the FMRP accountable. Because of its inability to require the implementation of these recommendations, or enforce compliance through permitting, the YESAB process offers little accountability and instead, infringes on Kaska unceded Lands. These superficial commitments echo similar commitments made in the defunct and ineffective 1969 *Anvil Agreement* and in Anvil Ranges 1994 socio-economic agreement.

Leaving many asking, why did the FMRP go through YESAB?

Throughout the five-year YESAB process, many interviewees, including Elders, leadership and Project employees, expressed disenchantment with the YESAB process, particularly when it came to governance and accountability at Faro. While acknowledging that YESAA provides an important opportunity for public review, Tū Łídlīni Dena Elders and leadership remain frustrated with the emergency nature of the site, limitations to working outside of UFA structures, and the seemingly never-ending delay of remedial work as regulatory processes stall:

What I'm concerned about is... they had plans... remediation plans, these same plans presented here last year. They presented the same plans 10 years ago, 15 years ago, and people were upset about that, why hasn't anything been done?²⁰⁰

²⁰⁰ Dylan Loblaw, interview with author, November 15, 2019.

While waiting for regulatory approvals, more and more work is completed as emergency projects, and RRDC has increasingly engaged directly with these emergency activities rather than with the YESAB process, particularly because YESAB offers them no legal teeth to hold the FMRP accountable. YESAB, and the Yukon Water Board, have proved ineffective in evaluating and regulating remediation projects in a timely manner and have not centered First Nations' priorities for healing their land and rebuilding land relationships.

In response to these structural failures, over the past decades, Tū Łídlīni Elders and leadership have identified various alternatives and mechanisms for ensuring that the residual impacts of Faro are addressed, outside of and in resistance to, the confines of the YESAB and Water Licensing structures.²⁰¹ For instance, Elders want to see supports for Kaska-led monitoring and Land Guardian programs at Faro. Kaska-led monitoring programs could also be used to collect and communicate information about dust, metals, vegetation and wildlife health: "It would be really interesting to see how much metal and stuff go into animals."²⁰² Elders want to see more visible Kaska culture on site – their own stories, their language, space and support for their people, childcare for employees, and consistent anti-racism training.²⁰³ Land Guardian programs at Tsē Zūl could also be integrated with supports for hunting permit systems and Indigenous Protected and Conserved Area (IPCA) programs that would protect Kaska Lands

²⁰¹ My research relationship is with RRDC exclusively, so this section reflects what RRDC has shared and what they envision as future possibilities. Liard First Nation has also been doing this work, on their own terms, and have requested some similar approaches, including independent assessment: Liard First Nation, "Status of Adequacy Review," (November 5, 2019), YESAB Registry 2019-0149-9986; Liard First Nation. "Comment on IR1 Response." (May 14, 2020), YESAB Registry 2019-0149-3258, 6463, and 0359; Liard First Nation. "Comments on IR2 Response." (November 19, 2020). YESAB Registry 2019-0149-6635 and 8773; Liard First Nation. "Scope of Assessment Technical Advisory Committee Session – LFN comments on Future SATAC Sessions." (January 12, 2021). YESAB Registry 2019-0149-9801.

²⁰² Amber John, in Minnie Besner, interview with author, October 7, 2021. This was a key desire expressed at the Ross River Elders Workshop on Faro in June 2019. Several Elders also asked for studies on the Tay Caribou Herd, who used to use the Faro area, but now has moved to a different region: Beckett and Tuffs, "Ross River Elder's Council Workshop."

²⁰³ Ladue and Maje, interview with author; Besner, interview with author.

from future extraction.²⁰⁴ This kind of independent monitoring at Faro is part of exercising governance and sovereignty: “A presence of Ross River, like a Tū Łídlīni presence.”²⁰⁵ Some of this work has already begun, led by Tū Łídlīni Dena.²⁰⁶

Another key mechanism for ensuring RRDC control and consent over ongoing and future activities on their Land is the establishment of the Tū Łídlīni Assessment Process. Since the YESAA process does not address the unceded rights and title of Ross River and Kaska peoples more broadly, RRDC is in the process of constructing an independent assessment process that addresses their priorities and rights: “I don’t want to be involved in YESAB – we are a government too, ourselves right here. We have been self-governed all our life.... Raised up by our grandparents telling us what to do. So why settle, when we have our own rights through our Elders.”²⁰⁷ Independent assessment is pivotal for ensuring oversight and setting priorities: “I think we should tell all these other different mining proponents in our tradition area to take a hike for 10 years and really switch our focus over to [remediating] Faro.”²⁰⁸

Central to these initiatives is reparations. The wealth that was stripped from Kaska Lands needs to be reclaimed and returned to the community in some form:

The only thing about Faro now, it'll never go back to being the same... That's all we want... to get compensated from there. And... I'm getting too old now. 76 years old. But I want to see my grandchildren and my children get compensated. What they missed out on.... what I've missed out on teaching my kids. As long as we get compensated from that... not only for money, but too... cultural... for the help of our community... for the help of the Dena people of Ross River. That's what I want to see done. Where they build a community hall instead of always using the school or the Hope Centre... where we can

²⁰⁴ McLeod and Acklack, interview with author; Sterriah, interview with author; Testloa Smith, interview with author, November 11, 2019; Pat Atkinson, interview with author, October 6, 2021; Beckett and Tuffs, “Ross River Elder’s Council Workshop.”

²⁰⁵ Robbie Dick, interview with author, December 11, 2019.

²⁰⁶ For example, RRDC has recently fought for their companies to get more environmental contracts and for training for their youth, including Dena Cho’s Revegetation Program, RRDC’s ownership of mining camps, and various training programs: Gordon Peter, interview with author, November 16, 2019.

²⁰⁷ John Acklack, in Beckett and Tuffs, “Ross River Elder’s Council Workshop.”

²⁰⁸ Dick, interview with author.

have our own community hall... something that we can say is ours... not to lend or borrow... That's what I want to see done.²⁰⁹

RRDC fought hard to prove that the Canadian government had broken the law when it permitted the Faro Mine. Stemming from a 2012 Yukon Supreme Court Case, the Canada is now required to negotiate compensation for the first three years of Faro's operations and other developments incurred before land claim negotiations began in 1973.²¹⁰ Through this negotiation table, RRDC wants to ensure that remediating the Faro Mine site does not equate to what Canada owes in compensation. But, at the same time, it is unclear how or if compensation negotiations will ensure the Project remains accountable to RRDC's demands for direct governance and monitoring.²¹¹ Without adequate compensation *and* a piece of the pie at Faro, the measures necessary to reclaim Tsē Zūl – Kaska governance, monitoring, guardianship, economic reparations, and support for cultural reclamation – will lack the resources needed, even as billions of dollars flow from federal coffers into the containment and remediation of Kaska waters.²¹²

6.5 Conclusions: reservoirs of mistrust

RRDC Elders and leadership's disenchantment with the YESAA process stem directly from their resistance to a process that they never consented to.²¹³ They argue that what is

²⁰⁹ Tommy, interview with author; Shorty, interview with author.

²¹⁰ Ross River Dena Council v. Government of Yukon, (2015), YKSC 45.

²¹¹ Walsh, interview with author: "like Faro Remediation was an issue that they had to deal with before this court declaration was issued, you know, and the mere fact that they're doing with it, they want to say, okay, that's your compensation. No, no, no, no, no, no."

²¹² McLeod and Acklack, interview with author; and Smith, interview with author.

²¹³ In addition to RRDC's refusal to sign a land claim under the UFA, Canadian IA does not allow Indigenous communities to provide or withhold their consent to Crown actions. It allows the Crown to act unilaterally,

included in YESAB's review of Faro does not address their deeper concerns about rights, compensation, and governance: "But we have never settled. They should need our consent."²¹⁴ For decades, RRDC members' demands for Faro have continually been 'scoped out' of settler colonial regulatory processes.²¹⁵ Stuck between a regulatory process that they have not consented to and a quickly acidifying site, RRDC has repeatedly expressed their desire for the FMRP to proceed through YESAB and water licensing as quickly as possible, and for full remediation to begin.²¹⁶ In the meantime, RRDC is asked to 'just trust' that governance, compensation and socio-economic benefits will fall in place alongside settler regulation and water management.

Despite RRDC's continual emphasis on the need to address the legacies and injustices of the Faro Mine, YESAB and the FMRP pick and choose which moments in time and what types of legacies to address. The theft and injustice associated with gendered, racialized, and extractive violence of the Faro Mine are not included as a part of the assessment of ongoing remediation work, as one RRDC advisor noted:

I think Canada's got to make sure that they're not being disingenuous, if they aren't looking at all the residual impacts of the Faro mine, then say, 'we're not going to address them, because they're not a priority.' Or say, 'yes, we'll address them over time.' But I think they've got to come clean and not use this Project to essentially conclude that they've remediated the Faro Mine... but rather that there's a number of areas that they've decided not to remediate.²¹⁷

reinforces Crown sovereignty, and therefore undermines the ability of many Indigenous Peoples to establish true nation-to-nation relationships with Canada. Canadian IA processes focus on procedural fairness rather than substantive outcomes and there is an insufficient attention to accommodating Indigenous Peoples' rights and interests in duty to consult litigation: Bernauer, "Producing Consent."

²¹⁴ Willie Atkinson in Beckett and Tuffs, "Ross River Elder's Council Workshop;" Dena Cho, "Review of the Faro Mine Remediation Project."

²¹⁵ See Chapter 3 for a detailed analysis of operational water licensing at Faro.

²¹⁶ Dena Cho, "Review of the Faro Mine Remediation Project;" Yukon Environmental and Socio-economic Assessment Board, "Meeting with RRDC," (January 28, 2021), YESAB Registry 2019-0149-8747; Yukon Environmental and Socio-economic Assessment Board, "Executive Committee Meeting with Ross River Dena Council, Scope of Assessment – Meeting Summary," (March 11, 2021), YESAB Registry 2019-0149-0616.

²¹⁷ Barichello, interview with author.

By contrast, water contamination and waste management objectives are set in reference to ‘pre-mining’ and regional conditions. It is assumed that returning water, vegetation, and landscapes as close as possible to ‘pre-mining’ conditions will inevitably lead to reconciliation and healing. Yet this approach absolves the government from taking full responsibility for the legacies of the Faro Mine.

Outstanding concerns about how historic and ongoing injustices will be addressed are connected to a current lack of accountability for socio-economic management. At the Faro Mine site, historical and socio-economic complexity can hardly be used as an excuse for a lack of data, detail, or meaningful planning – the Project has been in planning and consultation for over two decades. The Adaptive Management Plan for water, including surface water and the groundwater reservoir is an incredibly detailed and complex document, built to manage many layers of uncertainty. Just as there is uncertainty in the movement of metals and the timeline for full onset ARD, there is uncertainty surrounding the ways that the Faro Mine resulted in death, community disintegration, and dispossession. Just as compounding factors such as residential schools, colonial government policies, and systemic racism blur the pathways of correlation between mining, remediation, and violence – there are also compounding factors that shape the material characteristics of Faro: local geohydrology, historic tailings spills, regional infrastructure, environmental regulation, and the whims of politicians, company executives, and international mineral markets. And yet, nothing like the Adaptive Management Plan exists to mitigate the ongoing impacts of historic legacies, extractive violence or socio-economic impacts.

Ironically, the existing IA and regulatory process has created a structure that is not working for either Ross River Dena Council or the Project Team:

So you have these objectives and other statements and mission statements. But what you tend to end up doing is getting bogged down into details, you lose focus of... the broader

objectives. Where are we moving towards? Why? And what is the eventual destination that we're going towards, for closure? And I think when you look at the EA process, I don't think we have a clear objective of what that is. So, we're all speaking almost in a different language.²¹⁸

In the meantime, long-term oversight and co-governance at Faro, within or outside settler regulatory and UFA frameworks, remain somewhat uncertain.²¹⁹ For example, while future water licenses may evaluate water quality, collection, and treatment, they will not include an assessment of socio-economic indicators:

How would the Yukon verify that what we're saying is actually happening?... And I'm not sure what the answer is... the way things are currently... it's not set up for perpetual care where we would go back... and say, here are the results. And if we are failing, is there a mechanism that can bring us back somehow? I'm not sure.²²⁰

For a project with a perpetual timeline, institutional trust is of fundamental importance and is directly linked to confronting the legacies and broken promises of Faro.²²¹ Historically, water licensing processes have continually been used by companies and settler governments alike to railroad Kaska rights and title. But the FMRP, at this point, offers few mechanisms to build and maintain institutional trust outside settler regulatory processes. Instead, mistrust and disenchantment are always a risk, accumulating in a reservoir of injustice, seeping to the surface, and stalling the Project in unpredictable ways. Tailings, contaminated water, and waste rock continue to generate wealth for some, while socio-economic, cultural, and colonial harms continue to go unaddressed, resulting in a capitalization of waste rather than *care for* waste, Kaska Land, and relationships.

²¹⁸ Van Bibber, interview with author.

²¹⁹ Yukon Environmental and Socio-economic Assessment Board, “Final Screening Report: Faro Mine Remediation Project,” (July 5, 2024), YESAB Registry 2019-0149; Yukon Environmental and Socio-economic Assessment Board, “Screening Report and New Recommendation: Faro Mine Remediation Project,” (November 22, 2024), YESAB Registry, 2019-0149-5044.

²²⁰ Rousseau, interview with author.

²²¹ Selkirk First Nation in, Yukon Environmental and Socio-economic Assessment Board, “Information Request No. 1,” (November 25, 2019), YESAB Registry 2019-0149-2285, 15.

Ross River Elders have their own visions of ongoing stewardship, grounded in Kaska knowledge and a keen awareness of a long history of colonial theft: “Somebody’s gotta be, all the time, there... it's going to be there forever. Gotta keep a close eye on it. That's what they have to do.”²²² This idea of ‘keeping a close eye on it’ can be closely linked to ideas of care, monitoring, maintenance and adaptive management. Remediation could be framed as a process of trust and relationship building, grounded in getting to know the land and community, learning how to respond, recognizing our responsibilities for past violence, and identifying possible points of healing.²²³ Water is not just water, water is life; life is relationship; relationship is community, culture, language, and sustenance. Collecting and treating water without the same attention paid to the treatment of community, will not heal a Land where water and life are one.

²²² Shorty, interview with author.

²²³ Tomlinson, interview with author.

CHAPTER 7: GUTS'ÉNI (OUR RELATIONS): BUILDING A COMMUNITY-BASED REVEGETATION PROGRAM

Caitlynn Beckett, Jody Inkster, Cassia Jakesta, Justin Straker, Krystal Isbister, and Ross River Dena Elders

7.1 Plants aren't pioneers

On a windy fall day in 2020, when we were first thinking through a community-based revegetation program, we (Jody, Cassia, Caitlynn, and Krystal) wandered through the bush behind Yukon University in Whitehorse for a quick seed collection workshop. It was late in the season for collecting seeds, but some grasses, cranberries, and willow fluff could still be found. We were surrounded by spruce and pine and the brown skeletons of deciduous trees, their beautiful colours knocked down in the blustery, rainy weather throughout the week. We wandered along Chasàn Chùà (McIntyre Creek), identifying the plants we knew, collecting seeds and berries, labelling bags, and testing out different methods of cleaning and sorting seeds to ensure safe storage. We discussed the role of 'pioneering' or 'colonizing' species such as willow, alder, and poplar. Jody was quick to say: "language matters." Gūlé (willow), k'es (alder), and chebā (poplar/aspen) are not pioneers or colonizers, they are an intimate part of Kaska lands: they are relations.¹ Instead of using the terms 'pioneering' or 'colonizing', we committed to changing our language to acknowledge and respect the plants themselves, their role in Kaska community and culture, and their agency. We asked ourselves, what can we do to welcome

¹ See Section 7 of this chapter - "Dene k'eh: Glossary of Kaska words" - for a complete list of Kaska words used, including the nuances between difference regional dialects and references for Kaska language resources. Throughout the remainder of the chapter, we use the Kaska words without an English translation in text, asking that readers instead refer to the Glossary.

plants back to places they've been removed from, and what kind of language and methods should be used to do that welcoming?

The catalyst for our excursion in the bush behind YukonU was the concerns for plant and wildlife health expressed by Tū Łídlīni Dena Elders over decades of extraction and remediation at Faro. Today, Elders point to plants as key in the healing of Tsē Zūl and they want Kaska youth involved in caring for the plants that will help heal the land. Elders are also concerned for the plants themselves. They want to know if plants are being harmed by the uptake of metals, and if the plants pass those metals along to the creatures who rely on them for sustenance. More than anything, Tū Łídlīni Dena Elders want to ensure that their own cultural protocols for the collection and use of plants are a part of healing – in fact, Elders emphasize that healing *will not be possible* without Kaska language, law, and knowledge interwoven into the roots of these plants.

Plants provide an entry point for the community to 'do something' after decades of marginalization from a painful site. The actionable care that goes into revegetation is tangible in both the physical planting and sampling of plants *and* the renewal of culture and community. Someday, far in the future, the care and reciprocity that has gone into carefully collecting fussy seeds, digging thousands of rocky holes, gently tucking-in ts'u roots, and closely monitoring plant tissues for metals, may mean that Kaska youth will have the chance to open a jar of balsam tea or cranberry jam from Tsē Zūl and taste the love and perseverance of their land and community. But there is much work to do before that can happen.

7.2 Introduction: where we are coming from

This chapter is formatted as a reflection and a conversation. We do not focus on data collection or analysis. Instead, we present a dialogue on collective, imperfect attempts at anti-colonial work across siloed disciplines and industries.² We are not trying to produce findings that can be abstracted from this place, time, project, and team – although our learnings about respect, humility, and listening likely transcend this specific project. Rather than presenting results, this chapter focuses on documenting process and is centered around the question: What can it “look like” to do community-based research and consulting work in mine reclamation contexts? We document and reflect on how we are working towards an alternative story of Tsē Zūl for Tū Łídlíni Dena members. We construct possible options for healing Tsē Zūl while prioritizing ‘on-the-ground,’ tangible work and providing financial, cultural, and career training opportunities. These alternatives are future oriented while still grounded in place-based histories, Kaska knowledge, and community priorities.

Some sections are written as personal reflection, some are written as collective storytelling, some provide a structural analysis of the contexts and structures that we are working within and against, and some are simply fond memories of working together on beautiful Kaska Lands, Dena Kēyeh.³ We include photographs as a part of this story telling and reflection.

Personal reflections and memories are italicized and written in first person. A few quotes from

² Max Liboiron, *Pollution is Colonialism* (Durham: Duke University Press, 2021); Gertrude Saxinger and First Nation of Na-Cho Nyäk Dun, “Community-Based Participatory Research as a Long-Term Process: Reflections on Becoming Partners in Understanding Social Dimensions of Mining in the Yukon,” *The Northern Review* 47 (2018): 187-207; Eve Tuck and Marcie McKenzie, *Place in Research: Theory, Methodology and Methods* (New York, NY: Routledge, 2015); Corey Snelgrove, Rita Kaur Dhamoon, and Jeff Corntassel, “Unsettling Settler Colonialism: The Discourse and Politics of Settlers, and Solidarity with Indigenous Nations,” *Decolonization: Indigeneity, Education & Society* 3, no. 2 (2014): 1–32; Eve Tuck, “Re-Visioning Action: Participatory Action Research and Indigenous Theories of Change,” *Urban Review* 41 (2009): 47-45.

³ Shawn Wilson, *Research is Ceremony: Indigenous Research Methods* (Black Point: Fernwood Publishing, 2008); Margaret Kovach, *Indigenous Methodologies: Characteristics, Conversations, and Contexts*, 2nd Edition (Toronto: University of Toronto Press, 2021).

Elders are also included, in the same format.⁴ Importantly, this collaborative work is also a part of Caitlynn’s PhD dissertation, with all the strings and baggage that a PhD entails within the confines of an academic system. Having said that, we interrogate how PhD research is carried out and written about in collaboration with community and private companies, while resisting the need to ground this work in anything but Kaska protocols and priorities. Co-authorship has included collaboratively created outlines, individual contributions of writing, group review of edits, and feedback incorporated from Ross River Dena Council leadership and Elders.

Around the world there is widespread recognition that including local perspectives, knowledge, and participation in decision-making and delivery improves revegetation and reclamation outcomes. However, such assertions gloss over the complex notion of *inclusion* – inclusion in what kind of system?⁵ Inclusion has often meant the extraction of Indigenous knowledges and their insertion into dominant sciences without confronting the power implicit in terms such as inclusion or integration.⁶ Despite calls for ‘inclusion,’ most reclamation projects remain expert-driven and there is an assumption that ‘expertise’ refers to those trained in dominant sciences and engineering.⁷

⁴ Grenz uses this same formatting approach to highlight personal reflections and stories in her PhD Dissertation: Jennifer Grenz “Healing the Land by Reclaiming an Indigenous Ecology: A Journey Exploring the Application of the Indigenous Worldview to Invasion Biology and Ecology,” (PhD Diss, Integrated Studies in Food and Land Systems, University of British Columbia, 2020); Wilson, *Research is Ceremony*.

⁵ Adam Gaudry and Danielle Lorenz, “Indigenization as Inclusions, Reconciliation, and Decolonization: Navigating the Different Versions for Indigenizing the Canadian Academy,” *AlterNative: An International Journal of Indigenous Peoples* 14, no. 3 (2018): 218-227.

⁶ Glen Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition*, (Minneapolis: University of Minnesota Press, 2014); Jessica Hernandez, *Fresh Banana Leaves: Healing Indigenous Landscapes Through Indigenous Science* (Huichin, unceded Ohlone land, aka Berkeley, California: North Atlantic Books, 2022).

⁷ John Sandlos and Arn Keeling, “Aboriginal Communities, Traditional Knowledge, and the Environmental Legacies of Extractive Development in Canada,” *Extractive Industries and Society* 3, no.2 (2016): 278-287; Caitlynn Beckett, “Beyond Remediation: Containing, Confronting and Caring for the Giant Mine Monster,” *Environment and Planning E: Nature and Space* 4, no. 4 (2020): 1389–1412; Miranda Monosky and Arn Keeling, “Planning for Social and Community-engaged Closure: A Comparison of Mine Closure Plans from Canada’s Territorial and Provincial North,” *Journal of Environmental Management* 277 (2021): 111324.

We challenge the idea that simple inclusion of local perspectives, without a confrontation of the structures that allowed for contamination in the first place, will solve the challenges of revegetation at Faro. We complicate the notion of expertise in revegetation, arguing that such expertise spans many ontological, disciplinary, industry, and community boundaries. For example, Jennifer Grenz's (Secwepemc and Nl'akapamux) work on ecological restoration with the Cowichan Nation focuses on 'the old becoming new again' and she places herself *within* the restoration work: "A fundamental difference is that Indigenous approaches to questions in ecology allow for the researcher to be in the research. Reducing the dominant science emphasis on objectivity allows for exploration that wouldn't be possible otherwise."⁸

While some of us might be considered 'experts' in revegetation and ecological restoration (in a dominant science sense), others would not generally be counted in that group. We all have training in research and science in Western traditions. Some also have training, lived experience, and family roots in Indigenous ways of knowing and stewardship. In writing this chapter, we began by asking ourselves, why is reclamation meaningful to us, what drew us to work on Kaska Land, and what are our positionalities within this work?⁹

- Caitlynn

I grew up on Treaty 4 lands, the territory of the nêhiyawak, Anihšīnāpēk, Dakota, Lakota, and Nakoda, and the homeland of the Métis/Michif Nation. Over the last 100 years, my ancestors, from Norway, Scotland, England, and France settled across so-called Canada. On my mom's side, my French and Scottish family settled on homesteads and traplines in nêhiyawak and Dene territories in Northern Saskatchewan – moving west from Québec. My dad's side, of Norwegian descent, moved north from Minnesota, settling on farms around Regina. My grandmothers and mom spend their days gardening and feeding their communities, and they taught me to do the same. Through their tutelage, I've always been drawn to plants and to the

⁸ Jennifer Grenz, interview in Alexa McKay, "Healing the land and the academy," *Nature Ecology and Evolution* 5, no.9 (2021): 1190.

⁹ Shawn Wilson, Andrea Breen, and Lindsay Dupré (eds.) *Research and Reconciliation: Unsettling Ways of Knowing through Indigenous Relationships* (Toronto: Canadian Scholars Press, 2019).

joy of producing and sharing food. Amidst the pandemic, homesickness, and the depths of PhD melancholy, learning to garden, to collect seeds, and to plant trees in Yukon has saved my mind. The care, planning, maintenance, beauty, faith, and failure of growing food and flowers has soothed my heart, connected me to my prairie home, welcomed me to Ta'an Kwächän, Kwanlin Dün and Kaska Dena lands, and introduced me to new friends. In dark winter months, opening cans of garden sunshine and local blueberry jam transports me to memories with my family, the land that raised me, the land that now sustains me, and the communities that nourish me.

- **Jody**

I was born in Faro and like the trees we planted, I felt very much like a transplant as a child. I felt as if my roots were unable to ground themselves deep in the soil, as I moved around a lot due to my father's work in the RCMP. Although I knew it from a young age, I was first and foremost Dena - Kaska Dena from Ross River to be specific. My family line is matriarchal and so I follow my mother's nation and clan, the wolf clan. My father is Tahltan from Telegraph Creek, BC, and he also has settler roots: Scottish, Irish, and Norwegian (to name a few). On my father's side, I belong to the Cawtoonma family lineage.

My parents instilled in me and my siblings the importance of home. We often returned to our homelands to ground ourselves and reconnect with our families. Being on the land was my salvation. Growing up, I had grandiose dreams of being an environmentalist for Greenpeace to fight the world's many injustices or a caribou biologist who would chase caribou from a helicopter. In a way, my path has elements of the two. I wanted my work to be part of something bigger than myself and to have meaning.

I can say for certain that my passion for land, family, and Dena culture stems from estsū̄ (my maternal grandmother), Grady Tom. She was such an inspiration to me, and I have many fond memories of her: picking berries and plant medicines, walking along mountainous caribou trails, speaking Denek'éh/Kaska, hunting, and listening to her incredible stories about survival. She knew the land. She was born on the land and raised on it. She told many stories of her youth such as walking and rafting from Ross River to Watson Lake. What an amazing person she was and knowing she had witnessed the profound changes to our land is something I marvel at.

Making estsū̄ and my parents proud is important to me, so after an uncertain time in my life I decided to go back to school to get my diploma in Renewable Resources Management. Then an opportunity arose for me to work for Dena Cho, here was my chance to help my community, my people, and my nation. As it turns out, my roots have always been grounded deep in the Dena soil and it only took time to reveal that.

- **Cassia**

I am the middle child of seven kids (four brothers and two sisters), and I was raised in Watson Lake, Yukon. My dad is Kaska from the Upper Liard/French Creek area, and he is a

residential school survivor from Lower Post, BC. My mom is Tāltān from Telegraph Creek, and she was raised in Ross River, Yukon (Tū Lidlīni). I am from the Cawtoonma family on the matriarch side and a part of the Crow clan. Additionally, I have French-Canadian and Russian ancestry from my parents. My grandparents helped raise me and I learned to speak Kaska while I was in elementary school. My grandpa Alfred Jakesta taught Kaska language at school and he would bring flashcards home to teach us. My grandma Millie taught me about cleaning up while staying in the bush, making noises in bear country, and doing your part within your family.

Wildlife was essential to my family's survival since there was so many of us to feed and care for. My dad would hunt moose, laying down blue tarps on the table and in the living room so we could help cut it up and sort the meat. We would cook marrow bone, steaks, and nothing was wasted. I spent a lot of time on the land with my family by going to culture camps, camping at French Creek (my grandpas' cabin), and 9-mile fish camp outside of Telegraph Creek. Near 9-mile, I would walk with my cousins and pick soapberries, so we could make frothy Indian ice cream. All these teachings from a young age sparked my interest and care for the land, but it is also interwoven in my DNA from my ancestors.

After one summer working as an environmental monitor at Wolverine Mine, I knew I wanted to go back to college and learn more. Eventually I graduated in Kamloops, BC and received a Bachelor in Natural Resource Science. I have been employed with Dena Cho Environmental and Remediation Inc. since May 2021 and I genuinely enjoy the work that I do. I have made many authentic connections working with Tū Lidlīni Dena Elders and youth and it has brought me back to my childhood memories (spending part of my summers at my grandparents' house near Coffee Lake). My late brother Isaiah Jakesta planted 1000 trees in one day at Faro Mine and it's something I will never forget.

- **Krystal**

Plants introduced me to the revegetation project at Faro Mine and were how I introduced myself to the tree planting team. I love plants. I was born in Whitehorse, Yukon, and named Krystal Maria for my grandmothers. My mom's mom immigrated from Switzerland to Beaver Creek, Yukon, in the 1960s and my dad moved north from Alberta in the early 80s.

My first exposure to the magic of planting was with a Carcross Tagish Management Corp. team of Stewards, developing a community-based revegetation program. At this time, I also worked in mine revegetation for industrial clients. I witnessed that planting as care vs. planting as regulatory requirement are different. These very disjunct experiences led me to my PhD, asking what does reclamation "success" mean to the people who must live with the results?

Planting trees with the Kaska Dena at Faro has been one of my most powerful revegetation experiences. I'm very grateful for the opportunity to learn from my friends, to learn from the Elders they talked so much about, to learn from the youth who accepted the challenge of planting thousands of trees, to learn from the IEG crew, and to learn from Tsē Zūl. I now know that revegetation motivated by love is possible, even in the most daunting of places.

- **Justin**

I'm a first-generation resident of so-called Canada, born in Vancouver in 1970 to American parents of mostly European ancestry. I have a graduate degree in soil science and forestry, which led me to the field of mine reclamation. I have now worked in that field for 25 years, increasingly alongside Indigenous communities affected by mining, and have worked at Faro on and off since 2002. In this work, I have grappled with: a) who does the work of mine reclamation and what perspectives or knowledge do they use; b) who is supposed to benefit from that reclamation; and c) who actually benefits?

When I began my graduate degree, I had the idealist notion that if I learned about soils and plants, and the processes of ecosystem recovery, I could help repair the damage that my society inflicts on plant and animal communities most everywhere we go. Over time, I have added the understanding that this 'physical' healing is just one part of what we need, and that there is a deep need for cultural healing as well, for both Indigenous and settler cultures. I want mine reclamation to be one small way to do both: allow me to contribute to repairing my society's relationships with the peoples and lands (and plants and non-human animals) we have harmed and contribute to healing myself and my culture through that process. The violent relationships that colonial society has with what we call "ecosystems", and with the non-European people who inhabit them, is profound, and hurts everyone it touches, on all sides. Working in mine reclamation offers a way for me to try to confront and reverse this hurt.

We are all driven by commitment to community, to Ross River Dena Council's objectives at Faro, and to investigating what revegetation and reclamation could and should look like on Kaska Land. We all wear multiple hats, depending on what it takes to get the revegetation work done in the context of pervasive and ongoing land and water theft and settler colonial jurisdictional obfuscation.¹⁰ More than anything, we are directed by Kaska protocols; the ethical methods for doing science on Kaska lands. We emphasize here that Kaska protocols for doing science - for questioning and collecting information – *is* science, and we sometimes use tools developed through dominant science to support or fulfill the questions framed within Kaska

¹⁰ Tuck and McKenzie, *Place in Research*; Bawaka Country et. al., "Co-becoming Bawaka: Towards a relational understanding of place/space," *Progress in Human Geography* 40, no. 4 (2016): 455–475; Wilson, *Research is Ceremony*; Kovach, *Indigenous Methodologies*.

protocols.¹¹ These protocols apply differently to our different positionalities, experiences, and knowledges. Rather than inclusion of Kaska knowledge and protocols *in* revegetation planning – we centre Tū Łídlīni Dena Elders’ priorities for reclaiming land relationships. Kaska protocols, despite mining and other colonial intrusions, remain a life-affirming force.

First, we ground the chapter and the community-based revegetation program in Gu nóné’ (‘Our medicine’). We do this purposefully so that Gu nóné’ is not framed as a reaction to, or integration into, dominant science. Next, we draw on Indigenous scholarship on reclamation and examples from Indigenous communities, focusing specifically on the orientation of this work towards Indigenous environmental justice and the links between reclamation, sovereignty, language, governance, and land reclamation.¹² Drawing on the work already completed by other Indigenous communities was important to developing practical tools to implement Gu nóné’ protocols. We then move to how we strategically engaged in dominant science revegetation research and practice across the North and internationally. We pinpoint where existing revegetation practices and regulations are not working and are in contravention of Kaska protocols. After building this conceptual framework, we move on to describing how we went about actually setting up a community-based revegetation strategy: gathering nutrients for growing in a good way. Finally, we share stories, celebrate the work done, imagine future

¹¹ Liboiron, *Pollution is Colonialism* (Durham: Duke University Press, 2021); Jessica Kolopenuk, “Miskâsowin: Indigenous Science, Technology, and Society,” *Genealogy* 4, no. 1 (2020): 1-17; Kim Tallbear, “Standing With and Speaking as Faith: A Feminist-Indigenous Approach to Inquiry,” *Journal of Research Practice* 10, no. 2 (2014): 1-7.

¹² Kyle Powys Whyte, “Settler Colonialism, Ecology, and Environmental Injustice,” *Environment & Society: Advances in Research* 9 (2018): 125-144; Leanne Betasamosake Simpson, *As We Have Always Done* (Minneapolis: University of Minnesota Press, 2017); Clint Carroll, *Roots of our Renewal: Ethnobotany and Cherokee Environmental Governance* (Minneapolis: University of Minnesota Press, 2015); Glen Coulthard and Leanne Betasamosake Simpson, “Grounded Normativity / Place-Based Solidarity,” *American Quarterly* 68, no. 2 (2014): 249-255; Kyle Powys Whyte, “Environmental Justice in Native America,” *Environmental Justice* 4, no. 4 (2011): 185-186.

opportunities, and reflect on the reality of community-based research that spans the boundaries of academia, consulting, and community work.

In documenting this process of co-authorship, collaboration, and the development of a revegetation methodology-as-we-go, we outline a methodology of strategic resistance – one that targets specific options for reclamation alternatives and resists how reclamation has been limited at Tsē Zūl in the past. At the same time, we work within the confines and compromises of a project that is controlled by the federal government and requires certain kinds of ‘technical translation.’ We all strive to work in ways that directly support Kaska reclamation of place and time, towards healing the scars of the land for future generations.

7.3 Gu nóné’: grounding revegetation in Kaska Knowledge

Inspired by the long-standing work of other communities, and following Kaska protocols, we ground this paper in *Gu nóné’*.¹³ The term *Gu nóné’* (our medicine) refers to Kaska Dena plant knowledge or medicine.¹⁴ Beginning in this way is a resistance to the assumption that revegetation must fit within Western ecological expectations, knowledge, and practice. Kaska Dena communities, including Tū Lídlini, have compiled several collections describing their plant relations, based on interviews, community workshops, and on-the-land activities with Elders.¹⁵

¹³ Jennifer Grenz emphasizes that place-based, anticolonial approaches to reclamation need to be filtered through the knowledge, governance, and ethical protocols of specific Indigenous Nations: Grenz, “Healing the Land by Reclaiming an Indigenous Ecology”; Carroll, *Roots of our Renewal*; Kovach, *Indigenous Methodologies*.

¹⁴ This information was shared with our team, with permission, and has been used in the context of this dissertation chapter but should not be used outside the context of this writing without permission from Tū Lídlini Dena Elders. It is provided here for context and learning, not for consumption. Contact the Ross River Lands Department for permission to review these reports.

¹⁵ Ross River Dena Elders: Arthur John Sr., Alice John, Tom Smith, Doris Etzel, Amos Dick, Marie Dick, Charlie Dick, Tootsie Charlie, Jimmy Ladue, Alfred Charlie, Grace Tom, Grady Sterriah, Eileen Johnny, Doris Bob, Robert Etzel, Robertson Dick, Don Taylor, Annie Ladue, May Ladue, George Bob, Annie Jepp, Louie Tommy, William Atkinson, John Acklack Sr., Dorothy Smith, Lloyd Cesar, Dennis Shorty, Maclary Acklack, Irene Ollie, Ivan

We root our revegetation planning in this work, with careful review by Elders to ensure that we are not inappropriately using or sharing any information. The information discussed here does not include any details about ceremonial practices or specific collection protocols – and should not be framed as such by anyone planning to cite this work.

Kaska codes of conduct and ethics for plant relationships are anchored in á'ii and du la' (Kaska laws):¹⁶

Wisdom and history have been passed on through stories, legends, and myths. So merely understanding what resources are important and how they are utilized is not enough. It is essential to understand the spiritual overtones that convey a deeper meaning of stewardship and ecological harmony... We believe that the Creator (Medégudiht'e') gave everything a living spirit – that everything is alive, sacred, and connected. This belief, that all things have a spirit and rely on one another, has imparted a deep sense of respect and kinship to the natural world and to one another... Á'ii/ du la' are built upon these principles of functional and spiritual connection... the “rules” for interacting with animals and plants include respect for the rituals of hunting and gathering and the importance of prayer, and how to handle plants and animals with an emphasis on using everything... Codes of conduct extend to everything – fish, wildlife, plants, important habitats, hot springs, and other special areas.”¹⁷

These Kaska laws apply to all interactions with the land and each other.

Tū Łídlīni Dena use at least twelve different species of tree, twenty species of berry-type plants and over 50 species of roots, forbs, ferns, and lichen.¹⁸ Plants are often harvested alongside fall hunting trips in the mountains, which provide habitat for some particularly

Bolton, May Bolton, Ray Ladue, Lash Ladue, Josephine Acklack, Norman Sterriah, Dorothy Dick, Gordon Peter, *Gu nóné': Ethnobotany of the Ross River Dena* (n.d.), compiled by the Ross River Dena Traditional Knowledge Team; Ross River Dena Traditional Knowledge Team, *Gu Cho Ka-Ka Dee: Our Ancestors Instructions*, prepared on behalf of Ross River Dena Elders and the Ross River Dena Council (Ross River: June 2014); Ross River Dena Elders and the Ross River Traditional Knowledge Team, “An Inventory of Cultural and Natural Resource Values of the Ross River Dena, and a Summary of the Dena Worldview” (October 2011), prepared for Ross River Dena Council, 18-19.

¹⁶ Gillian Staveley, “The Kaska Dena: A Study of Colonialism, Trauma and Healing in Dena Kēyeh,” (Master’s diss., University of British Columbia, Vancouver, BC, 2018); Brittany Tuffs, “Kaska Legal Understandings of Land,” (Master’s diss., University of Saskatchewan, Saskatoon, SK, 2022).

¹⁷ Ross River Dena Elders, *Gu nóné'*.

¹⁸ Ross River Dena Elders and the Ross River Traditional Knowledge Team, “An Inventory of Cultural and Natural Resource Values.”

important medicinal plants. Spring is another important time to gather plant foods and medicines, with the growth of new shoots and the flowing of sap.¹⁹ According to Grady Sterriah, an Elder from Blind Creek: “There are certain customs around how plants should be harvested... Strict laws apply to the handling and use of the plants that are considered powerful.”²⁰ These laws apply to various plants in specific ways:

*Different plants have different rules regarding who can harvest them and how they should be harvested. People should be careful when harvesting and using plants as food or medicine because, some plants can also be very harmful when used incorrectly. There are certain plants that can only be picked by people that have a deep understanding of them. For many plants, the person harvesting it should tell the plant how they intend to use it. For some very important plants, the harvester should pay a tribute of gratitude to the plants and to the creator while collecting it. This payment can come in the form of many items, such as tobacco or matches. These plants are alive and must always be treated with respect so that our grandchildren and those that follow them can continue to practice using the plants of our country as our ancestors have done in the past.*²¹

In Kaska law, it is also strict á’ii/ du la’ not to waste the plants that one picks or to sell medicine: “*We never sell our medicine. You make it for one particular person and it’s for that person. And then we pray about the medicine before we pick it... Our plants are not for sale... because they lose the ability to heal, and their knowledge goes away.*”²² Most importantly, to truly respect plants and obtain the true benefits of the medicine they offer, “*all peoples associated with them (the harvester, the person that prepares the medicine, and the patient) must believe in the power of the plant – one cannot question its healing capabilities.*”²³ In recognition of the plants’ abilities and power, a gift is always given: *the act of leaving a gift teaches you*

¹⁹ George Bob, interviewed in Ross River Dena Elders and the Ross River Traditional Knowledge Team, “An Inventory of Cultural and Natural Resource Values,” 40

²⁰ Grady Sterriah, interviewed in Ross River Dena Elders and the Ross River Traditional Knowledge Team, “An Inventory of Cultural and Natural Resource Values,” 17.

²¹ Ross River Dena Elders, *Gu nóné’*.

²² Mary Maje and Billie Maje, interview with authors for the Dena Cho Community-Based Revegetation Project, April 2021.

²³ Ross River Dena Elders, *Gu nóné’*.

*respect for everything.”*²⁴ As Elder Dennis Shorty told us: “*Every plant, every tree, every gúle - that's medicine. Everything on the ground is medicine. It depends how you use it. Some could kill you if you don't know how to use it.*”²⁵

Many Indigenous nations across the world have been using their own place-based knowledges and protocols to develop community-based restoration, reclamation, and revegetation programs for generations, often outside of and in resistance to both extractive developments and Western restoration ecology.²⁶ Clint Carroll (Cherokee) describes the Cherokee Nation’s ethnobotany program, focusing on how reclaiming knowledge and protocols about plants and medicine is directly connected to transforming environmental governance and ensuring Cherokee self-determination in governance.²⁷ Grenz’s work confronts the issue of ‘Eden-based’ ecologies, resisting notions of reversal to some ‘pre-contact’ state. Instead, Grenz focuses on how the ‘old can become new again,’ disrupting dominant science notions of ecological progression.²⁸

In Yukon, the Carcross/Tagish First Nation developed a program to remediate and reclaim the Choooutla Residential School – confronting both hydrocarbon contamination and

²⁴ Ibid.

²⁵ Dennis Shorty, interview with authors for the Dena Cho Community-Based Revegetation Project, April 2021.

²⁶ In addition to the examples outlined in this paragraph, see: Mohamed Kadiatou Cissé, Arn Keeling, Marie Guittonny, and Bruno Bussière, “Integration of Cree Traditional Ecological Knowledge (TEK) into the Revegetation Process of the Eleonore Mine Tailings Storage Facility,” *The Extractive Industries and Society* 14 (June 1, 2023): 101263; Christine A. Daly, Jean L'Hommecourt, Bori Arrobo, Alexandra Davies Port, Dan McCarthy, Gillian Donald, Craig S. Gerlach, and David Lertzman, “Gesturing Toward Co-Visioning: A New Approach for Intercultural Mine Reclamation and Closure Planning,” *The International Journal of Architectonic, Spatial and Environmental Design* 16, no. 1 (2022): 11-32; Tara Joly, “Making Productive Land : Utility, Encounter , and Oil Sands Reclamation in Northeastern Alberta, Canada,” (PhD Diss, Anthropology, University of Aberdeen, 2017); Alice Tarbell and Mary Arquette, “Akwasasne: A Native American Community's Resistance to Cultural and Environmental Damage,” in *Reclaiming the Environmental Debate: The Politics of Health in a Toxic Culture*, edited by Richard Hofrichter (Cambridge MA: The MIT Press, 2000).

²⁷ Clint Carroll, *Roots of our Renewal*.

²⁸ Grenz, “Healing the Land by Reclaiming an Indigenous Ecology.”

violent colonial histories, alongside developing community-based botany programs.²⁹ Another Yukon First Nation, Na-cho Nyäk Dun First Nation, created the Yukon Seed and Restoration company, which focuses on reclamation and revegetation training initiatives and works with exploration and mining companies to develop honorable seed harvesting and revegetation programs.³⁰ On the other side of the world, the Gunaikurnai Land and Waters Aboriginal Corporation works on the reclamation of the Latrobe Valley coal mines and energy production region of Victoria, Australia – they translate this work as a *cultural landscape* approach to reclamation.³¹ These are just a few examples of countless Indigenous-led revegetation and reclamation programs that confront extractive colonialism.³² Throughout the development of a community-based revegetation program for Tsē Zül we drew on these examples for inspiration and motivation.

With a grounding in Gu nóné’, and inspiration from other Indigenous-led revegetation projects, we then confronted the dominant science literature on revegetation projects in Northern Canada.³³ After collecting the minimal dominant science research completed on Northern

²⁹ Lisa Johnson and Maddy Lines, “Healing People: Healing the Land: The Stewards of Carcross Tagish First Nation,” *Stories North*, August 16, 2018.

³⁰ Yukon Seed and Restoration: <https://www.yukonseed.ca/>

³¹ Jess Reeves, Damian Morgan, Vaughan Reimers, Monica Green and Thomas Baumgartl, “Final Mine Void Forms and Future Land and Water Uses: Researching the Community Perspective,” 4th International Congress on Planning for Mine Closure, March 2023.

³² Daly et. al., “Gesturing Toward Co-Visioning”; Joly, “Making Productive Land”; Erich Keyser, “Collaborative Conservation: Reconnecting People, Land, and Bison through the Innii Initiative,” (Master’s Diss., Geography, University of Guelph, 2018).

³³ Specifically, we reviewed revegetation reports and research already completed for the Faro Mine, Ketza Mine, Sa Dena Hes Mine, Wolverine Mine, Cantung Mine and the proposed Kudz Ze Kayah Mine. Additional literature reviewed included: P.W. Adams and S. Lamoureux, “A Literature Review of the Use of Native Northern Plants for the Revegetation of Arctic Mine Tailings and Mine Waste,” prepared for the Government of the Northwest Territories (September 2005); Environmental Dynamics Inc., “Faro Mine Site Revegetation Study: Waste Rock Dumps and Tailings Impoundment,” prepared for the Faro Mine Remediation Project (May 2008); Ann Garibaldi and Justin Straker, “Cultural Keystone Species in Oil Sands Mine Reclamation, Fort McKay, Alberta, Canada,” BC Mine Reclamation Symposium (2009); David Polster (Polster Environmental Services Ltd.), “Towards Revegetation Sustainability Criteria for Northern Mine Closure,” prepared for Independent Environmental Monitoring Agency (Yellowknife, March 2011); Paul Matheus and Toos Omtzigt, “Yukon Revegetation Manual: Practical Approaches and Methods,” (2012); L.P. Carter, M. Fontaine, M. Power, J. Meggs, and P. Audet, “Faro Mine Complex: 2015

revegetation, we filtered this information through the Gu nóné’ teachings and identified specific areas where Western knowledge about revegetation didn’t align with the Kaska protocols. The purpose of this work was to identify specific aspects of dominant revegetation science at Faro that would need to be confronted, changed, or removed over time, for revegetation to move forward under Kaska protocols. We identified five challenges or themes to address: 1) A lack of publicly accessible information and data on Northern revegetation and community involvement in revegetation; 2) a settler regulatory bias towards planning rather than implementation, monitoring, or stewardship; 3) a technical focus on ‘poor’ Northern soil conditions and erosion control rather than land healing; 4) assumptions about what is natural or wild, versus ‘manmade’; and 5) a settler regulatory focus on land *uses* rather than *relationships*.

The first thing we learned: there isn’t much publicly accessible dominant scientific work on revegetation in Northern Canada. Scientific knowledge of revegetation is typically generated by two groups, consultants and academics. Of the work on Northern revegetation, almost none of it includes discussions of community engagement, governance, justice, or healing.³⁴ The few revegetation projects that do include discussion on governance, justice, and healing, are Indigenous-led projects.³⁵ The lack of revegetation work and monitoring in the North – and

Grum Sulphide Cell Revegetation – Draft,” prepared for Yukon Government Assessment & Abandoned Mines Branch, Whitehorse, Yukon (2015); Strata Gold Corporation, “Quartz Mining License QML - 001 Annual Report: Revegetation and Bioremediation Trials on the Dublin Gulch Property,” report for Mineral Resources Branch - Energy, Mines and Resources, Yukon Government (March 30, 2015); Integral Ecology Group Ltd., “Vegetation Considerations for Cover Design on the Faro Mine Site,” memorandum submitted to The Faro Mine Remediation Project (May 29, 2016); Patrick Soprovich and Amelie Janin, “Compendium of Metal Uptake Data for Plants Growing on Mine Sites in Yukon,” Yukon Research Centre, Yukon College (September 2017); Nina Vogt and Amelie Janin, “Native Seed Bank in Yukon: State of the Art,” Yukon Research Centre, Yukon College (2017); E. Peteline, “Revegetation of Legacy Mine Sites with Native Plant Species: from Research to Planning, a Northern Saskatchewan Case Study,” prepared for the Saskatchewan Research Council (2018); Integral Ecology Group Ltd., “Faro 2018 Conceptual Revegetation Plan 2019 Project Proposal,” prepared for the Faro Mine Remediation Project submission to YESAB (March 3, 2019).

³⁴ Cissé et. al. ““Integration of Cree Traditional Ecological Knowledge.”

³⁵ Christine Daly, “Exploring Co-Reclamation: Gesturing Towards Intercultural Collaboration and the Renewal of Indigenous Cultural Landscapes after Oil Sands Extraction in the Fort McKay First Nation Traditional,” (PhD Diss.,

sparse information about the work that is done - equates to relatively limited dominant science on the topic, in contrast to the vast amounts of research and on-the-ground work completed in some southern jurisdictions.³⁶ The lack of publicly accessible dominant scientific research on Northern revegetation is directly connected to a settler regulatory framework that focuses on planning for revegetation with few consequences for a ‘lack of doing’ or monitoring.³⁷ In other words, there’s been a lot of planning and a distinct lack of doing, research, or follow-up. In resistance to the lack of actionable accountability, and following Gu nóné’ protocols, we decided to focus our community-based revegetation program on practical, on-the-land projects that prioritized relationships.

The third theme in Northern revegetation science that we identified as in conflict with Kaska protocols was the focus on managing the limitation of ‘poor’ soil conditions, short growing seasons, and erosion. Short growing seasons and so-called nutrient ‘poor’ Northern soils, often contaminated by various mine wastes, present a challenge for an industry focused on the quick establishment of plants for erosion control. This erosion-prevention goal is a direct reflection of regulatory requirements for Northern mine reclamation, which focus almost solely

Environmental Design, University of Calgary, 2023); Cissé et. al., “Integration of Cree Traditional Ecological Knowledge”; Joly, “Making Productive Land.”

³⁶ This erosion-first kind of thinking is where Western science mine reclamation work began in the 1960s. In other jurisdictions, similar regulations have been replaced by strategies that attempt to maximize use of native species in revegetation and mitigate biodiversity impacts (i.e. ensuring ‘net positive’ biodiversity): Ellen Macdonald, Simon Landäusser, Jeff Skousen, Jennifer Franklin, Jan Frouz, Sarah Hall, Douglass Jacobs and Sylvie Quideau, “Forest Restoration Following Surface Mining Disturbance: Challenges and Solutions,” *New Forest* 46 (2015): 703-732; International Council on Mining and Metals, *Integrated Mine Closure: Good Practice Guide* (London, UK, 2019); The Mining Association of Canada, “Towards Sustainable Mining: Biodiversity Conservation Management Protocol” (March 2020);

³⁷ Yukon Energy Mines and Resources, “Yukon Mine Site Reclamation and Closure Policy,” (January 2006); Yukon Water Board and Yukon Energy Mines and Resources, “Reclamation and Closure Planning for Quartz Mining Projects: Plan Requirements and Closure Costing Guidance,” (August 2013); Yukon Mineral Development Strategy Panel, “Yukon Mineral Development Strategy and Recommendations,” (December 2020); Krystal Isbister and Caitlynn Beckett, “Quartz Ming Reclamation in the Yukon – the Past is also the Present,” *Yukon News*, May 21, 2023.

on erosion control and do not incentivize strategies grounded in community knowledge.³⁸ While much literature speaks of the ‘work’ that plants can do for us when it comes to erosion and contaminant control, few dominant science papers refer to the healing agency of plants *across* landscapes *and* communities.³⁹ Rather than using terms and strategies that celebrate or *work with* local contexts and creatures, so-called ‘poor’ conditions are often used as an excuse for why revegetation fails. In resistance, we shifted our language to align with Gu nóne’. At Faro, the existing organic soils and soil communities were *neglected* and not treated with respect – and tailings make for *unwelcoming* growing conditions. Soils, and ecosystems more broadly, are not ‘poor’, especially when framed within the broader connections between plants, water, soil, wildlife, and nutrients across landscapes.

Linked to dominant science characterizations of ‘poor’ Northern soils is the assumption that we can define what is ‘natural,’ as separate from human communities.⁴⁰ From this assumption comes an assertion of control that creates a binary between natural and human, resulting in scientific practices that underestimate the agency of the land itself. A ‘naturally shaped’ landform that mimics the hills around it, is still a human-shaped landform.⁴¹ Plants also play a critical role in shaping landforms – their roots anchoring soils and pushing through rock, and their canopies contributing to soil accumulation and nutrient cycling. A dichotomous

³⁸ For example, expectations for revegetation at the Diavik diamond mine in the Northwest Territories are far less than what would be considered standard practice in British Columbia or Alberta: Bill Slater (Slater Environmental Consulting), “Review of the Diavik Diamond Final Closure and Reclamation Plan,” prepared for the Environmental Monitoring Advisory Board (May 2023). See also: International Council on Mining and Metals, *Integrated Mine Closure*.

³⁹ F.M. Padilla and F.I. Pugnaire, “The Role of Nurse Plants in the Restoration of Degraded Environments,” *Frontiers in Ecology and the Environment* 4 (2006): 196-202.

⁴⁰ One example from Northern reclamation literature asserts that: “Natural ecosystems form on naturally shaped landforms. Eventually erosion processes will create naturally shaped landforms from shapes human activity leaves. We can assist this process by re-contouring waste rock dumps so that they fit in the landscapes they are located in. By creating naturally shaped landforms, the physical structures that are essential for the re-establishment of ecological processes are in place”: Polster, “Towards Revegetation Sustainability Criteria,” 4.

⁴¹ Landform Design Institute, “Mining with the End in Mind: Landform Design for Sustainable Mining,” (March 2021).

approach to human versus nature overlooks the long histories of Indigenous communities' and other creatures' shaping of landforms. Grenz argues that we need to instead reckon with what happened, where we came from, what needs to be healed, and the best protocols for healing.⁴² Robyn Wall Kimmerer (Potawatomi) also speaks to the importance of memory, protocol, and transformation at contaminated sites. Kimmerer challenges her readers to sit with what it might mean to treat tailings as a relation – as land that has been mistreated, rather than waste.⁴³ In this framework, reclamation is focused on re-interpreting memories and honoring relational protocols, while adjusting for new contexts and technologies.

Recently, in an attempt to bridge the arbitrary divide between human and nature, many dominant science restorationists have called for increased attention to the socio-economic and cultural dimensions of restoration work.⁴⁴ On mined lands, much of this work is tied to the notion of planning for 'future land uses' - which is increasingly a required component of impact assessment, permitting, and regional land use planning.⁴⁵ Such an approach provides a forum for community conversations about the long-term destinies of extracted lands and offers practical mechanisms for determining community preferences and decision making.⁴⁶ However, the steps

⁴² McKay, "Healing the land and the academy."

⁴³ Robyn Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants* (Minneapolis: Milkweed Editions, 2013), 313. See also: Zoe Todd, "Fish, Kin and Hope: Tending to Water Violations in Amiskwaciwâskahikan and Treaty Six Territory," *Afterall* 43 (2017): 102-107.

⁴⁴ André Xavier, Marcelloa M. Veiga and Dirk van Zyl, "Introduction and Assessment of a Socio-economic Mine Closure Framework," *Journal of Management and Sustainability* 5, no.1 (2015); Nicholas Bainton and Sarah Holcombe, "A Critical Review of the Social Aspects of Mine Closure," *Resources Policy* 59 (August 2018): 468-478; John Owen and Deanna Kemp, "Mine Closure and Social Performance: An Industry Discussion Paper," Centre for Social Responsibility in Mining, Sustainable Minerals Institute, The University of Queensland (2018).

⁴⁵ George G. Gann, Tein McDonald, Bethanie Walder, James Aronson, Cara R. Nelson, Justin Jonson, James G. Hallet, Christina Eisenberg, Manuel R. Guariguata, Junguo Liu, Fangyuan Hua, Cristian Echeverría, Emily Gonzales, Nancy Shaw, Kris Decler, Kingsley W. Dixon, "International Principles and Standards for the Practice of Ecological Restoration, 2nd Edition," *Restoration Ecology* 27 (2019): S1-S46; George G. Gann, Bethanie Walder, Junguo Liu, Wenhui Cui, Vern Newton, Cara R. Nelson, Natalie Tashe, David Jasper, Fernando A. O. Silveira, Peter J. Carrick, Tove Hägglund, Sara Carlsén, Kingsley Dixon, "International Principles and Standards for the Ecological Restoration and Recovery of Mine Sites," *Restoration Ecology* 30 no. S2 (2022): e13771.

⁴⁶ Reeves et. al., "Final Mine Void Forms"; Monosky and Keeling, "Planning for social and community-engaged closure."

for determining community objectives tend to confine discussions of the future to the notion of ‘land use’ – i.e. agriculture, forestry, hunting, or ecosystem services. This approach limits possibilities for reclaiming land-community relationships that transcend definitions of resource use based in capitalist, colonial, and dominant science knowledge systems.⁴⁷ For example, in some cases of Northern mine reclamation, Indigenous communities’ concerns about animals eating plants on the mine site is translated by reclamation practitioners as ‘let’s have no plants’, absolving them of the need to define and achieve a ‘safe’ landscape in collaboration with community.⁴⁸ Most significantly, little of this scientific work links plants ‘usefulness’ to the role of community care for and stewardship of plants – revegetation is oriented towards ‘utility’ rather than an ethic of care for plants and accountability for extractive violence.⁴⁹

Faro sits within this broader approach to dominant science-based revegetation. Broken promises for revegetation work dot permits and remediation plans throughout Faro’s operational years. However, little actual work or research was ever carried out on the ground, and regulators did not hold companies accountable.⁵⁰ Records of requests for revegetation at Faro stretch as far back as the late 1970s.⁵¹ In the early 1980s, Ross River Dena Council and Yukon Conservation Society (YCS) and other intervenors in water licensing for Faro Mine were demanding revegetation research programs and progressive revegetation. In a January 1980 public hearing,

⁴⁷ T. Measham, F. Ackermann, J. Everingham, M. Barber, F. Haslam-McKenzie and B. Maybee, “Understanding Stakeholder Values in Post-Mining Economies: A Literature Review,” Cooperative Research Centre (CRC) for Transformations in Mining Economies, Brisbane (2021).

⁴⁸ Cissé et. al., “Integration of Cree Traditional Ecological Knowledge.”

⁴⁹ Carroll, *Roots of our Renewal*; Kimmerer, *Braiding Sweetgrass*.

⁵⁰ In response to questions about revegetation trials in the 1980s, Newt Cornish (Environmental Manager at Cyprus Anvil) stated, “Dr. Hutchinson, of the University of Toronto, has attempted on some of the peripheral areas of the tailings pond, did some test plots over the last four or five years; one of the problems has been that he sets up a plot and the tailings wander over and bury it...” Yukon Territorial Water Board, “Public Hearing for License Renewal of Cyprus Anvil Mining Corporation,” (January 24, 1980), Yukon Water Board Archives Y2L3-2098, 50.

⁵¹ See Chapter 4 of this dissertation for additional details: Cyprus Anvil Mining Corporation, “Reclamation in the Anvil Range: A Proposal,” (1979), Yukon Archives PAM-1979-0613.

YCS requested that Cyprus Anvil begin revegetation and cover trials to limit acidification and to prove the effectiveness of their proposed closure plan.⁵² In response, revegetation was a requirement in water licenses throughout the 80-90s, but little action was ever taken.

Soon after the Faro Mine was abandoned in 1999, some revegetation work was completed in the area once covered by a water reservoir, re-establishing the South Fork of Rose Creek.⁵³ A test cover of rock, soil, and vegetation was also placed on the Grum Sulphide Cell in the early 2000s.⁵⁴ Most importantly, responding to the Elder Advisory Committee's long-standing concerns about plant and wildlife health, a community-engaged toxicity research program was carried out between 2003-2006, showing that lead-zinc dust had spread across a 20 km circumference around the mine lease boundary and that some animals with small ranges may be impacted.⁵⁵ Tū Łídlīni Dena community members have vivid memories of this research project. However, after 2006 this important work fell off the priority list for over a decade, and revegetation work began to focus on erosion control for cover design.⁵⁶ In Canada's submission to the Yukon Environmental and Socio-Economic Assessment Board in 2019, revegetation is framed as a tool to achieve end land uses, but those land uses are not defined.⁵⁷

⁵² Yukon Territorial Water Board, "Public Hearing for License Renewal" (January 24, 1980), 50.

⁵³ Many RRDC members have memories of participating in this work and point it out when traveling to and from site: "you know where we used to have that manmade lake, and they drained it. And we planted lots of willows in there. I don't know how that turned out. But when I was there one time after that, it was nice to see fox in there, they were catching mice. He would jump up like this! Really high and then come down." Testloa Smith, interview with author, November 11, 2019.

⁵⁴ RRDC members Clifford McLeod and John Acklack did get a contract to help with the work of installing the cover, and John shared memories of doing that work: "Well we worked there before, and we cover up those hardrock.... there was acid drainage rock. We covered it up with dirt... I was working there": John Acklack, interview with author, July 17, 2019.

⁵⁵ Gartner Lee Ltd., "Anvil Range Mine Complex - Terrestrial Effects Study: Investigation into Metal Concentrations in Vegetation, Wildlife and Soils," prepared for the Faro Mine Remediation Project. Yukon Government, Energy Mines and Resources Library, TD 899.M5.G36 2006 v.1 (2006).

⁵⁶ One additional piece of major revegetation research was completed in 2010-2012. The Grum Sulphide Cell was covered with a test cover and revegetated. However, there is little evidence that this was a community-informed or involved process: Integral Ecology Group Ltd. "Faro 2018 Conceptual Revegetation Plan."

⁵⁷ Faro Mine Remediation Project. "2019 Project Proposal." Submitted to YESAB (2019). YESAB Registry 2019-0149.

Alternatively, we argue that revegetation at Faro could also be used to reclaim and decolonize land, support Kaska knowledge, governance, and language revitalization, provide opportunities for on-the-land healing, and funnel money into community projects.⁵⁸ Wendy Makoons Geniusz (Cree) highlights *intent* as the fundamental difference between Indigenous-led ethnobotany and that conducted by outside, non-Indigenous researchers:

Our priorities in recording or reclaiming this information differ from those of non-native researchers, who often view their research on us as: preservation effort, a final attempt to save strands of a dying culture, a bringing of native knowledge to the rest of the world, or a means of gathering data to prove some academic theory. Instead, our priority is to revitalize this knowledge within our own lives so that it will be there for our children and grandchildren and their children and grandchildren.⁵⁹

Revegetation is much more than erosion control, soil nutrients, or the establishment of land use objectives.⁶⁰ Elder Dennis Shorty summed it up best: “*The study of plant scientists, they take it molecule by molecule apart. All you have to do is go to an Elder, they tell you what that plant does.*”⁶¹

Kaska know that animals and plants, like us, are spiritually connected to the land and to each other. Plants cannot be disconnected from wildlife or their broader habitats. Kaska relationships with Dena Kēyeh and the Kaska governance of hunting and gathering are both intimately linked to long-term care of key habitats, including migratory paths, mineral licks,

⁵⁸ Carroll, *Roots of our Renewal*; Shiri Pasternak, Deborah Cowen, Robert Clifford, Tiffany Joseph, Dayna Nadine Scott, Anne Spice and Heidi Kiiwetinepinesiiik Stark, “Infrastructure, Jurisdiction, Extractivism: Keywords for Decolonizing Geographies,” *Political Geography* 101 (2023): 102763; Shiri Pasternak and Hayden King. *Land Back: A Yellowhead Institute Red Paper*. Yellowstone Institute, 2019.

⁵⁹ Wendy Makoons Geniusz, *Our Knowledge is Not Primitive: Decolonizing Botanical Anishinaabe Teachings* (Syracuse, NY: Syracuse University Press, 2009), 8.

⁶⁰ Terry Teegee, “Take care of the Land and the Land will Take Care of You: Resources, Development and Health,” in *Determinants of Indigenous Peoples’ Health: Beyond the Social*, ed. Margot Greenwood, Sarah de Leeuw, S., and Nicole Marie Lindsay, 2nd ed (Toronto, ON: Canadian Scholars, 2018).

⁶¹ Shorty, Dennis. Interview with authors for the Dena Cho Community-Based Revegetation Project. April 2021.

calving areas, and important food sources. The care and use of plants is never disconnected from the care and stewardship of these broader habitats:

Ancient wisdom, historical knowledge, and personal experience, are grounded in the belief that everything is alive, sacred, and connected... Therefore, wildlife and land “management” is largely about living by codes of conduct and ethics and applying holistic knowledge. This is in sharp contrast to conventional ‘management’ which focuses more on manipulation of the environment to achieve a specific desired outcome, and with little regard to ethics.”⁶²

It is with this grounding, guidance, and methodology that we approached the development of a community-based revegetation strategy for the Faro Mine Remediation Project.

7.4 Gathering nutrients for growing in a good way: Kaska protocols for revegetation

7.4.1 Tree planting as a strategic entry point

In the spring and summer of 2019, Dena Cho Environmental and Remediation Inc. – a company owned by RRDC (and for whom Caitlynn, Jody, and Cassia work) - began a review of Canada’s YESAB submission for the Faro Mine Remediation Project. We were guided by the work that Kathlene Suza, the manager of the Faro Secretariat, had been doing for years, including work completed in the early 2000s by the Ross River Elder’s Advisory Council for the Faro Mine. In our review of the Faro Impact Assessment documentation, the Dena Cho team noted that, among other things, the conceptual revegetation plan and wildlife monitoring plans

⁶² Ross River Dena Elders and the Ross River Traditional Knowledge Team, “An Inventory of Cultural and Natural Resource Values.”

were lacking community direction.⁶³ Around the same time, Justin, and others with Integral Ecology Group (IEG),⁶⁴ started to work at Faro again after an absence of eight years. In 2017-2018, IEG developed the revegetation plan for the Project that was a component of the YESAB submission reviewed by Dena Cho. IEG argued that it did not have the understanding needed to “return the mine site to an acceptable state of use that reflects pre-mining land use...”⁶⁵ It noted that this pivotal knowledge resides with the “land users” themselves. IEG, Dena Cho, and Elders were all arguing for community-direction in so-called ‘land-use’ planning and revegetation, but there was a disconnection within the Project, as technical design teams were siloed from community-engagement teams.⁶⁶

As we worked to break down these silos, we learned more about the long history of Tū Łídlīni Dena Elders’ demands for the protection of plants and wildlife at Tsē Zūl. During community meetings, site tours, and informal discussions about Faro throughout 2019-2021, Elders patiently repeated their worries about wildlife and plants being harmed by mine dust, tailings, and contaminated water (Figure 7.1).⁶⁷ Central to this concern were worries that plants around Faro are up taking metals through their



Figure 7.1 Faro Waste Rock Piles, overlooking the Rose Creek Diversion, Faro Mine Site Tour (Caitlynn Beckett, August 2020).

⁶³ Dena Cho Environmental and Remediation Inc., “Review of the Faro Remediation Project YESAB Proposal,” submitted to Ross River Dena Council for the YESAB review of the FMRP (August 2019). YESAB Public Registry 2019-0149-0555.

⁶⁴ Shout out to the whole IEG team who have helped us in various ways over the years: Jeff, Meghan, Telsa, Katie, Scott, and Ben!

⁶⁵ Integral Ecology Group Ltd., “Faro 2018 Conceptual Revegetation Plan,” 16.

⁶⁶ Justin reflected that he felt like there was government weirdness around bringing together technical design teams and engagement: a “fear that gummint might not be able to get the cork back in this bottle if it is opened.” And we just thought that reflection deserved a footnote!

⁶⁷ Caitlynn Beckett and Brittany Tuffs, “Ross River Elder’s Council Workshop on the Faro Remediation Project,” prepared for Ross River Dena Council (June 2019).

roots and that dust accumulates on their leaves – harming both the plants and the creatures that rely on them. Most importantly, Elders argued that this concern is often detached from water management, as water is siloed from vegetation in Western environmental governance – foreclosing discussions of the ways that water, dust, and terrestrial animals and plants interact. Elders reminded us that these concerns were not new. As we learned from Elders and from historical documentation on Faro, it became increasingly clear to our team that vegetation and the safety of wildlife have *always* been a key concern for Tū Łídlīni Dena.⁶⁸

Elder Clifford McLeod: *It's been brought up a few times like the tailings, they should be covered somehow... that dust... even with cloth or something to keep it from blowing away... until they get to... where they can fix it... they need to temporarily cover everything... we've been asking for that a long time ago... animals eat all that stuff that flies around.*⁶⁹

After decades of Tū Łídlīni Dena Elders expressing their concerns about plants and animals, the community just wanted something done – even something imperfect and messy and unclear.⁷⁰ We wanted to open avenues to create and express different forms of healing Tsē Zūl, one little step at a time. With such a long history of broken promises, we were particularly concerned with accountability and tangible, action-oriented community involvement. As Jody noted, *it was pivotal to have Kaska Dena people on site, doing the groundwork.* The revegetation project was chosen as a strategic entry point to confront injustices, to take up space on site, to

⁶⁸ As documented in Chapters 3-5 of this dissertation, Tū Łídlīni Dena Elders and leadership have been asking for protections for plants and wildlife since the 1970s. In the early 2000s Ross River leadership fought for the Yukon Water Board to include study requirements for research into the contamination of plants and animals around Tsē Zūl. Ross River members were deeply involved in this early 2000s work and remember the results and engagement: Gartner Lee Ltd., “Anvil Range Mine Complex - Terrestrial Effects Study.”

⁶⁹ Clifford McLeod, interview with author, July 18, 2019.

⁷⁰ Carroll, *Roots of our Renewal*; Kovach, *Indigenous Methodologies*; Tuck and McKenzie, *Place in Research*; Sarah De Leeuw, Emilie S. Cameron, Margo L., Greenwood, “Participatory and Community-based Research, Indigenous Geographies, and the Spaces of Friendship: A Critical Engagement,” *Canadian Geographer* 56, no. 2 (2012): 180-194.

employ youth, to funnel dollars into community projects, and to actively use Kaska knowledge, language, and governance to heal Faro.⁷¹ Revegetation presented itself as an entry point to the work of environmental justice at the Faro site – it was and is imperfect, changing, and methodologically unclear. While knowing that we would have to negotiate compromises, we were also grounded in good soil – the Kaska knowledge that was shared with us and the decades of demands for healing at Faro provided the nutrients needed to navigate compromise.

Krystal: *Even projects of massive scale need to start somewhere. There's a tension between planning and acting. Reclamation planning can be used as a delay tactic - to avoid spending money and possibly to avoid the potential for failure. The uncertainty factor in reclamation is huge and difficult to navigate. Maybe part of the wisdom in the Elders' direction is that movement is required for us to build the trust, knowledge, and interdisciplinary capacity needed for the Faro Mine Remediation Project as a whole? As a team working towards a shared goal, the relationships needed between people, plants, and places can form and strengthen.*

In August of 2020, amidst the pandemic, Dena Cho and IEG staff, and Kathlene Suza were able to take advantage of a few weeks of relative calm and mobility (with low COVID case numbers in Yukon and BC) to tour the Faro Mine with a group of scientists and engineers from the Canadian Government and students from Tū Łídlíni. These tours focused on revegetation and the ways that water, dust, and metals flow through and accumulate in plants, and the important

⁷¹ “If directed by Ross River Dena, revegetation and remediation more generally will play a pivotal role in regenerating relationships with land, providing economic benefits, advancing opportunities for healing the scars of the land, and offering co-management structures that reflect the community's goals”: Dena Cho Environmental and Remediation Inc., “RE: Faro Mine Community-Based Revegetation Update Memo,” letter to Jesse George, Crown-Indigenous Relations and Northern Affairs (February 2022).

work that vegetative roots networks do in ‘holding in’ contamination and soils (Figure 7.3 and Figure 7.2). Over two days we talked about the gulē and k’es that have moved back in around the edges of the pit and the tsísbéze that are pushing through waste rock piles. We discussed how revegetation may be more about ‘helping’ species along rather than controlling and manually planting each acre of disturbed land. We also lingered in patches of the ‘non-native’ species like clover that were brought in to help control erosion – contemplating what ‘invasive’ meant in the context of revegetation.

On the second day of our tour, we walked across the Grum Sulphide Cell in steel-toes, following the tracks of a small herd of Fannin sheep that quickly disappeared over the crest of the Cell as we climbed out of our work trucks (Figure 7.5 and Figure 7.4). Remediation of the Grum Sulphide Cell was conducted in 2010-2012 as a test site, and included recontouring a waste rock dump, placing a plastic membrane over the waste, and installing a glacial-till cover over the



Figure 7.2 The forest floor just outside of the Faro Mine footprint (Billie Maje, August 2020).



Figure 7.3 Mary Maje and a Kaska youth checking the plants along the edge of the Faro Mine boundary (Billie Maje, August 2020).

membrane to support revegetation. This cover was then planted and seeded with different vegetation species. For some, the Grum Sulphide Cell has been a good lesson in mediocre revegetation outcomes - there are very few 'big green things' to be seen.⁷² As one project manager stated:

It didn't grow the way it was supposed to, and that looks very... well... it doesn't look like it worked very well. So that's an example of what we're trying to avoid and trying to make something look a lot more natural than that.⁷³

As we gazed across the cell, only a couple of k'es were visible, having struggled through the tightly packed soil, finding small gullies of erosion where soil was loose enough for roots to spread. Grasses were also seeded, some of whom have made a go of it, creating a sparse stubble that sheep nip at as they pass through. But what really stood out was the prevalence of fire moss, blanketing the cell in a range of red and brown hues, holding in moisture, doing the work of erosion control, and creating a cushion for seeds to eventually find a home. The fire moss was not planned for by revegetation ecologists. Moss is underwhelming when grand visions of lush revegetation take hold. But Kathlene Suza noted that it looked just like the top of a mountain pass, something very familiar and loved by the Kaska people – and moss does important work, too.⁷⁴

⁷² The cover material was heavily compacted, suffocating the roots of willows and alders staked or planted in the top layers of the cover. The areas that were not planted have the same amount of willow, alders etc. as those that were planted: Integral Ecology Group Ltd. "Faro 2018 Conceptual Revegetation Plan."

⁷³ Marie Pascale-Rousseau, interview with author, November 25, 2019.

⁷⁴ Robin Wall Kimmerer, *Gathering Moss: A Natural and Cultural History of Mosses* (Corvallis OR: Oregon State University Press, 2003).



Figure 7.5 Kaska Youth taking a nap on the Grum Sulphide Cell (Caitlynn Beckett, August 2020).



Figure 7.4 Sheep tracks across the Grum Sulphide Cell (Caitlynn Beckett, August 2020).

After exploring the plant communities of the Faro Mine site, we drove down the mountainside to the town of Faro. We gathered around the rotting picnic benches in the backyard of the old mine manager's house, now owned by the Canadian government. The stairs and deck entrance to the backyard were so rotten that we had to sneak through a gap in the fence to get into the backyard, patiently waiting for each person to shuffle through the small fence gap separately, avoiding COVID-awkward traffic jams. The weather was beautiful, the sun glinting through silvery chebā leaves, lined with leaf miners. For a few minutes, rain clouds threatened, and fat August drops dotted our papers briefly before moving on up Rose Mountain. The memory is distinct, both because of the rare moment to safely meet with a group of people, but also because it was one of the few Faro discussions we've had that felt hopeful. Kathlene noted, with a smile, that after decades of working on the Faro Remediation in various roles, this was the

best tour she had ever been on. We were all hesitant, knowing that revegetation can't fix everything, but it felt good to talk about plants and to talk about a future that could look different.

Justin: *It also felt hopeful to me because I could walk out of my "expert" costume for a bit, and begin, tentatively, to try to establish a respectful relationship with the stewards of this land. It was a glimpse that we might collaborate, and that reclamation might be guided by the people who need to guide it... If we can repair the Faro landscape, it may well be true that only Kaska hands can truly make that repair. If love matters to reclamation outcomes, it is likely their love that matters most.*

7.4.2 *Shifting from defining objectives to reclaiming relationships*

After our kick off meeting in Faro, we spent the fall of 2020 and winter of 2021 outlining how we would set project objectives. We began with the hope of completing interviews that would help us map out what Tū Łídlīni Dena members wanted to see on site— what kinds of plants, what kinds of land relationships, what kinds of futures at Tsē Zūl might be possible. We quickly learned that despite doing a lot of homework ahead of time, we had still made some assumptions and had to re-orient. Not only did we struggle to conduct interviews,⁷⁵ we also realized that most people felt unprepared and uncomfortable in answering our questions — especially questions about long-term visions for Tsē Zūl and specific questions about plants.

Elder Dennis Shorty: *“Wow, that's a difficult question. I know nothing grows there anymore. All that acid generating rocks, it's right on the surface. I don't know how they are going to do that. Best thing maybe just to cover it with something. Then just to grow plants on it. But that's still gonna leach out, eh?”*⁷⁶

⁷⁵ Our attempts at in-person meetings were constantly stalled due to COVID, and phone or Zoom interviews proved to be a disincentive.

⁷⁶ Dennis Shorty, interview with authors for the Dena Cho Community-Based Revegetation Project, April 2021.

Faro is not accessible to Kaska people physically, emotionally, or via knowledge sharing.⁷⁷ Most folks in Tū Łídlīni, except those few who work on the site now, have not been to Faro or the surrounding area for decades. Families pushed from Tsē Zūl and Blind Creek tend to avoid the area, as it brings painful memories.⁷⁸ Their decades-long demands for wildlife, plant, and water protection have largely gone unanswered, or are obscured in the black box of dominant science driven technical processes on site. With these land relationships hanging by a thread, many Elders are reluctant to make specific decisions about the site's future – mending these frayed relational threads must come first. They want to rebuild presence, knowledge, and stewardship, while also being more involved in decision making. More than anything, Elders were frustrated with the continual question: “what do you want at Faro”; they wanted to see Kaska directed *action* and fewer questions from consultants.

Elder Gordon Peter: *“They were talking about planting different plants and trees and whatever – Ross River people can do that – keep them at their word to do this”*⁷⁹

We quickly noticed that discomfort in answering questions about Faro's future was rooted in the tension between the term ‘land use’ and Kaska relationships with the land. In dominant science and environmental management, the term ‘land use’ implies that all land has a designated use that is either directly or indirectly related to human needs (e.g., hunting, agriculture, gathering, recreation, or resource extraction). While some of these ‘land uses’ are central to Kaska relationships with their land, the term does not encompass the fullness of that

⁷⁷ Several Elders emphasized the lack of knowledge sharing. Elder Nora Ladue particularly stressed that her community is almost never provided with this information in an accessible way – there are no environmental ‘health’ studies being completed and information about wildlife surveys or revegetation have not been consistently or accessibly presented to community members or leadership: Nora Ladue, interview with author, October 6, 2021.

⁷⁸ Louie Tommy, interview with author, October 4, 2021; Minnie Besner, interview with author, October 7, 2021; and Shorty, interview with authors, April 2021.

⁷⁹ Beckett and Tuffs, “Ross River Elder's Council Workshop,” 30.

relationship.⁸⁰ The term limits Kaska stewardship of land to Western notions of use and utility, overlooking other aspects of relationships and impacts, including spirituality, conservation, language revitalization, ongoing racism and sexism, and the need for long-term healing. Another apparent tension in the term ‘land use’ is the difference in language and conceptualization of land, as Kaska do not separate reclamation objectives from broader social and cultural aspects of the Project.⁸¹ For instance, Elders told us that they want the land cleaned up safely and returned, with Dena people benefitting from the Project and stewarding their homelands – community health, support for addiction services, safety, stewardship, and water treatment were not disconnected.⁸²

Jody: *I often think about the social injustices my community deals with and how outsiders promise jobs and money as a solution to our problems. Ross River is a small community where promises come and go. I often look at our youth and see the struggles of fitting into a professional working environment and the barriers often put upon them.*

Grounding remediation discussions in ideas of ‘future land use’ became a conceptual obstacle to revegetation discussions with community. So, we started experimenting with using the concept of ‘land care’ and shifted focus to establishing a Kaska revegetation protocol, rather than determining future land uses. We focused first on relationships between people and landscapes—including plants, animals, and habitats more broadly—rather than on land use. We

⁸⁰ Ross River Dena Traditional Knowledge Team, *Gu Cho Ka-Ka Dee*; Ross River Dena Elders and the Ross River Traditional Knowledge Team, “An Inventory of Cultural and Natural Resource Values of the Ross River Dena, and a Summary of the Dena Worldview,” prepared for Ross River Dena Council (October 2011).

⁸¹ Several Indigenous scholars have written about the concepts of ‘two-eyed’ or ‘three-eyed’ seeing, articulating the difficulties (and power) of navigating between multiple worlds, languages and cultures that have fundamental differences in how they relate to the world and beings around them. See, for example: Donna E. Martin, Shirley Thompson, Myrle Ballard, Janice Linton, “Two-eyed Seeing in Research and its Absence in Policy: Little Saskatchewan First Nation Elders' experiences of the 2011 Flood and Forced Displacement,” *International Indigenous Policy Journal* 8, no. 4 (2017): 1-25.

⁸² Dena Cho Environmental and Remediation Inc., “RE: Faro Mine Community-Based Revegetation Update Memo.”

set up protocols that would guide our questioning, our engagement, and our actions, leaving space for learning and relationship building along the way.⁸³ With these protocols in place, we followed Elders' instructions to "hold [the remediation project] at their word to actually do something."⁸⁴ To ensure on-the-ground action, we prioritized Kaska-directed tree planting, confident the bigger questions about defining future land relationships would happen alongside, one root at a time. Through these protocols we are working towards future visions of Tsē Zūl that are most appropriate for Ross River Dena, rather than simply satisfying the requirements of settler-imposed regulatory processes.

7.4.3 *Growing towards land care: "every plant you put in there, that's our relations"*⁸⁵

In 2021, we identified tree planting as a key method to getting people back on to the Faro site. We started with planting ts'u and gadze. These species were chosen because they are local to the Tsē Zūl region, Elder-approved for revegetation, and available in large quantities from seed lots.⁸⁶ In 2022, we added chebā to our program. Ts'u is the most common tree in Kaska territory and is, accordingly, central to Kaska life and history. Ts'u is both the word used for white spruce and more generally for 'trees.' The trunk, boughs, roots, pitch, cones, and springtime tips of ts'u are used for firewood, boats, cabins, snowshoes, baskets, artwork, glue, food, and medicines. Ts'u ele (boughs) are woven together to create cushioned and insulated

⁸³ We decided not to share the specific protocols here, since they are specific to Kaska knowledge systems and the revegetation project at Tsē Zūl and should not be used without permission from Kaska Elders.

⁸⁴ McLeod, interview with author.

⁸⁵ Shorty, interview with authors.

⁸⁶ Through a series of partnerships and relationships, the seeds for our first planting program traveled from Yukon to Moberly, BC, where they were grown by the Twin Sisters Native Plants Nursery, named for the sacred mountains that overlook Moberly Lake and co-owned by the Salteau First Nation and West Moberly First Nation. These seedlings were raised on Dunne-Za (Beaver), Salteau (Anishnabe), and Nehiyaw (Cree) territories.

floors inside tents. T'su stories and protocols are passed on in many ways, such as in one of Suguye Dena's stories, when he used the pitch to glue his eyes open while he was tricking the cannibal Goodis-Tse-Ha.⁸⁷

Gadze, on the other hand, is not historically common throughout much of Kaska territory. Because it is a more recent resident of Kaska territory, the wood of gadze has fewer uses than other trees.⁸⁸ Kaska people do however use the pitch and needles of gadze for fire starting, salves, and teas. Gadze was chosen for tree planting at Faro because of its ability to survive in landscapes after fire or other impacts. Chebā is a long-time resident of Dena Kēyeh and has many important uses and protocols.⁸⁹ The bark is used for medicine, soap, and chewing tobacco. Chebālēdzé' (the white dust on the bark) is used as medicine, sunscreen, and bug repellent. Suguye-Dena uses chebālēdzé' on his face to colour his skin when hiding from the cannibal Goodis-Tse-Ha. Chebā dole-dallah (chebā buds) are collected in the spring when they are just coming out and used for teas. Ék'en (chebā sap) is a sugary springtime treat, like maple syrup.

After choosing the trees that we would work with, we then focused our efforts on: 1) hiring Kaska youth (and paying them well); 2) ensuring Elders were involved in all aspects of the program; 3) having an opening ceremony and review of protocols; and 4) cultural instruction for the non-Kaska team members. Each program began with an offering and prayer from an Elder, to give thanks to the trees and to protect our crew from the dangers at Faro. We kicked off planting with a community meal, storytelling from Elders, language lessons, and information sessions on the revegetation plans. We invited Elders and families from the Tsē Zūl region to participate in

⁸⁷ Ross River Dena Elders: *Gu nóné'*.

⁸⁸ Elder Amos Dick, in Ross River Dena Elders: *Gu nóné'*.

⁸⁹ There is some conflicting information about the Kaska word for poplar/trembling aspen. For example, usually the Blind Creek dialect is also referred to as the Ross River dialect. According to one source, the Ross River dialect calls poplar 't'is', Pelly Banks uses 'shobā', and Dease Lake uses chebā'. In Ross River Dena Elders: *Gu nóné'*, Elders use chebā for the Blind Creek dialect. We decided to use the word chebā, as this is what Elders working on the revegetation program recommended. See the glossary in Section 7 of this Chapter for more information.

planting, or to visit our crew for the day. In the first and second year of planting, we had our hands full with just getting people on site, making sure everyone was fed, and centering Kaska knowledge in a good way. We did not have official discussions about land use, long-term land care priorities, or lists of preferred habitat objectives. But these topics came up along the way.⁹⁰

Elder Dennis Shorty: *[Youth] can be proud of who they are, getting back out on the land and talking about the things that you learn from the Elders. Just tell them, that's how we treat Mother Earth, a long time ago... We live with it. They live with us. Like my grandfather... he told me one time... a tree... you don't need a book to tell you a tree exists, you know, you have to know it. Or the rock or the willow, you don't need a book to tell you anything. You have to know that spiritually and physically... So, when you go out there, you don't just stick the shovel in the ground. You gotta ask permission.... that you only put the shovel in the ground so I can plant my relation tree. Mother Earth. Show those kids that. Yeah, it's more to it than just stick a shovel in the ground and stick a tree in... when you hold that tree, you hold it physically, with your hand, also hold it spiritually. And when you put that tree into the ground, you should see it physically, but also see it spiritually.*

Just say a prayer in Dena K'eh... get all our relations to be there with us for protection. You know, to protect us from that contaminated soil... Every plant you put in there, that's our relations. Do smudge, offering tobacco, or something before you put in a plant.... not every plant, but before you start. It's gonna be too long if you did that before every plant!"⁹¹

With a couple of tree planting programs under our belt, in the winter of 2022 and 2023, we expanded discussions with both Elders and the Faro Mine Remediation Project (FRMP) team about next steps. Initially, we had targeted tree planting as a 'doable' project that could eventually fit into engagement on overall 'end land use' objectives. However, as we had further community discussion, we were again reminded that this framework was not a priority for Elders. They continued to point toward other types of questions and priorities for Tsē Zūl. People were still hesitant to talk about future 'land uses' because they were concerned about safety regarding the extent of the contamination in plants and animals. Although Kaska people were

⁹⁰ Being present in a place and involved in relationship building is the research, the protocol development, the theory building and the long-term strategic planning: Carroll, *Roots of our Renewal*.

⁹¹ Shorty, interview with authors.

now on site and involved in revegetation, they felt that they did not have enough information or trust to make decisions about future ‘land uses.’ Animal and plant safety needed to be better explained and studied, with community involvement, before people would feel comfortable establishing long term objectives. In addition, people were hesitant to create some kind of ‘set-in-stone’ lists that could be used by the FMRP and their consultants without ongoing discussion and a trusting relationship.⁹²

From this feedback and discussion, we drafted two themes to direct our ongoing work:

- The core of this work is about re-establishing the relationship between Tū Łídlīni Dena and the Tsē Zūl/Faro landscape, and only secondarily about "land use". Therefore, we redefine this work as land care (Figure 7.6).
- There are aspects of this relationship that need to be advanced, and some key questions that need to be addressed before more detailed design solutions can be considered in any meaningful way.⁹³

Building on these themes, we decided to flesh out what Kaska ‘land care’ might look like. This work is still

very much in progress, but we hope that implementing the notion of ‘land care’ can help us encompass a community-based, eco-centric approach focused on relationships and reclaiming place, rights, and access to land, rather than an ego-centric notion of ‘use.’ Centered in land care and the directions of Elders, we decided to focus on four priorities for the coming years:



Figure 7.6 Box of seedlings from Twin Sisters Nursery (Caitlynn Beckett, June 2021).

⁹² Integral Ecology Group and Dena Cho Environmental and Remediation Inc. to Angeline Lovatt and Jesse George, Faro Mine Remediation Project, Crown-Indigenous Relations and Northern Affairs Canada, “RE: Faro Mine Community-Based Revegetation, Year End Update Memo—Current Approach to Reclamation and Re-establishing the relationship between Ross River Kaska Dena and the Faro mine site,” (March 2022).

⁹³ Ibid.

- 1) continue the tree planting program, since it provided jobs grounded in Kaska law and asserted Kaska presence at the Faro Mine site;
- 2) expand tree planting to include seed collection so that community members could be involved in more stages of revegetation and reclamation;⁹⁴
- 3) include vegetation sampling and monitoring that helps the community to better understand the health of the plants and animals around Faro;
- 4) expand on specific Kaska protocols for tree planting, sampling, and monitoring – alongside telling the Tū Łídlīni Dena story of Faro Mine and environmental injustices on their lands.⁹⁵

Throughout 2022-2023 we worked to expand our community-based revegetation program to include seed collection and vegetation sampling, and we adapted our protocols accordingly. Jody spent the winter months of 2022 compiling a list of plants that could be used for seed collection and tissue sampling. She then reviewed these lists with Elders and the Tū Łídlīni Lands Department.⁹⁶ Protocols for working with plants were also reviewed and adapted to seed collection and vegetation sampling. To respect and revitalize the Kaska language, we added more Kaska names for the plants we're working with. Elders from different family groups were invited to take the lead in the different locations visited for seed collection and sampling, based on traditional family and stewardship regions.⁹⁷ Each day while on the land, we gave an offering and thanks for the plants that provide roots, seeds, leaves, and stems for metals uptake

⁹⁴ Elders also wanted to reduce or eliminate reliance on commercial, non-native species.

⁹⁵ Integral Ecology Group and Dena Cho, "RE: Faro Mine Community-Based Revegetation."

⁹⁶ For the species list for vegetation sampling, we chose plant species that are both abundant on the Faro mine site and in the surrounding area and that were identified as potentially important indicators for metal contamination – either because they are food plants for humans and animals, or because they are of particular importance to Kaska. In consultation with Elders, at this time, we decided not to use ceremonial or medicinally powerful plants for seed collection or vegetation sampling, since the protocols for collection of these plants are sacred. These lists and protocols are not static, but instead are dynamic and subject to ongoing conversation as contexts and relationships change over time. At the same time, the plants chosen for this program are not transferrable into other scientific or project contexts, without review or permission from Tū Łídlīni Dena Elders.

⁹⁷ This was based on the Ross River Sa'a Dena Map (Grandfathers' Map), as per direction from the Ross River Lands Department: Dena Cho Environmental and Remediation Inc. and Integral Ecology Group Ltd., "Community-Based Revegetation Programs at Faro, 2021-2022: Report to Ross River Dena Council" (February 2023), 3.

monitoring and future revegetation. Care was taken to harvest only what we needed when collecting seeds and plant samples, and the land was treated with respect.

Elder Mary Maje: *And if you're not careful how you pick the seeds and stuff like that, like which plant to go to, which plant not to touch... You gotta learn all these things otherwise, the plant will make you sick. Yeah, physically make you sick... That's why our people always say, you offer prayers before you pick something... and we're never allowed to run around and pick just anything... Instead, you ask to pick this plant so it could help us to heal or whatever we need it for.*⁹⁸

7.5 Planting ts'u: reflections on revegetation

7.5.1 Rebuilding relationships

On June 2, 2021 – our first day of our first tree planting program, we hit the road around noon, traveling with a couple of youth tree planters who hitched a ride from Whitehorse. We got to Tū Łídlīni and the Elders had already rounded up the other 12 tree planters, who immediately started piling bags and steel-toes into trucks. As we drove up to the Faro Mine camp, passing the expansive, grey-silt tailings, we felt the sadness and anger, but no shock. Everyone was painfully aware of what Faro looks like. We settled into the camp, a series of five trailers tucked in beside the main security and office building. With such a large group of youth, staff, and Elders, the excitement for the kick-off program was palpable. But there was also a lot of uncertainty – this was the largest Kaska-led program at Faro, ever. Since the exploration of the mine, there had never been this many Kaska people on site at one time.

This hesitancy bubbled up the next day at the required safety orientation with Parsons, an American contracting company that has worked on the Faro Mine site in various forms since its

⁹⁸ Mary and Maje, interview with authors.

construction. At the end of the cookie-cutter orientation, two Tū Łídlīni Dena Elders on our tree planting program raised their hands and pointed out that Parsons' presentation did not mention that the Faro Mine and the FMRP are on unceded Kaska territory. The Elders argued that every single person who comes on site should know that they are on unceded Kaska territory and what that means.⁹⁹ From that point on, Elders were persistent in reminding our team, the site managers, and the contractors of the importance of Kaska presence at the Faro Mine. The importance of this presence extends beyond tokenism to safety meetings and corporate bureaucracy. According to the Elders, each tree we would plant at Faro would be guided by Kaska hands – another presence to stand guard, to assert sovereignty, and to care for that land over generations.

Parsons' site orientation was juxtaposed with an afternoon spent at Blind Creek with Tū Łídlīni community members. Elders shared stories of Tsē Zūl and the fish camp at Blind Creek. They taught our team about the connections between plants, Kaska language, and sovereignty. This event was a true welcoming home of the trees to Kaska territory. We also spent time getting to know the other plants of Tsē Zūl. We searched through guides and handouts, asked each other questions, and were encouraged to be curious. The intention was to meet the plants rather than classify them. Elders gently drew us together for a Kaska language lesson, telling us the different names, uses, and benefits of the plants we were surrounded by, as we scribbled down notes and pronunciations. Youth went off into the rocky bluffs and came back with photos to help us identify and learn as a group. Smiles of recognition were contagious when a plant was recognized, named, and a relationship established (Figure 7.7 and Figure 7.8).

⁹⁹ **Jody:** *This reminds me of the Ketza tour [another abandoned mine site] I helped facilitate, as Yukon Government wanted to welcome the Dena to the area. My mother noticed that, and she spoke up by welcoming Yukon Government. She reminded them of our sacred site overlooking the mine.*

Krystal: *I remember taking a bite out of a young bluebell leaf to confirm the identification for one of the youth (they taste like fuzzy cucumber!). Part way through chewing it occurred to me that I was sitting within one of the most contaminated sites in Canada. Maybe tasting plants wasn't the best idea. It was a catalyst moment in my understanding of reclamation. Not being able to taste the landscape is not just a physical loss.*



Figure 7.7 Kaska Language Lessons at Faro (Billie Maje, June 2021).



Figure 7.8 Gathering at Blind Creek (Caitlynn Beckett, June 2021).

On day two, we met our trees. The trees had been grown in a BC nursery for almost a year and then were carefully frozen, mimicking the dormancy of winter. The baby trees were then trucked North in a refrigerated container (the boundaries of COVID and border closures making for tangled logistics), arriving at the Faro Mine in waxed-lined cardboard boxes, each full of bundles of trees wrapped in plastic, frost meshed between them (Figure 7.9). In the camp parking lot, next to the boxes of baby trees, we began setting up our brand-new



Figure 7.9 Elder Kathlene Suza (Caitlynn Beckett, June 2021).

planting gear, helping each other adjust straps and saw off shovel shafts to suit each person's height. Meanwhile, others started unloading trees for the first day of planting, covering them in tarps to help the trees slowly defrost without shock, trying to recreate early spring conditions in June. The first few days were a careful balance— ensuring that the trees' roots weren't frozen together, while also preventing the trees from drying out too quickly. Krystal never stopped reminding us – plants dictate their own schedules, and we must work with them.

As the trees acclimatized to their new home, we learned how to plant a tree. On the top of the shovel blade there is a narrow platform built to withstand a strong, downward stomp of a boot. After kicking the shovel into the ground, we used one arm to pivot the shovel back and forth, creating a conical, tree-plug-pocket. As one arm pivots the shovel back and forth, widening the pocket, the other arm reaches back into the planting bags anchored on each hip, hands grasping for the root bundle of a tree and a small 'tea bag' of fertilizer. In one fluid motion, the hand cradling the tree slides the plug down the outer face of the shovel, simultaneously dropping the fertilizer bag, allowing the shovel blade to guide the plug deep into the ground. While still hunched over, we then gently grasp the tip of the tree to stabilize it while using the toes of our boots to pack dirt around their thin trunks, sealing the soil around the tree and stamping out any air pockets underground (Figure 7.10). We would repeat this hundreds of times a day – kicking, hunching, packing, sealing. Ensuring each tree was planted in a protective envelope of soil. Elders planted alongside us, adapting the planting equipment and techniques to suit their own mobility and planting in pairs to reduce the amount of time spent hunched over. It is not glamorous work – it is hard, sweaty, repetitive, and mentally exhausting.



Figure 7.10 Collage of the tree planting process: shovel, t'su seedling plug and tree planters placing t'su plus in hole (Cassia Jakesta, June 2022).

Caitlynn: *Colin and Thor, our tree planter instructors explained to me that after the rush of learning something new, planting trees with friends, and seeing yourself improve, the reality of tree planting sets in – the isolation, the repetition, the boredom and the anxiety of hard work, repetitive lines, and silence. Keeping up morale became a joint responsibility. Each person on our team took their turn rejuvenating the group, providing music, jokes, stories, and countless opportunities for snack breaks*¹⁰⁰

For the last week of tree planting in 2021, Elders suggested that we camp at Blind Creek, as a reminder that revegetation work is tied to reclamation of place, culture, and relationships – confronting the injustices of Faro, one seed-tree-person at a time (Figure 7.11 and Figure 7.12).

Jody and Caitlynn: *On a hot mid-June day, when the planters had a rest day, we got very dirty and sweaty setting up tarps, heaters, and the kitchen tent at Blind Creek. A construction crew from Ross River worked hard to get tent platforms built, outhouses put in place, and a gathering shelter erected. Cooks came from Ross River to prepare meals for the hungry crew. It was chaotic – but everything came together with a lot of help. On the first night of our stay at Blind Creek, some sat around a bonfire, while others went fishing. We drove a group up to the showers in the Faro campground, since we couldn't get the shower working at our Blind Creek camp. In*

¹⁰⁰ Shout out to Colin Dorward and Thor Stewart of Wildside Reforestation for all their amazing guidance and assistance with all things tree planting.

the evening bears wandered through our camp following the scent of spaghetti sauce, and people took turns honking car horns and standing guard around the kitchen tent with sticks and bear spray. We made a mental note to get an electric bear fence for next time.



Figure 7.11 Construction of the Blind Creek Camp (Caitlynn Beckett, June 2021).



Figure 7.12 Blind Creek tents and fire pit (Caitlynn Beckett, June 2021).

The generative time we spent tree planting, gathered around fire pits, sharing meals, and shooing bears was happening in the shadow of announcements of unmarked graves at the residential institutions in Kamloops and Cowassess. In a tree planting camp, the connection to residential institutions might not be readily apparent to non-Indigenous folks, but we had many discussions about it. Elders shared their stories of residential institutions, detailed their legal battles for compensation, and explained upcoming plans to dismantle and burn the school in Lower Post.¹⁰¹ We talked about the theft of language when discussing the Kaska names of plants, and the loss of ceremony when collecting seeds and samples. We talked about the interactions between extractive industries and residential institutions in the dispossession of territory – taking

¹⁰¹ Yukon News, “Lower Post Holds Ceremonial Demolition of its Residential School,” *Yukon News*, July 7, 2021.

away both the land and the people of that land.¹⁰² In our tree planting work, Elders made space to honour the community members and knowledge stolen by residential institutions. Planting trees was a conversation about reclaiming knowledge in the face of this violent theft.

Elder Mary Maje: *Well, that's what I was telling you before, always offer prayer. Ask God for it - that we reap the rewards from... his creation. And that your work will... long be there after we're all gone... Because we use it as a survival, not only because it looks pretty... It's mostly to use to heal. That's why I always say, heal the scars of our land. And even saying that, I think it brings so much back for a lot of us that are still here. It seems like there's not enough time left to pass the knowledge on so I'm glad we have writers now. Beginning to gain this knowledge and, from now on, all of you are knowledge keepers. You have to teach others.*¹⁰³

On the last day of planting in 2021, we were working in some ditches along the mine access road. Elder Nora Ladue pointed to an area where her father, Joe Ladue, had once had a trapline and cabin tucked away in the bush between the mine access road and a haul road to Vangorda. She told us that when the mine was built, his trapline was cut in half and access to his cabin was blocked by the road. After leaders from Ross River fought on behalf of the Ladue family, the mining company put in a small ramp so that her father could use a skidoo to continue to access his cabin. Nora and her husband, Franklin, took the youth to see this cabin, explaining that the Ladue family had continued to care for the land here, despite mining operations.¹⁰⁴ And we were all reminded of the many ways Kaska have resisted Faro and fought to rectify the theft

¹⁰² The connections between residential schools, extractive industries, and gendered violence in Kaska lands and communities has been thoroughly documented in research and reporting completed by the Liard Aboriginal Women's Society: Moody, Sue and CCSG, Aja Mason and Yukon Status of Women Council and Lois Moorcroft. "Never Until Now: Indigenous and Racialized Women's Experiences Working in Yukon and Northern British Columbia Mine Camps." Prepared for Liard Aboriginal Women's Society (August 2021).

¹⁰³ Maje and Maje, interview with authors.

¹⁰⁴ Nora Ladue, interview with author, October 6, 2021; Nora Ladue and Mary Maje, interview with author, October 4, 2019.

and damage perpetrated by the mining companies and settler governments (Figure 7.13 and Figure 7.14).



Figure 7.13 Caitlynn Beckett, Dawn Young and the tree planting crew lined up for tree checks (Caitlynn Beckett, June 2021).



Figure 7.14 Jeremiah Shorty, Trent Smith, Matthew Tuffs, and Daniel John playing hacky sack during a planting break (IEG, June 2021).

7.5.2 *Re-rooting memories*

Many of the tree planters who joined our team in the first year returned for a second, third and even fourth year. In 2022, Jody went on maternity leave, and in 2023 we planted trees during baby Yúka's first birthday. As noted above, in response to requests from Elders and community members, in 2022, 2023, and 2024 we also expanded our community-based revegetation program to include seed collection and vegetation sampling. After re-establishing some initial relationships with Tsē Zūl in 2021, we looked for additional ways to offer on-the-land opportunities, gather the information needed to make decisions about land care, and to begin re-rooting memories – and creating new ones – at Tsē Zūl.

The spring of 2022 was wet – the freshet wreaked havoc on the FMRP’s water collection and treatment systems and caused flooding along Blind Creek and the Pelly River.¹⁰⁵ Then Elder Grady Sterriah passed away. Grady’s father, Dena Cho, had been instrumental in finding the



Figure 7.15 “Land Back” (Cassia Jakesta, June 2022).

deposit that would become the Faro Mine and she remembered her family caring for (and being betrayed by) Al Kulan and his associates. We dedicated our planting season to Grady and her family, whose traditional area includes Tsē Zūl. On June 21, National Indigenous Peoples’ Day, the team planted a few trees near the Tsē Zūl sign that overlooks the Pelly River valley, on the road into Faro. These trees honour Grady Sterriah and her family – and remember and resist broken promises (Figure 7.15).

¹⁰⁵ Ensero Solutions Ltd., “Faro Mine Complex – Adaptive Management Plan: 2022 Annual Report,” prepared for Public Works and Government Services Canada (April 2023). Yukon Water Board, Waterline IN89-001.

Hoping to create our own space on the Faro Mine site, away from the challenges of the security building, in 2022 we set up our ‘base of operations’ under a flimsy folding tent alongside the haul road, a small creek bubbling away in the background. Elders welcomed the planters and acknowledged Grady’s passing. They emphasized how proud they were of the young people working to heal this land for a second year. Since they won’t be around to see these trees grow, Elders emphasized the responsibilities that youth have to continue to care for the trees. We used a sharpie to cross out the English names on the tree boxes and replaced them with Dena K’eh. In 2022, we added chebā to the list of tree relations that would help to heal Tsē Zūl, alongside ts’u and gadze (Figure 7.16). We reflected on Elder Dennis Shorty’s advice that we must pay attention to the reason and journey of every plant – it is there for a reason, and it came from somewhere. With these words in mind, we put our shovels to the hard, rocky ground for a second year of tree planting.



Figure 7.16 Boxes of chebā, gadze and ts’u boxes of seedlings, followed by a line of seedling plugs (Cassia Jakesta, June 2021).

Cassia and Caitlynn: *In 2022 we stayed in the Faro townsite, rather than the camp at the mine or at Blind Creek, and we organized our own accommodation and food. We made meal plans. We hired cooks from Ross River and tried to wrap our heads around how much food 15 tree planters might eat. We spent multiple days grocery shopping. We filled up four large carts at the Superstore in Whitehorse – the groceries piled carefully at first, and then haphazardly as we ran*

out of space and became flustered. In a few days' time, we realized that four flats of Gatorade were NOT enough, and we would need emergency restocks of this very important tree-planter fuel. With all this food purchased, we then realized that we didn't have much storage space for stashing food before its journey to Faro. We distributed turkeys, hams, burgers, veggies, super-sized blocks of cheese and extra-long loaves of bread between our office and personal freezers and fridges. One loaf of garlic bread was donated to the local ravens as we rushed to move food between the truck bed and the fridge.

After a few days of planting, we invited several Elders to visit our program and to review the work we had been doing. It was a muggy day, with little breeze, dark clouds slowly rolling overhead, occasionally dumping rain and small beads of hail on the planters. The bugs were terrible. Under our crews' tent, Elder Clifford McLeod demonstrated his uncanny ability to kill a mosquito with a single, quick clap in front of his face – never missing. An impressive pile of squished mosquito bodies grew on the plastic table in front of him. As this pile expanded, we went around the table and listened to Elders' stories of Faro and their hopes for the future. Elder John Acklack told the group about working in mineral exploration in the Tsē Zūl area. He remembered the large exploration tent village that now lies at the bottom of the tailings pond. He said that once the ore finding was confirmed and Faro became a 'real mine,' no one from Ross River was hired for long. Elder Ted Charlie shared that people like Franklin Charlie (his brother), and other young men who worked on the mine, or helped with the exploration work were, at first, offered shares in the mine, but they didn't know what that meant and didn't want to spend money on an unknown. They preferred to be paid in cash, groceries, and other goods that they and their communities needed – they regretted that now and felt taken advantage of.

Elders also regaled us with stories of happy times spent around Tsē Zūl (Figure 7.17). Elder Louie Tommy reminisced on fishing at a camp near where the bridge to the mine now spans the Pelly River, describing the family cabins that used to dot the banks. Elder Dorothy John talked about her grandparents bringing her to Fish Hook to camp, fish, hunt, and pick

berries.¹⁰⁶ She spoke about how the Fish Hook camp was abandoned after the mine opened, but that her parents and grandparents continued to spend time in the area. Elder Minnie Besner talked about camping in the mountains beyond the mine – picking berries, hunting groundhog, and fishing. She remembers hitch hiking from Blind Creek up to Faro to get candy and other treats from the store. In her work in social services, Minnie has seen the results of the mine, but she didn't want to linger on these difficult memories, instead she wanted to celebrate the youth for working hard. She told our crew that they are doing important work healing the land *and* healing the people. Dorothy also expressed how proud she was of the young people doing this work – saying they are healing this land for future generations. Dorothy hoped that over the coming years, the youth will come back, check in on the trees, and know that they have contributed to reclaiming Tsē Zūl – and how happy she is knowing that the area will be alive with trees again someday.

Next, it was our turn to share with the Elders (Figure 7.17 and Figure 7.18). We demonstrated our planting techniques and toured them around the different areas where trees were being planted. We talked about the seed collection work and vegetation sampling we had planned for later in the summer. As we walked and talked, we reviewed Kaska protocols for collecting and working with plants respectfully. We toured the Elders through the various revegetation trials that IEG was conducting and explained how some were planted with fertilizer, some with worm castings, and some with collections of healthy 'forest floor.' IEG's staff noted that, with the healthy forest floor addition, we are hoping to move microbes, fungi, and diverse soil materials from a healthy space to this unhealthy space – almost like a transplant that will help the rocky, mineral heavy soil to provide a community of support and to build organic

¹⁰⁶ Another important Kaska community gathering spot, near where the Anvil Creek meets the Pelly River, north of the current Faro townsite.

materials more quickly.¹⁰⁷ At first glance, the ts'u planted in 2021 seemed to be happier than the gadze; and the trees planted in worm castings and transplanted 'forest floor' seemed to be doing the best.



Figure 7.18 Trent Smith planting the first tree of 2022 (Cassia Jakesta, June 2022).



Figure 7.17 Elders Dorothy John, Minnie Besner, and Louie Tommy (Caitlynn Beckett, June 2022).

As we celebrated this program with Elders, the tree planters worked hard to get thousands of trees in the ground and Dena Cho staff raced around supplying everyone with Gatorade and granola bars. We were also faced with the reality of living and working in Faro, a town founded on stolen land. In 2022, several of our youth were kicked out of their accommodation for no apparent reason. Our cooks were asked to leave the kitchen they had been using to feed our crew, again with no reason. As we reckoned with the implications of these actions, we were surrounded by Tū Łídlīni community support, hospitality, and flexibility. The cooks set up their work in their personal kitchens and tracked down a large tent for our crew to eat under. Elders

¹⁰⁷ Integral Ecology Group Ltd., "Landform, Cover, and Revegetation Pilot 2023 Monitoring Report, DRAFT," submitted to SRK, AECOM and the Faro Mine Remediation Project (2024).

helped us set up the tent, tables, and chairs on a front lawn. Others in the community offered rooms for our crew.

While we set up a kitchen tent and tracked down chairs and tables for group meals, Elder Dorothy Smith received a phone call letting her know that BMC's Kudz Ze Kayah mine had been approved by the Yukon Environmental and Socio-Economic Assessment Board, without the consent of Ross River Dena Council. In response, she sat in a lawn chair under a carport and explained Kaska rights to their unceded territory. Going against a set of conditions that Ross River Elders had outlined, the Yukon and Canadian governments had again permitted another mine, while Faro and other abandoned sites had yet to be cleaned up.¹⁰⁸ Amidst the mostly abandoned housing that was constructed for miners at Faro, we faced the histories of evictions, land theft, and resource developments that have occurred on Kaska Dena land for decades. It is only the terms, paperwork, and processes of dispossession that have changed. We fought against this history with a shared meal and a full bag of trees. In 2023 and 2024, we returned with bags full of trees and Elders' guidance, and we continue working to build physical spaces from which our crew can safely confront and reckon with the histories alive at Faro.

7.5.3 *Gathering seeds for the future*

¹⁰⁸ RRDC recently challenged YG's approval of the Kudz Ze Kayah Mine in court. The court decided that YG and Canada needed to return to the consultation table, which they did, but then subsequently published a second decision in favour of proceeding with the mine, with few modifications. RRDC was not satisfied with this decision and is currently looking for other avenues of appeal. <https://www.cbc.ca/news/canada/north/rrdc-kudz-ze-kayah-appeal-1.7108530>

Following our evolving Kaska protocol for the community-based revegetation program, throughout 2022, 2023, and 2024 we have been gathering seeds and sampling vegetation, to build knowledge for long-term land care planning at Faro (Figure 7.19). To begin this work, in the summer of 2022, Elders went on a reconnaissance ahead of the program, looking for areas that would be ideal for seed picking and other areas that should be tested for metals. They chose a range of collecting and sampling sites around the village of Ross River, along the South and North Canol Roads, along the Ketza Mine Road, and around Blind Creek.



Figure 7.19 Justin with Elders Jenny and Jack Ceasar (Cassia Jakesta, August 2022).

Justin: *It strikes me, or I hope, that seed collection adds to environmental justice and further entrenches Kaska protocols on site. Instead of taking seeds from somewhere else in Yukon, shipped to BC, grown, frozen, shipped back...we now have seeds collected by Kaska hands from Kaska lands. The weirdness in between is still there, but we have a "right-er" beginning?*

Each day, before collecting seeds and samples, an Elder offered a prayer of thanks to the plants that would give their seeds and tissues to help in healing Tsē Zūl. We then all responded with hushed whispers of thanks, spreading tobacco as an offering. We investigated many different plant communities, learning how to check the maturity of plants and if seeds were present (Figure 7.22, Figure 7.20, and Figure 7.21).

Cassia: *In August of 2022, there was an abundance of mountain avens along the South Canol road and we would sit next to the plants and fill our bag with the fluffy seed heads. We also found many sites for red bearberry, stone berry, crowberry, red raspberry, blueberry, and low-bush cranberry. The berry sites were fun because we would end up with berries all over our fingers and some of the sampling crew would enjoy a handful or two. It was cute when an Elder suggested we check the mushrooms too, so we picked them and filled up a bag for future metal analysis. In 2023, my favorite sampling site was next to the Ian H. Thomson Waterfall along the South Canol.*



Figure 7.22 Camille Jakesta checking out a caterpillar on a gūs plant (Cassia Jakesta, August 2022).



Figure 7.21 Elders Theresa Robinson and Annie John at Blind Creek (Cassia Jakesta, August 2022).



Figure 7.20 Billie Maje and two Kaska youth collecting seeds (Cassia Jakesta, August 2022).

For the seed collection program, we organized seeds in labelled paper bags. The vegetation sampling had a stricter sampling protocol, using laboratory grade bags, nitrile gloves, and sanitizing our hands between each new species collected (Figure 7.24). When we stopped at a chosen location, we would name the plants that were present and discuss how we would divide the collection and sampling among the group. On the last full day of the programs, we worked on

the chain of custody for cataloguing and shipping out the samples (Figure 7.23). It was an assembly line of sorting, labeling, and entering data for each sample collected.



Figure 7.23 Vegetation samples packed in a cooler ready for transport (Cassia Jakesta, September 2023).



Figure 7.24 Zachary Dick taking vegetation samples (Cassia Jakesta, August 2022).

As our team was packing up all the seeds and samples collected in August 2022 for the first shipment south to the lab and nursery in BC, Cassia suggested that it would be important to check in on the samples and seeds after they were packaged, labelled, and shipped to their different caretakers. So, in January 2023, we followed our seed and samples south. On the flight from Whitehorse to Vancouver, Elder Louie Tommy excitedly told us that although he had travelled all over the North, he had never seen or touched the ocean. He sat next to the window in anticipation. We landed in Vancouver, on the territories of the Musqueam, Squamish, and Tsleil-Waututh peoples, to a partially cloudy day, with the sun peeking out in misty rays between the scattered clouds. As we waited to board the ferry in Tsawwassen, we watched the sun setting over the Salish Sea. The ferry needled through the islands on its way to Swartz Bay, the territories of Coast Salish peoples, specifically the Saanich First Nations, the Esquimalt Nation,

and the Songhees Nation. Through these territories, we followed our vegetation samples to the BC Government Environmental and Climate Change Lab.

The BC Government Environment and Climate Change Lab is a small, single story, forest green building, surrounded by a high wall of shrubs, expanding suburbs, and strip malls. We lingered in the gravel parking lot outside the lab, reveling in the sunshine and smells of a southern spring in January. The lab was a time capsule from the 1970s, decades-old signs plastered over with contemporary technology and safety protocols. Rust crept up the corners of old equipment and layers of old gear littered shelves and storage closets. We were welcomed warmly into the lab by Joni Borges, a chemist, and Paula Sete, a soil scientist, who processed and analyzed our vegetation samples.

First, Paula demonstrated how they processed the various types of vegetation tissues we had sent them – lichens, berries, barks, roots, and leaves.¹⁰⁹ Several Elders had directed us to process samples in ways similar to Kaska practices: *“Like you could make a salve to see, and test it, see if it's good to make salve from that... the Balsam that's already there.”*¹¹⁰ Portions of the bark and leaf samples were soaked in hot water to produce a tea – mimicking the Kaska Dena processes. Berries, and some bark, roots and leaves, were also dehydrated in a large oven at a low temperature over several days. This process ensured that the samples were dry enough to grind into a fine powder. Elder Louie Tommy walked us through the process that Dena people use for grinding up dried berries and meat. Sun-dried berries and meat are sealed in a canvas or leather bag with large rocks, and then a hammer is used to grind the berries and meat into a paste and packed for long-term storage. In the basement of the BC Government lab, we watched an

¹⁰⁹ For most of the samples, two ‘batches’ were prepared – one washed and one unwashed. This was to determine if metal levels in plants were the result of dust settling on leaves and stems, or the result of metal uptake into the plant tissues themselves through root and nutrient collection systems.

¹¹⁰ Maje and Maje, interview with authors.

industrial sized oven and grinder do similar work. Paula joked that their colleagues would come into work, thinking that a pie was baking and asking to sample some of the sweetly scented berries.

We then ventured over to the analysis side of the lab, where Joni showed us the mass spectrometer they use to analyze metal content in each sample (Figure 7.25). A teaspoon of the liquified plant material is carefully tapped into a small tub and inserted into the mass spectrometer. From there, the explanation of what magic happens inside this black box mostly passed over our heads – we are not chemists. The computer linked to the spectrometer spat out lines of data describing the chemical composition of each sample. Preliminary analysis shows that lead is

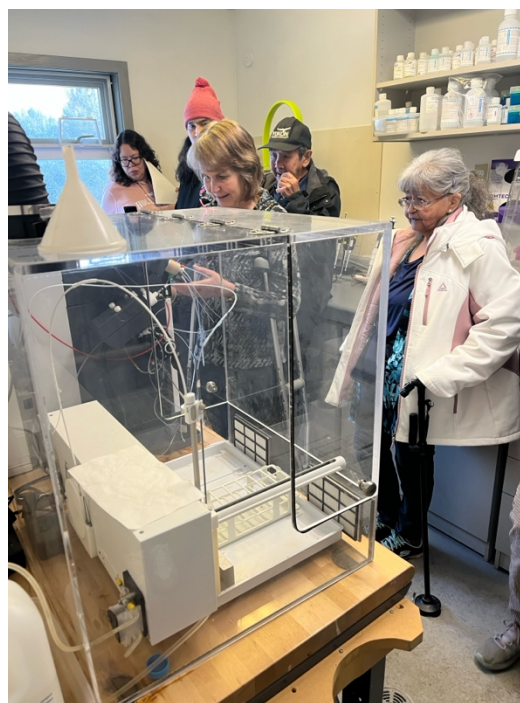


Figure 7.25 Billie Maje, Jeremiah Shorty, Joni Borges, Louie Tommy, and Theresa Robinson at the BC Government Environment and Climate Change Lab (Caitlynn Beckett, January 2023).

the primary metal of interest. Unsurprisingly, there were higher levels of lead detected in plant samples collected in areas adjacent to the Faro mine. However, lead levels were low at all the sampling locations along the South and North Canol roads, the Ketza road, and along Blind Creek. Somewhat hopefully, the samples from the Grum Sulphide Cell, an area with a reclamation soil cover and past attempts at revegetation, showed lower levels of metals than the rest of the Faro area.¹¹¹

Cassia: *I was happy my suggestion of collecting near the tailing pond was included, because it brought some answers of higher lead contamination from the heavy metals in the dust that twirls*

¹¹¹ Dena Cho Environmental et. al., “Community-Based Revegetation Programs.”

and takes up space at Faro mine. I listened to Elders' comments and stories... We all have different perspectives regarding the contamination of plants and the wildlife.

The whole group was very relieved to hear that the sampling sites far from the Faro, and even the ones along the Ketz Mine Road, were relatively 'clean' – i.e. had low levels of lead and other metals. Despite this relief, when one Government of Canada employee asked Elders Louie and Theresa if this type of information would make them feel comfortable to use that area again – they said no. Both the Elders were very glad that the Faro area has the potential to be partially healed with reclamation covers and revegetation – but even still, Tsē Zūl has been changed irrevocably, damaged in more than just physical and chemical ways. Plants, animals, waters, and soils at Tsē Zūl have been continually exposed to lead and other metals for the sake of extraction-related profits elsewhere. For these Elders, returning to Tsē Zūl is not only a question of safety from lead poisoning, but also reckons with historical injustices and reminders of deep community wounds and a profound loss of culture.

Once we were back on the mainland, on Tsawwassen First Nation territory, with some time to burn, we took a right off the main road leaving the ferry docks and followed a sandy road down to a shore lined with water-worn logs. Climbing over the stumps, we ambled down a small beach of rounded stones and purple shells, eel



Figure 7.26 Justin Straker, Cassia Jakesta, Camille Jakesta, Jordan Cummer, Theresa Robinson, Shelley Inkster, Caitlynn Beckett, Billie Maje, Louie Tommy, and Megan Spencer on the Tsawwassen beach (Angeline Lovatt, January 2023).

grass tangled in-between what was left of the trees' branches. Elder Louie found one long tree reaching out into the water, sat down, and quickly pulled off his shoes and socks – carefully dipping his toes in: “It only took me 77 years, it’s never too late,” he said. After posing for a sunny group photo, we piled back into the vehicles and navigated the freeway between Vancouver and Langley, passing vast fields of blueberries and box stores (Figure 7.26).

We arrived at NATS Nursery and were introduced to Ron, who toured us through their greenhouses and gardens. NATS is one of a handful of native plant greenhouses in North America, focusing on small, hand-grown batches of locally collected seeds rather than commercial crops. We passed around bags of the seed we had collected, marveling at how much work went into collecting such small bags of seed (Figure 7.27). NATS’ seed cleaner processes all these seeds by hand, using a variety of techniques.¹¹² Again, the long labour



Figure 7.27 At NATS Nursey, checking in on the seeds collected on Kaska lands (Caitlynn Beckett, January 2023).

of care was evident in the arduous and detailed task of carefully cleaning each seed to match its preferred germination strategy. Some seeds were placed in plastic bags with different soil mediums and air ventilation. Some were instead sealed in dry bags, frozen, or scoured in a large spinning drum. From this point, each seed will be sown by hand and carefully monitored for

¹¹² Techniques include using mild acids to remove the flesh and coatings of berries and meaty seeds, scouring seeds that only germinate after experiencing some erosion or decomposition, and spinning light and fluffy seeds through pressurized air to separate chaff from seed.

water, nutrients, and temperature. Despite all this care, a lot of this process is also down to the plants – whether they will germinate and how many will make it back to Tsē Zūl is unknown and can fluctuate from plant to plant, year to year. At NATS, we learned that revegetation requires a healthy dose of blind hope and trust in the strength and wisdom of the plants themselves.

After following the journeys of our seeds and samples and meeting the networks of people caring for them along the way, we returned to tree planting with renewed vigour. In 2023 and 2024 we began planting itl’et (low-bush cranberry), tsas (bear root), dzídzest’edze (crowberry), and mountain avens grown from seeds collected from Kaska lands. In 2024, we added kusaze (buckbrush), gūs (fireweed), dzístsedle (blueberry), esgoshe (soapberry), dahkádle’ (raspberry), tse slone (stoneberry), k’es (alder), and nosda zadi (bunchberry) to the list of local species used in vegetation. We also began planning wildlife monitoring, created the Faro Land Care Advisory Group, and began the first steps towards drafting a Land Care Plan - connecting Gu nóné’ to Kaska sovereignty and decision making for the future of Tsē Zūl.

7.6 Conclusions

In 2021, the first year of our community-based revegetation program, we planted 36,000 ts’u and gadze and we helped to build a community camp at Blind Creek. Through 2022, 2023, and 2024 we added over 81 000 ts’u, gadze and chebā and other plants to the soils of Tsē Zūl.¹¹³ Every day of our programs, between 2000-5000 seedlings went into the ground. In 2023, we

¹¹³ Integral Ecology Group and Dena Cho Environmental and Remediation Inc., “RE: Faro Mine Community-Based Revegetation, Year End Update Memo—Current Approach to Reclamation and Re-establishing the relationship between Ross River Kaska Dena and the Faro mine site,” letter to Angeline Lovatt and Jesse George, Faro Mine Remediation Project, Crown-Indigenous Relations and Northern Affairs Canada (March 2022); Dena Cho Environmental et. al., “Community-Based Revegetation Programs.”

planted the first plants grown from seeds collected by Kaska hands on Kaska lands – tucking in mountain avens, dzidzest’edze, tsas, and itl’et amongst the tree seedlings. This past summer we surpassed 100 000 plants, and every plant put in the ground in 2024 were grown from seeds collected from Dena Kēyeh. Tree planting was an imperfect entry point, a small foothold in a site full of complicated histories, pain, and contamination. But these roots are growing.

Even with this progress, within the vast geographic extent of Faro, 117,000 plants seem so few. As the plug, the cylinder of soil and roots anchoring the plant, is placed into the hard soil of the Faro Mine site, the tiny trees, shrubs, and berries can barely be seen. We have learned to shift our focus to what the *process* of reclamation brings, rather than the acreage covered. Tree planting, seed collection, and sampling is centered on slow and careful healing, not on a fast response to trauma – we didn’t want to dwell on how terrible the landscape looks or get bogged down in critiques of trivial beautification projects. Faro is painful in all senses of that word, there is no denying that. But it also has life, it is still Tsē Zūl. We added to that life and to the potential for healing.

Justin: *So far, these plants [dzidzest’edze, tsas, and itl’et] are doing amazingly well, with almost no death over the summer months. They look so good that when some of us from the planting crew went up to look at them in September (2023), three months after planting, there was a spontaneous cheer when we first saw them. When I remarked how good they looked, Billie Maje replied something like, ‘Of course they do! Think of all the love and prayers that are behind them!’*

Planting is hard – for the trees too. A mine site is not an easy or welcoming place for plants. The ts’u, gadze, chebā and others planted at Faro in 2021-2024 will face wind-swept surfaces and hardpacked ground, with few other plants, nutrients, or soil critters to welcome, nourish, and shelter them. On mine sites, the chances for tree survival are often less than fifty percent. We quickly learned Faro Mine is not an easy or welcoming place for people either,

particularly Kaska people. As a site shaped by a long history of extraction, theft, and violence towards Kaska, Faro can be a hardpacked, inhospitable place for our team. Throughout our programs, we continually encountered barriers to establishing a Kaska presence, including negative interactions with camp management, racism in the town of Faro, and complex bureaucratic hoops to jump through. The ‘right’ to be on the site is carefully constrained by the government and their consultants, with little thought about what needs to be done to reclaim Kaska land, rather than simply ‘keeping clean water clean.’

Jody: *Tree planting work also means taking care of people, taking care of people on a site that is not exactly welcoming. We all had to make sure we were drinking water, eating a lot, keeping the mood high, cracking jokes, giving people space to take a break. There's a lot of healing that we have to do within our community, in between communities, and also between governments, and I think those are the types of things that I think about for the future. Essentially, our aim is to heal the land, even though it's a very daunting task... for many generations to come. The Elders we interviewed... really emphasized that relationships have been severed and it's time to work together to heal the land and ourselves.*

To begin the work of re-claiming Kaska land and sovereignty at Faro, we strategically targeted the things we could do to create space in all the nooks and crannies of the Faro Mine Remediation Project. We navigated the paperwork, logistics, and equipment requirements to get people on site. In 2021, we created community space at Blind Creek, constructing tent pads and shelters that can be re-used. We openly questioned why some people felt comfortable on site, while others were stared at. The Elders got Parsons to change their orientation presentation. We paid planters an hourly wage with a lunch break, rather than paying people per tree – which is the industry standard. We worked hard, but this wasn’t about how much money could be made; it was about how money is distributed, how benefits of reclamation are shared, how relationships to place and people are made, proving that reclamation is a *multifaceted* socio-economic, cultural, and scientific endeavor. We rejoiced in taking up space - in watching youth take up

space that others have attempted to take away. We can, will, and have set a new standard for how tree planting is done on Kaska territory and what is expected of reclamation practitioners and government regulators.

Krystal: *I remember the first year, watching the stress of planning and preparing and mobilizing and then pivoting (constantly). The confusion of how to assemble planting bags and adjust the hip belt. The shock and frustration at how hard the ground was. And now, gathered with both the new and seasoned planters, those that have bravely stepped into leadership roles, Elders, technicians, and science nerds of various sorts, I was thrilled to share in the celebrations of what the tree planting team accomplished.*

Indigenous scholars directly link revegetation to healing and re-establishing relationships, ethics, and ceremony with land, people, animals, plants, and water.¹¹⁴ They also emphasize that the re-establishment of relationships and protocols directly feeds into self-determination and governance, in resistance to settler-colonial structures.¹¹⁵ Both dimensions – reclaiming relationships and asserting sovereignty – contribute to on-the-ground mechanisms for achieving environmental justice.¹¹⁶ The genesis of a community-based revegetation program for Faro did not come from the requirement to ensure erosion control on waste covers, to re-green, or to offset past environmental damage (even though these are equally important goals for community members). It came from a need to protect animals and plants and to reclaim Kaska presence on their lands. At Faro Mine, the work of reclaiming these relationships is tied to a long history of Kaska resistance and strength. Gathering seeds and tucking t’su roots into the soils of Tsē Zūl, is

¹¹⁴ Grenz, “Healing the Land by Reclaiming an Indigenous Ecology”; Simpson. *As We Have Always Done*; and Kimmerer, *Braiding Sweetgrass*

¹¹⁵ Carroll, *Roots of our Renewal*.

¹¹⁶ Whyte, “Settler Colonialism, Ecology, and Environmental Injustice”; Deborah McGregor, “Mino-Mnaamodzawin: Achieving Indigenous Environmental Justice in Canada,” *Environment and Society* 9, no. 1 (2018), 7-24.

more than revegetation, it's a small step towards justice and an act of resistance and cultural reclamation.

Jody: *Something I want to reflect on is that the Kaska Dena culture is very much alive and our sacred spaces, despite their transformations, are still there. Thank you all for giving time and space for our stories and connections to be told.*

7.7 Dene k'éh: a glossary of Kaska words

*RR = Ross River dialect; FL = Frances Lake dialect; PB = Pelly Banks dialect; RR = Ross River dialect; WL = Watson Lake dialect*¹¹⁷

<i>ts'ū</i> (RR)	white spruce, or trees
<i>ts'isbēze</i> (RR) / <i>ts'ū</i> (FL/PB)	black spruce
<i>ts'ustsje</i> (RR) / <i>ts'ussē</i> (PB) / <i>ts'ustsē</i> (FL)	sub-apline fir/balsam
<i>gādze</i> (PB/RR) / <i>gōdze</i> (FL)	lodgepole pine
<i>shobā</i> (FL/PB) / <i>chebā</i> (RR)	poplar (trembling aspen)
<i>shobā</i> (FL) / <i>t'īs</i> (RR)	balsam poplar or cottonwood
<i>k'es</i>	green alder
<i>kuhsāze</i> (FL/PB) / <i>lęra</i> (RR)	dwarf birch or buckbrush
<i>gūle</i> (FL/PB) / <i>k'aye</i> (RR)	willow
<i>gūle det'ele</i> (PB) / <i>gūle dat'ele</i> (FL)	red willow
<i>et'āne</i> (RR) / <i>et'q'</i> (WL)	plants
<i>Tsē Zūl</i>	Mount Mye
<i>Gu nóné'</i>	Our medicine
<i>Dene k'éh</i>	Kaska language
<i>estsū</i>	my grandmother
<i>Dena cho</i>	big man
<i>á'ii</i> / <i>du la'</i>	traditional law
<i>Medégudiht'e'</i>	Our Creator
<i>Ele</i>	branches/boughs
<i>chebālēdzé'</i> (RR) / <i>shobaledze'</i> (PB)	white dust on bark
<i>itl'et</i>	low-bush cranberry
<i>Tsas</i>	bear root
<i>dzídzest'edze</i>	crowberry or blackberry
<i>kusaze</i>	dwarf birch/buckbrush
<i>gūs</i>	fireweed
<i>dzístsedle</i>	blueberry
<i>esgoshe</i>	soapberry
<i>dahkádlé'</i>	raspberry
<i>tse slone</i>	stoneberry/bear berry
<i>k'es</i>	alder
<i>nosda zadi</i>	bunchberry

¹¹⁷ Ross River Dena Elders: *Gu nóné'*; Kaska Tribal Council, *Guzāgi k'ūgé' Our language book: Nouns Kaska, Mountain Slavey and Sekani*, Vol. 1 (Whitehorse, Yukon: 1997).

CHAPTER 8: CONCLUSIONS: FROM CRITICAL MINERALS TO CRITICAL RECLAMATION

On my last morning of work for our 2022 tree planting program, as I left the house to do the routine wake-up call across our various rented accommodations, I watched a huge porcupine lumber down the middle of Dawson Avenue, its quills shaking back and forth, seemingly enjoying the quiet morning sunshine. There are porcupines everywhere around Tsē Zūl, we see several every day, chewing on the soft bark of fresh tree growth. Since they are eating so much of the local vegetation, and have relatively limited ranges, I wonder if they are being impacted by the high metal contaminants in the dust that settles in the bushes they munch on.

As I watched the porcupine waddle down the middle of the road, several large, white mine trucks passed by in a hurry to get to site for the 8:30 am daily safety meeting. In town, there are more white mine trucks than porcupines. Most driveways are lined with some form of mine-ready vehicle, their buggy-whip flags pointing straight up and the repetitive din of back-up beepers fading into the background of everyday life. The streets were buzzing with early morning construction noises – saws, radios, and the hammering of nails echoing through boarded-up apartment buildings. On one building, workers were rolling on fresh layers of paint.

Slowly, several buildings are being brought back to life in Faro. As the remediation work ramps up, it becomes harder and harder to find accommodation in Faro, and many Yukoners are taking advantage of the hot rental market to buy and fix up old, abandoned buildings, renting them out to the government and their consultants at high rates. Parsons, the contracting company that once helped build the Faro mine and is now the care and maintenance contractor, has purchased the town hotel to provide accommodation for their employees. They named the hotel café the ‘Prospectors’ Pub.’ Harkening back to mineral staking rushes on Kaska territory in the

1960s, there is now a rush to buy up housing and provide remediation services. Dena Kēyeh continues to make money for non-Kaska people, as mining waste is turned into a profitable reclamation endeavor.

On site we started another day of planting, and those same white trucks blew by us as we worked, kicking up dust clouds that hovered in the air, slow to dissipate. I could see the planters cover their mouths, knowing what is in that dust. The uncertainty bound up in tailings dust is scary – seeing it whip through the air, to settle on some lung or leaf, not knowing what the accumulated impacts across generations might be. That dust weighs heavy on my mind – making connections between dust and dispossession of Land, language, relations, and responsibilities. The dust at Faro Mine is intergenerational; tailings dust, and the acidifying aquifer beneath it, will continue to sit there, on Dena Kēyeh, for time immemorial.

After several reminders in safety meetings for drivers to slow down and avoid creating dust clouds, workers continued to blow by, dust billowing from their back tires, impatient to simply get their work done. Dust isn't a big worry for them – they have somewhere else to call home, it's not their Land, it's just their job. Most workers know little of the history of the site, and they chalk the fear of dust up to a 'lack of understanding' of the real health risks. What they have the privilege to overlook is the accumulation of dust alongside an accumulation of Land theft, violence, environmental harm, and economic marginalization. Deep layers of dust, theft, and memory get sidelined as the Faro Mine Remediation Project focuses on 'keeping clean water clean.'

8.1 Critical reclamation

Canada is one of the leading mining countries in the world. International laws and regulations in mining governance are driven by Canadian-based companies, who own roughly

70% of all mining interests worldwide.¹ Increasingly, the violence and theft of international and domestic Canadian extractivism is “cloaked in the discourse of ‘green development’” and the promise of critical minerals.² Across Northern regions specifically, mineral exploration is expanding at a rapid pace, as previously inaccessible regions become extractable, either because of environmental changes or increased state support for Northern transportation networks and mining technologies.³ In the Yukon, critical mineral narratives are being used to construct new Roads to Resources and to permit new mines on unceded Kaska Lands.⁴

Industry and state promotions of critical mineral development put a contemporary, moralized spin on corporate motivations for private profit, but the drive to extract from Northern, ‘empty’ landscapes is nothing new.⁵ Similar ideas have been rearticulated time and time again for various mineral rushes – from the economic necessity of gold to the security necessity of uranium or steel. For over 150 years, the colonial Canadian state has sought to expand its reach through mineral rushes, aggressively promoting resource development on Indigenous Lands and paying for the infrastructure to support so-called critical mining.⁶ Today, behind a flashy green veil of ‘critical-minerals-for-energy-transition’ rhetoric, nonconsensual access to land,

¹ Stuart Kirsch, *Mining Capitalism: The Relationship between Corporations and their Critics* (Berkeley: University of California Press, 2014); David P. Thomas and Veldon Colburn, *Capitalism and Dispossession: Corporate Canada at Home and Abroad* (Black Point: Fernwood Publishing, 2022).

² Judith Shapiro and John-Andrew McNeish (ed.), *Our Extractive Age: Expressions of Violence and Resistance* (London, UK: Routledge, 2021), 2; Neil Nunn, “Repair and the 2014 Mount Polley Mine Disaster: Antirelationality, Constraint, and Legacies of Socio-Ecological Disruption in Settler Colonial British Columbia,” *Environment and Planning D: Society and Space* 41, no. 5 (2023): 888-909; Thea Riofrancos, *Extraction: The Frontiers of Green Capitalism* (New York NY: W.W. Norton, forthcoming).

³ Mia Bennet, “Kicking Off a New Northern Decade,” *Cryopolitics*, January 7, 2020.

⁴ Michael Gates, “History Hunter: Looking Back 125 Years, Who or What Made Yukon History?” *Yukon News*, January 8, 2023.

⁵ John Sandlos and Arn Keeling, *Mining Country: A History of Canada’s Mines and Miners* (Toronto: James Lorimer & Company Ltd., Publishers, 2021).

⁶ Jean-Sébastien Boutet, “Welfare Mines: Extraction and Development in Postwar Northern Canada” (PhD Diss., KTH Royal Institute of Technology, 2024), 12.

infringement of Indigenous rights, and inequitable profit and waste distribution remain fundamental pillars of Canadian extractivism.⁷

The theft of Indigenous Land is not a historic moment or an abstract process, but is rather a sustained mode of violent capital ‘accumulation via dispossession’ facilitated by specific colonial infrastructures of theft.⁸ Historically, colonial policies governing Northern land use by prospectors, settlers, and state actors were based on principles of ‘terra nullius’ and the Doctrine of Discovery, which asserted that land now inhabited or claimed by colonists, miners, or corporations was without existing systems of Indigenous sovereignty or governance.⁹ Today, such claims of discovery, improvement, and private ownership are the basis of Crown sovereignty and are “*the overt form of colonization in Canada,*” enacted every day through contemporary forms of ownership and environmental regulation that “perform a denial of Indigenous authority over their lands and waters.”¹⁰

In the Yukon, the contemporary rush for critical minerals, and the infrastructures supporting it, can be traced back not only to the Faro Mine, but all the way to the Klondike Gold Rush, which instilled notions of ‘free-entry’ staking, privileged mineral rights above all other

⁷ Tara Joly, “Making Productive Land: Utility, Encounter, and Oil Sands Reclamation in Northeastern Alberta, Canada” (PhD diss., Anthropology, University of Aberdeen, 2017); Rebecca Hall, *Refracted Economies: Diamond Mining and Social Reproduction in the North* (Toronto: University of Toronto Press, 2022); Philippe Tortell (ed.), *Heavy Metal: Earth’s Minerals and the Future of Sustainable Societies* (Cambridge UK: Open Book Publishers, 2024).

⁸ Thomas and Colburn, *Capitalism and Dispossession*; Glen Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014); Shiri Pasternak, Deborah Cowen, Robert Clifford, Tiffany Joseph, Dayna Nadine Scott, Anne Spice and Heidi Kiiwetinepinesiik Stark, “Infrastructure, Jurisdiction, Extractivism: Keywords for Decolonizing Geographies,” *Political Geography* 101 (2023).

⁹ Jen Jones, “Confronting Settler Colonialism when Assessing the Impact of Mining on Indigenous Peoples’ Health and Well-Being” (PhD Diss., Geography, University of Guelph, 2020); Julia Christensen and Miriam Grant, “How Political Change Paved the Way for Indigenous Knowledge: The Mackenzie Valley Resource Management Act,” *Arctic* 60, no. 2 (2007): 115-123; Coulthard, *Red Skin White Masks*; Paul Nadasdy, “‘Property’ and Aboriginal Land Claims in the Canadian Subarctic: Some Theoretical Considerations,” *American Anthropologist* 104, n. 1 (2002): 247-261; John Sandlos and Arn Keeling, “Aboriginal Communities, Traditional Knowledge, and the Environmental Legacies of Extractive Development in Canada,” *Extractive Industries and Society* 3, no.2 (2016): 278-287.

¹⁰ Shiri Pasternak and Hayden King. *Land Back: A Yellowhead Institute Red Paper* (Toronto: Yellowstone Institute, 2019), 17.

land uses, and hived off the ‘Yukon’ as a territory for colonial extraction.¹¹ Following the Second World War, the Canadian state drew on Klondike-era land-use legislation to further extract and alienate Indigenous Land for mining, road construction, and power transmission. These developments were couched in assimilative, welfare-state policies that linked social services with extraction.¹² Within this context of Northern extractive development, the Faro Mine emerged as the result of a concerted post-war effort to re-create the Yukon as an extractive frontier, based not on gold rush fortuitousness but rather on state-backed capital investments.

In 2021, Canada and the Yukon *celebrated* 125 years since the Klondike Gold Rush by minting a ceremonial \$25, gold-plated coin depicting placer mining.¹³ In 2023, the Yukon Government also celebrated the 125th anniversary of the creation of the Yukon Territory, rooting its history in the theft of Indigenous Land. The Klondike – and the military, welfare-state infrastructure development that followed in the mid 20th century – is the foundation of mining and much tourism in the Yukon today. These brief moments in history form celebratory narratives of Yukon settler identity that serve to normalize extraction as the inevitable foundation of Northern economies and community welfare.

The colonial-capitalist normalization and narrative of extraction as inevitable (and sustainable), is the true resource curse; these curses continue to haunt resource regions *because* remedial and economic solutions have been based in colonial-capitalist systems that *rely* on the very existence of such a curse and *create* so-called peripheries. To perpetuate accumulation, extractive capital creates uneven development between resource peripheries and cores of

¹¹ Heather Green, “The Tr’ondek Hwech’in and the Great Upheaval: Mining, Colonialism, and Environmental Changes in the Klondike, 1890-1940” (PhD Diss., History and Classics, University of Alberta, 2018); Dawn Hoogeveen, “Sub-Surface Property, Free-Entry Mineral Staking and Settler Colonialism in Canada.” *Antipode* 47, no.1 (2015): 121-138.

¹² Boutet, “Welfare Mines.”

¹³ Jeff Starck, “Canada Celebrates 125 Years of Yukon Gold Rush with \$25 Coin,” *Coin World*, August 21, 2021.

consumption.¹⁴ Extraction is premised on theft and abandonment – on the externalisation of the costs of environmental and social harm. Through infrastructures of theft, settlers and colonial governments make the North what they need it to be – a frontier, an empty wilderness, a place in need of development and extraction – to justify the erasure of Indigenous economies and livelihoods in exchange for access to Land and wealth.¹⁵

When an extractive project closes and transitions to reclamation, it does not inherently transcend the systems and structures within which it was built. As the costs and liabilities of large-scale contaminated sites increase across Canada, the potential profit to be made off those liabilities also increases. For example, a recent Auditor General’s review of federally managed contaminated sites found that the costs of remediation had grown from \$2.9 billion in 2005 to \$10.1 billion in 2023, with \$6 billion of that for the North alone.¹⁶ In response, extractive companies quickly shift their image from miner to cleaner, perpetuating wealth extraction from stolen lands. In this context, the space between mine and reclamation is simply a rhetorical breaking point – a quick and slippery move between profit via extraction to profit via containment and repair.

Reclamation does not end the process of accumulation, nor does it necessarily address the roots causes of the resource curse. Instead, while claiming to ‘do good,’ reclamation can reproduce the same colonial dynamics of mining operations and can hold extractive sites open

¹⁴ Gavin Bridge, “Contested Terrain: Mining and the Environment,” *Annual Review of Environment and Resources* 29, no. 1 (2004): 205-259; David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2005); Emma Lochery, “Situating Extraction in Capitalism: Blueprints, Frontier Projects, and Life-Making,” *Extractive Industries and Society* 11 (2022): 101137.

¹⁵ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (2006): 387-409; Scott Lauria Morgensen, “The Biopolitics of Settler Colonialism: Right Here, Right Now,” *Settler Colonial Studies* 1, no. 1 (2011): 52-76.

¹⁶ Office of the Auditor General of Canada, “Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada: Contaminated Sites in the North,” 2024.

for further wealth extraction, constantly deferring healing and justice to some future time.¹⁷ As a continuation of extractive colonialism, profit-driven, technocratic approaches to reclamation carefully circumscribe state and corporate liability as the risk to human-environmental safety (in material terms), avoiding the colonial state's responsibility for Land theft, inequitable wealth accumulation, and cultural violence. Extractivism as a logic does not, and arguably cannot, account for the true costs (financial or otherwise) of the reclamation of place, connection, and community.

Justice for Lands and communities cannot be achieved by approaching reclamation through the same regulatory logics that promoted and permitted capitalist, extractive violence. Instead, these infrastructures of theft need to be laid bare; the structures and tools used to cast the resource curse, must be named, and then dismantled.¹⁸ An anticolonial ethics of reclamation is directed at questioning the motives and methods of extractive industries and state institutions, exposing the potential for reclamation to perpetuate theft, and building supports for the important work being done to resist colonial extractivism. An ethics of reclamation, grounded in Indigenous environmental justice and place-based reciprocity, provides a roadmap for the construction of alternative, critical infrastructures of reclamation. As Pasternak et. al. argue, we do not need to “accept the continuance of social exploitation, settler colonial imposition, and mass contamination that comes with mining this new frontier.” Instead, we can “organize and

¹⁷ Tanya Li, *Land's End: Capitalist Relations on an Indigenous Frontier* (Durham: Duke University Press, 2014); Katherine McCaffrey, “Environmental Remediation and its Discontents: the Contested Cleanup of Vieques, Puerto Rico,” *Journal of Political Ecology* 25 (2018): 80-103; Caitlynn Beckett and Arn Keeling, “Rethinking Remediation: Mine Reclamation, Environmental Justice, and Relations of Care,” *Local Environment* 24, no. 3 (2019): 216-230; Rebecca Hall and Brandon Pryce, “Colonial Continuities in Closure: Indigenous Mine Labour and the Canadian State,” *Antipode* 56, no. 1 (2023): 93-114; Beckett and Keeling, 2019.

¹⁸ Pasternak and King, *Land Back*, 6.

operationalize new forms of social and infrastructural cooperation that are resistant to extractivist logics.”¹⁹

Such alternative infrastructures already exist or are simply in need of revival. Yukon Indigenous communities have been governing and stewarding their Lands for time immemorial. Like settler histories of mining, Yukon Indigenous resistance to extraction, and articulations of alternatives to extractivism, can be traced back to the Klondike era (and earlier). Throughout the 20th century, Yukon Indigenous Nations continually demanded the negotiation of land claims, despite the federal government’s preference to avoid treaty-making in the North.²⁰ This persistence resulted in land claim agreements that have drastically shaped contemporary Yukon politics and offer avenues for alternative land relationships and environmental governance.²¹ At Faro, Tū Łídlíni Dena have been pointing to the violence of extractive theft for decades, and offer alternatives based in stewardship and care, constructing their own jurisdiction and critical infrastructures. The possibility, and groundwork, for creating alternative infrastructures for land-community relationships already exist, alongside, and in resistance to, infrastructures of theft.

In the era of critical minerals and climate change, reclamation of relationships with Land is *critical*, not only for Indigenous self-determination, but also for meaningful reconciliatory, reparative, and anti-colonial settler actions targeting the roots of environmental harm. For example, in public consultations for the rewriting of territorial mineral legislation, many non-

¹⁹ Pasternak et. al., “Infrastructure, Jurisdiction, Extractivism,” 7.

²⁰ Yukon Indian Peoples, “Together Today for Our Children Tomorrow: A Statement on Grievances and an Approach to Settlement by the Yukon Indian People,” (Whitehorse, January 1973); Christensen and Grant, “How Political Change Paved the way for Indigenous Knowledge;” Rhiannon Klein, “Reviewing and Redefining Relationships: Intergovernmental Relations and Modern Treaty Implementation in Yukon, 1986-2016” (PhD Diss, Johnson Shoyama Graduate School of Public Policy, University of Saskatchewan, 2021); Jones, “Confronting Settler Colonialism;” Kiri Staples, “Addressing Cumulative Effects in the Context of Sustainability and Co-governance in Tr’ondëk Hwëch’in Traditional Territory, Yukon” (PhD diss., Department of Social and Ecological Sustainability, Waterloo University, 2022).

²¹ Green, “The Tr’ondek Hwech’in and the Great Upheaval.”

Indigenous Yukoners felt that the current system encourages mining at any cost and “a reclamation system that falls flat.”²² In the face of unwieldy remediation projects and drives for so-called critical minerals, Indigenous and non-Indigenous Yukoners alike are questioning the continuance of social and environmental exploitation that accompany contemporary Northern mining.

Critical reclamation requires the material and political construction and maintenance of critical Indigenous, *alimentary infrastructures* that care for Land and community in resistance to extractivism.²³ Jurisdictional tools such as regulation, laws, formations of rights, and land permitting all define the socio-cultural value of a resource and how that resource is accessed, used, and shared. Reclamation projects present a unique opportunity for the negotiation and articulation of socio-cultural values associated with mine sites. For example, if reclamation and care for Land were treated as a critical relationship, rather than the minerals themselves, how would mineral regulations, laws, formations of rights – and the infrastructures that support them – change? This is not an anti-mining approach, but instead puts value on the multiplicity of relationships, uses, and priorities of and for Land.

8.2 Detailing and resisting the infrastructures of theft

²² Julien Gignac, “‘Mining at Any Cost:’ Yukoners say Territory Needs Major Mineral Development Overhaul,” *The Narwhal*, November 16, 2020.

²³ Winona Laduke and Deborah Cowen, “Beyond Wiindigo Infrastructure,” *South Atlantic Quarterly* 119, no. 2 (2020): 243-268. Deborah Cowen, “Law as Infrastructure of Colonial Space: Sketches from Turtle Island,” *AJIL Unbound* 117 (2023): 5-10.

According to Tū Łídlīni Dena Elders, the ongoing impacts of the Faro Mine and the Faro Mine Remediation Project are directly linked to staking: when a post was driven into the ground and the ‘right’ to mine Tsē Zūl was claimed through settler legal infrastructures. The first mineral claim, staked at Vangorda, was named after a settler. The second claim, Faro, was named after a popular Klondike gambling game infamous for card boxes rigged by the house. After Kaska men showed Al Kulan where to stake, he and his investors broke the promises they had made while staking, including assurances that Tū Łídlīni Dena would see benefits from the mine. In response to these broken promises, the Faro Curse was cast and was tethered to this initial moment of theft.

This very literal land theft was then translated to paper via mining land use permits and agreements made between mining companies and settler governments (Chapter 3). The federal government propped up the development of Faro with subsidies and infrastructure aimed at avoiding a resource curse, while also expanding mineral extraction and settlement across the North.²⁴ However, the Canadian state’s attempts to evade such a curse were couched within colonial modes of theft, extraction, and control of resource profits. Programs meant to ensure economic diversification, regional investment, and social supports were inequitable – favouring profits and land grabs for settlers. Specific programs put in place for Kaska communities were assimilationist, designed to enrol Kaska peoples into settler economies, rather than respecting Indigenous sovereignty.²⁵ As exploration work, mine development, and town construction impinged on Dena Kēyeh, the theft of unceded Kaska Land, and the Faro Curse, also expanded.

²⁴ Liza Piper, *The Industrial Transformation of Subarctic Canada* (Vancouver: UBC Press, 2009); Arn Keeling and John Sandlos, “Ghost Towns and Zombie Mines: The Historical Dimensions of Mine Abandonment, Reclamation and Redevelopment in the Canadian North,” in *Ice Blink: Navigating Northern Environmental History*, ed. Stephan Bocking and Brad Martin, (Calgary: University of Calgary Press, 2017): 377-420; Boutet, “Welfare Mines.”

²⁵ Tee Wern Lim, Arn Keeling and Terre Satterfield, “We Thought It Would Last Forever: The Social Scars and Legacy Effects of Mine Closure at Nanisivik, Canada’s First High Arctic Mine,” *Labour/ Le Travail* 91 (Spring 2023): 15-146; Boutet, “Welfare Mines;” Parlee, “Avoiding the Resource Curse.”

When Tū Łídlīni Dena Elders speak of the history of Faro, their stories often return not only to these early moments of out-right theft, but also to the community's relocation, residential school, overhunting, discrimination in services, and the gradual theft of wealth from their Land. Elders argue that they were detached from their Land and community because of the mine *and* because of residential school, community relocation, policing, racial and gendered violence, and assimilative government services. The quick and targeted theft of Land through mineral legislation, mine permitting, and road and town construction, was followed by a slow theft of economic wealth and cultural stability. The Faro Mine, and the Faro Mine Remediation Project, cannot be separated from these other institutions and infrastructures of colonial control.

Though the Faro Curse was born out of broken promises and stolen Land, it was fed through the theft, contamination, and regulation of Tū (water) (Chapter 4). First, Tsē Zūl's Tū was stolen through multiple direct contamination events, which the companies downplayed as insignificant in light of the 'vast wilderness.' Despite these spills, the Yukon Territorial Water Board (YTWB) never required clean up and consistently allowed companies to increase production and waste accumulation, resulting in climbing profits (**Error! Reference source not found.**). Second, the theft of Tū was maintained and expanded through the YTWB's issuance of water licenses *despite* ongoing land claim negotiations. Rather than stopping environmental destruction or protecting Indigenous rights to water, the YTWB *managed* extractive pollution and colonial water theft – water licensing built a mountain of paperwork legitimating the dismantling, transformation, and wasting of Tū, without the consent of the Tū Łídlīni Dena.²⁶

²⁶ Jennifer Gabrys, "Sink: The Dirt of Systems," *Environment and Planning D: Society and Space* 27, no. 4 (2009): 666–81; Arn Keeling, "Urban Waste Sinks as a Natural Resource: The Case of the Fraser River," *Urban History Review/Revue d'histoire Urbaine* 34, no. 1 (2005): 58–70; Joel A. Tarr, "The Search for the Ultimate Sink: Urban Air, Land, and Water Pollution in Historical Perspective" in *The Search for the Ultimate Sink: Urban Pollution in Historical Perspective*, ed. Joel A Tarr (Akron: University of Akron Press, 1996): 7–35.

Companies used the Territory's reliance on the mine, and the favourable regulatory structure, to play Russian Roulette with Yukoners – threatening to shut down if regulators enforced requirements for reclamation or financial securities, while at the same time polluting, contravening their licenses, and declaring bankruptcy. When Cyprus Anvil went bankrupt in 1982, and then Curragh in 1992, the federal and territorial governments quickly injected millions of dollars in subsidies and work programs in Faro (and circumvented the Water Board's licenses) to maintain jobs and infrastructure and sell the sites. Similar supports were never provided to the Tū Łídlīni Dena.

In response to the theft of their Land and Water, Tū Łídlīni Dena fought to have their rights respected, resisted the contamination of Tsē Zūl, and sought to negotiate collaborative resource management with companies and settler governments.²⁷ RRDC played a key role in the Council of Yukon Indians' resistance to the 1969 White Paper and the development of *Together Today for Our Children Tomorrow*, demanding land claim negotiations with the federal government. In the 1960-70s, RRDC completed their own research, showing evidence of the impacts of the Faro Mine on their community and arguing for greater control over mining and other types of land use.²⁸ In the 1980s-90s, RRDC participated extensively in YTWB hearings, arguing that in separating the sale of 'water rights' (as defined in the *Water Act* and *Quartz Mining Act*), from the negotiation of land claims – mining companies, the YTWB, and the federal and territorial governments were expanding development while transgressing Indigenous

²⁷ Coulthard, *Red Skin White Masks*; Glenn Icton, "Defining Space: How History Shaped and Informed Notions of Kaska Land Use and Occupancy" (PhD Diss., University of Saskatchewan, Department of History, 2019); Ken Coates and Judith Powell, *The Modern North: People, Politics and the Rejection of Colonialism* (Toronto: Lorimer, 1989).

²⁸ Bob Sharp, "Changes in Ross River During the Anvil Mine Development," in "Yukon Case Studies: Alaska Highway and Ross River," prepared for University of Canada North (Yukon), Research Division, Whitehorse, June 1977; Peter Dimitrov and Martin Weinstein, "So That the Future Will Be Ours: Volume 1 and 2," prepared for Ross River Dena Council (1984), RRDC.

rights. Finding little support via the YTWB or settler governments, Tū Lídlini Dena also organized protests against land dispossession in the town of Faro and sought to negotiate directly with mining companies.

The Faro Mine operated, on and off, for about thirty years, generating an estimated \$11 billion in revenue, \$550 million in net income, and \$91 million in royalties (**Error! Reference source not found.**). To date, almost \$800 million has been spent on care, maintenance, and remediation planning. Full remediation costs are projected to reach an additional \$5 billion.²⁹ While much time and effort may be spent attempting to quantify the costs and benefits of mining and remediation at Faro, reflections on the history of the Faro Mine should focus instead on who controlled benefits, who had the resources to mitigate the costs, and who had the privilege to avoid harm.

The acidification of tailings and waste rock has been a known problem since the first decade of mining at Faro. The complexities and necessities of reclamation and financial security were also identified early in operations. It was not a question of ‘not knowing any better’, but rather, conscious choices were made by the Water Board, settler governments, and mining companies to move forward. Such choices were made with the assertion that future technologies, additional research, and good corporate citizenry would ensure safety. These decisions were made with full awareness of the companies’ records of environmental infractions, their failure to live up to the *Anvil Agreement*, and continual delays for reclamation planning. Even as Faro Mine neared closure, three times in three decades, reclamation was framed as a future problem.

Over three decades of mine operations, Tsē Zūl was used as a waste repository and a dilutor for the externalities of extractive wealth. The murky timelines, contexts, regulation, and

²⁹ Dollar estimates are from 2022-23. Office of the Auditor General of Canada, “Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada: Contaminated Sites in the North,” 2024.

minutia of leakage and wasted waterways are foundational to the history of Faro and its future as a remediation site. Leakages represent more than a failure in containment, management, or technology. When the definitions of thresholds and exceedances are negotiated within structures of colonial possession and extraction, and when environmental violence occurs without corporate consequence, expanding flood plains of waste quite literally result in dispossession - while the accumulation of associated profits is perpetuated. Land theft and Water contamination are also projected into the future – a slow, violent theft that will continue to unfold at Faro for generations to come.

At Faro, the ability to claim wealth was directly connected to the ability to claim rights land and water use within colonial mining law, environmental regulations, and settler notions of property. The structures of *extractive colonialism* that resulted in theft of Land, contamination of water, and extraction of wealth (claim staking, mine permitting, water regulation), worked hand in hand with *settler colonialism* (the establishment of the Faro townsite and residential schools).³⁰ Stemming from the staking of mineral claims, land dispossession at Faro came about in very specific ways – mining legislation and regulation, forceable relocation of the community, municipal land grabs, town designs, place naming, road building, inequities in services, employment discrimination, and the ongoing residential school system all created a bedrock of structural racism alongside, and in support of, land theft and extraction. Water contamination and the theft of water rights, managed through colonial water regulation, maintained and expanded the theft of Dena Kayeh.

The Faro Mine Curse, as defined by Tū Lídlini Elders, differs fundamentally from the notion of a resource curse as framed by Western economic theory, which focuses on the ‘boom-

³⁰ Green, “The Tr’ondek Hwech’in and the Great Upheaval;” Pasternak et. al, “Infrastructure, Jurisdiction, Extractivism.”

and-bust' trap that some resource dependent regions face. Faro is cursed not only because of economic booms and busts and the associated violence, but *also* because, at various points in Faro's story, promises to the Land and its people were broken. The Curse materializes in untimely deaths, fires, dam failures, and the seemingly perpetual inability to contain the acid seeping from Dzeł Jedé, K'esba Tsel, and Tsē Zül. At the same time the Curse - placed on the founders, funders, and operators of the Faro mine - upsets colonial narratives based on neutral discovery and extraction. The Faro Curse narrates the many lines of infrastructural theft, and importantly, points to the ways in which both land and people fight back.

8.3 The limits of justice via impact assessment

As Faro moved from a mine to a remediation project, social relations were politically open and uncertain - poised for transformation within the context of drastic shifts in settler jurisdiction and Indigenous governance, including lands claims, devolution, and the Kaska rejection of these new structures. This juncture provided opportunities to radically reform how reclamation would proceed. And yet, the pervasiveness of colonial land control strategies continued to permeate reclamation planning at Faro. Settler-Indigenous relations were shifting from erasure to 'recognition' politics, and the mechanisms of theft at Faro morphed alongside this shift.³¹ Land claim and impact assessment processes ostensibly offered opportunities for justice, but these justices were not grounded in Kaska governance. Slowly, as reclamation planning stalled, acidification increased, and regulatory structures were imposed on unceded

³¹ Coulthard, *Red Skin White Masks*.

Kaska territory, the Faro Curse rematerialized as the Faro Factor – and the theft of Kaska land and water continued, morphing into a theft of time (Chapter 5).

While environmental contamination mounted in the early 2000s, the federal and territorial governments played hot potato with the liability for Faro, and initially focused on selling the site, rather than starting remediation. As the years passed, Canada and YG became increasingly focused on their own settler government tug-of-wars over jurisdiction and liability, rather than prioritizing reclamation implementation.³² Frustrated with delays, and excluded from meaningful decision-making power through liability and water licensing processes, RRDC instead leveraged their 2003 bi-lateral agreement with YG to push for the creation of an Oversight Committee. Tū Łídlīni Dena Elders and community leaders played a pivotal role in the Oversight Committee, which helped to determine project objectives and came to an agreement on a high-level remediation design approach. However, after a flurry of engagement activity between 2003-2009, the governance and implementation of the FMRP quickly fractured and fizzled. Without legal accountability mechanisms for co-governance and socio-economic benefits, engagement structures quickly fell apart, mirroring the disintegration of the site and an increased reliance on emergency, band-aid solutions for rampant acidification.

As the Faro Mine site and governance disintegrated in the 2010s and the policies of the Umbrella Final Agreement (UFA) and Devolution Transfer Agreement (DTA) were further entrenched, Tū Łídlīni Dena were increasingly forced into boxes of land governance and rights recognition that they had not consented to. Accordingly, throughout the 2010s, RRDC continued to resist settler definitions of sovereignty and sought self-determination outside of the UFA and

³² Rainey, interview with author. In 2007-8, the annual budget for the project was \$13.5 million. At the same time, post-remediation care costs were estimated to range between \$2.7-\$4.5 million per year: Tobin, “Plans for Faro mine whittled down.”

DTA structures. This included multiple court cases arguing that the imposition of a deadline for land claim negotiations, and the lack of compensation for Faro, were illegal. Through these cases, the illegal development of Faro (pre-1973, when land claim negotiations were initiated), was acknowledged.³³

The Yukon Environmental and Socio-Economic Assessment Act (YESAA) is another key example of these kinds of impositions. YESAA was created through the Umbrella Final Agreement (UFA) and therefore treats unceded Kaska land as Crown Land.³⁴ Similar to the Yukon Water Board, YESAB argues that they have no jurisdiction over the determination of Indigenous rights, and yet, they still make recommendations and decisions that continue to impact unceded Kaska rights, essentially forcing settler governance structures on Indigenous Nations, while claiming legislative innocence. In 2019, with Canada in full control of the site, rather than split with YG, a Project Proposal for the FMRP was finally submitted to YESAB. However, the Faro Factor continued to result in delays and complications, as the impact assessment (IA) process was protracted and emergency measures mounted (Chapter 6). For RRDC, these delays were particularly frustrating, as they felt forced to participate, communicate, and organize in ways that are ‘recognized’ by the settler state – further entrenching disadvantages as the burden of proof is again placed on community leadership and staff.³⁵

Beyond the nonconsensual application of YESAA to Kaska Land, the Project Proposal submitted to YESAB sought to limit the liability of the federal government, and did not address

³³ Ross River Dena Council v. The Attorney General of Canada, (2012), YKSC 4; Ross River Dena Council v. Government of Yukon, (2015), YKSC 45; Ross River Dena Council v. Canada (Attorney General), (2017), YKSC 58; Ross River Dena Council v. Canada (Attorney General), (2017), YKSC 59.

³⁴ Christopher Alcantara, “The Kwanlin Dün First Nation and the Kaska Nations in the Yukon Territory,” in *Negotiating the Deal: Comprehensive Land Claims Agreements in Canada*, ed. Christopher Alcantara (Toronto: University of Toronto Press, 2013); Bernauer, Warren. “The Duty to Consult and Colonial Capitalism: Indigenous Rights and Extractive Industries in the Inuit Homeland in Canada.” *The Northern Review* (March 2023): 1-28.

³⁵ Nicole Wilson, “Querying water co-governance: Yukon first nations and water governance in the context of modern land claim agreements,” *Water Alternatives* 13, no. 1 (2020), 112.

the *ongoing* impacts of extractive colonialism. The Project Team tried to argue that the historic impacts of mining should not be included in the assessment; they placed extractive violence ‘in the past’, while the assessment of remediation was directed at a future largely defined by dominant scientific notions of environmental safety. While YESAB did, in the end, argue that ‘legacy impacts’ should be considered in the cumulative effects assessment, they failed to account for the scope of concerns and injustices that Tū Lídlini Dena had identified as key to healing at Tsē Zūl, such as the reclamation of Blind Creek and settler government accountability for past extractive violence.

Impact assessment obscured colonial injustices associated with the Faro Mine (relegating them to cumulative effects, rather than ongoing impacts) and detached these injustices from current remediation work, without providing a clear alternative for seeking justice. The FMRP was treated as ‘separate’ from the Faro Mine. Impact assessment for the FMRP failed to address the theft and dispossession of Kaska Land, wealth, and community. For example, for many project employees, water management is the most important aspect of the Faro Remediation Project.³⁶ And yet, the definition of clean water is detached from broader Kaska rights. This problem is not confined to the Yukon. Across Canada, structures of extractive colonialism have been identified as root causes of health, wealth, and service inequities, yet colonialism is rarely addressed in IA mechanisms.³⁷ This is not an innocent gap, but rather a structural tool to avoid confronting ongoing colonial impacts implicit in extraction.

³⁶ Marie-Pascale Rousseau, interview with author, November 25, 2019.

³⁷ Jen Jones and Ben Bradshaw, “Addressing Historical Impacts Through Impact and Benefit Agreements and Health Impact Assessment: Why it Matters for Indigenous Well-Being,” *Northern Review* 41 (2015): 81-109; Joan Scottie, Warren Bernauer, and Jack Hicks, *I Will Live for Both of Us: A History of Colonialism, Uranium Mining and Inuit Resistance* (Winnipeg: University of Manitoba Press, 2022).

While the FRMP focuses on keeping clean water clean, and YESAB's assessment was limited to impacts of remediation activities over 25 years, the perpetual timelines of Faro are a less explicit discussion – the long-term re-balancing of relationships between water-rock-air-people is not a part of reclamation planning. Instead, everyone is scrambling – treading water – to just ensure Faro doesn't crumble. In the meantime, long-term goals for healing, economic benefits, compensation, and land guardianship become exhaustingly difficult to implement in an atmosphere of pervasive and ever-lasting emergency. Throughout all the technical reviews, impact assessment and design work – the very real impacts on Kaska rights and title are continually 'outside of scope' or are ostensibly dealt with at a different table.

While remediation is undoubtedly a very complicated activity to undertake on the ground, the question of *why* it has taken so long for remediation to move forward points to challenges that run much deeper than water quality modelling or cover construction. Delays are not just an inherent characteristic of a complex site, but instead represent a *theft of time*, as the slow violence of mining manifests in the slow violence of remediation – or rather a lack of remediation. Through remediation, the Faro Curse transformed from the theft of place into a theft of time - a theft of futures - as manifest in what project employees call the 'Faro Factor.' IA did little, if anything, to mitigate the Faro Factor. For many, this so-called Faro Factor is an unpredictable beast with a mind of its own. However, the term Faro Factor papers over how the federal and territorial governments *created* this beast. While the Faro Factor is a creature of colonial infrastructure, like the Faro Curse, it also points to the many cracks in this infrastructure and to the many ways in which stolen Kaska Land fights back.

Tū Łídlīni Dena continue to link the Faro project directly to a history of extractive injustice, political dispossession through the UFA and DTA, *and* to the possibility for

alternatives futures. Elders John Acklack and Clifford McLeod argued that, even though the governments and regulators always say they want to listen, they rarely *act* on the information shared. Elders argued that settler governments demands for ‘more data’ and ‘more engagement’ simply become an excuse for inaction and colonial complicity; “it’s just another round of consultation, where they have to repeat the same things, knowing that little will come of it.”³⁸ And yet, Tū Līdlīni Dena continue to demand that settler governments make the connections between colonialism, extraction, and community impacts; they continue to fight via colonial infrastructures, while also reclaiming their own jurisdiction.

Detailing and reckoning with the colonial histories of Faro is central to lifting the Curse and moving towards reclamation. In identifying specific tools and timelines of dispossession, this research places tangible points of responsibility and accountability on government and industry, linking the corporate and regulatory history of the Faro Mine with the ongoing Faro Mine Remediation Project. This accountability is not locked in the past, as many of these legislative and governance frameworks exist in much the same way today. Identifying colonial tools and structures also provides direction for targeting change in reclamation – change that calls for a reckoning of how mining regions approach long term care of Land in the context of Indigenous sovereignty and self-determination. Re-storing the histories of Faro as ones of ‘infrastructures of theft’ must go hand-in-hand with “concrete and promising practices to re-assert jurisdiction in a good way.”³⁹ This includes reclamation of community, culture, language, and Land, all of which are central to decolonial processes that resist Western, capitalist, and exclusionary approaches to land reclamation.

³⁸ Teresa Robinson, personal communication, February 23, 2021.

³⁹ Pasternak and King, *Land Back*.

8.4 Anti-colonial care and maintenance

Why not just use the sod and organic soil materials from the Faro golf course [to provide healthy soil for the plants on site] – that’s our land, they took it without our permission, to build a golf course, and it’s just a waste of space now...⁴⁰

Alternatives to extractivism have always existed alongside, and in resistance to, colonial-capitalism in the North. These alternatives, and the Indigenous communities who steward them, persist, building anti-colonial mechanisms for reparations, reclamation, and healing, couched within place-based governance and justice. An ‘ethics of reclamation’ needs to be reciprocal, and action focused, identifying tangible points of entry, resistance, and change that can be used to decolonize contaminated lands, seek justice, and rebuild Land-community relationships. By detailing the infrastructures supporting theft in a particular place or circumstance, Indigenous communities (and their allies) can not only dismantle specific mechanisms of colonialism but can *also* build alternative infrastructures that facilitate a resource cure within their own jurisdiction, governance, and ethical protocols.

But figuring out exactly how to implement an ‘ethics of reclamation’ and anticolonial alternatives is a messy process, demanding on-the-ground compromise and care. Thankfully, for Dena Cho’s Community-Based Faro Revegetation Strategy, we didn’t have to start from scratch. Despite the inequity and social erosion of extractive dispossession, Faro Mine is, most importantly, a story of intergenerational community resistance. Archival evidence and interviews both detail the many ways that Tū Łídlīni Dena have resisted extraction and continue to govern and steward their lands– they have never ceded their territory. And for decades, Elders have been asking to be more involved in monitoring the health of plants and wildlife on site, using their

⁴⁰ Mary Maje, interview with author, February 23, 2021.

knowledge to guide that process. With this grounding and guidance, even during a pandemic, we were collectively able to take a first step (planting trees) and then a second step (collecting Kaska seeds and vegetation samples), and it has become a tiny bit easier to see what it *might* mean to reclaim and heal Tsē Zūl.

This past June, our planting crew gathered around a simple sign on the Faro Mine, and we began the fourth year of planting with a celebration of the over 100 000 trees, shrubs, and berries planted in previous years. It was a sunny morning, hinting at a hot day. The sticky poplar leaves were starting to unfurl, their bitter-citrusy smell filling the air with the scent of spring. Shelley planted the first tree and Camille said a few words as we observed a moment of silence for the team member we had lost over the past year. Elder Louie planted a second tree, a birch shrub – tenacious little plants – blessing another year of planting, seed collection, monitoring, and stewardship. As we all dug in with our shovels, Elder Dorothy told us about the salves she makes with poplar buds. After over four years of running the Community-Based Faro Revegetation program, we have started to re-build some of the relationships needed to heal Faro. It's a small, complex, and messy step. But it's a step with Dena Kēyeh, directed by Dena K'eh, and that positionality matters.

When seeing the small scope of space that these 100 000 plants are helping to reclaim, the immensity and speed of extraction sinks in – it took two years for this mine to be built and for extraction to begin. The mine itself operated for 25 odd years. The site has now been in 'care and maintenance' – preparing for reclamation – for the same amount of time. Extraction is frenzied and fast. Reclamation is plodding and patchy, on the timelines of trees. But people keep coming back, checking on the plants they lovingly placed in the ground, reminiscing about the rocky-hard difficulty of planting at Tsē Zūl, and proposing new spots to collect seeds and

samples. Long in the future, in a climate where a spruce can take decades to grow a few centimetres, the seeds of these plants will spread across the rolling hills and carefully engineered drainage systems that hint at the valley's past.

Later in the summer, during our seed collection program, we crossed the Pelly River, traveling up the North Canol Road, dust billowing behind vehicles in the last vestiges of dry heat as summer gave way to fall. A soft haze hovered over the large mountains to the Northeast – hinting at a season of fires across the North. But on this day, blue skies prevailed. The hills around Tū Lídlini were a bright yellow, between the green of summer and the deep gold of fall – heat still in the air, but the crunch of the first fallen leaves below foot. Elder Louie Tommy said a prayer of thanks and we scattered tobacco as an offering across the spongy boreal rug – lichen interwoven with the waxy-green leaves of *itl'et* (low-bush cranberries), the spikes of *dzidzest'edze* (crowberry) and crimson-red bushes of *dzistsedle* (blueberries), starting to turn after a week of chilly nights. My colleague Billie Maje joked that they should have put a blindfold over my eyes – knowing my passion for a good berry spot. But there were only a handful of berries this year – the summer too hot and dry to produce fruit. Instead, we focused on pulling fireweed fluff off the long, deep pink stalks.

A little further up along the North Canol, we climbed up on a rocky ridge – looking for juniper. Elder John Atkinson, Shelley Inkster, and I settled into a juniper matt that was heavy with blue-gray pearled berries. The juniper bush extracted a tiny prick of pain for each berry it provided – leaving small indents in the tips of our fingers. Shelley remarked that it felt just like beading and the pricks of a sewing needle. We sat in silence, pricking our fingers in exchange for the beautiful blue beads. A goshawk floated silently above us, settling down in a tree to take a quick look at our group before carrying on. At the next location, overlooking Orchey Lake – we

found the pine jackpot (or the jack-pine-pot!). I pulled the sleeve of my sweater down to protect my hand while prying the sticky-fresh, tightly packed pinecones away from their branch junctures. We teamed up to pull down high branches – straining for the cones that were just out of our reach. Laughter rushed through the trees as Elders pushed ecologist Justin Straker to climb higher and higher to retrieve the tippy-top cones. Elder Louie jokingly pulled the branches as Justin swayed at the top of a short, skinny pine. There was no wind to stop the ring of joyful voices moving through the trees.

The next day, along the Ketzá road, past another abandoned mine, we collected bags full of alpine fireweed. Elder John Atkinson laughed at my pronunciation of *gūs* (fireweed), pushing me to say ‘guuuse’, where the ‘uuu’ comes from your chest rather than from rounded lips. Elder Kathlene Suza perched on a fluffy spot of lichen, moss and heather – eating a sandwich while watching over the young seed collectors, taking in the stunning views of the Ketzá region and pointing to where she would go to collect water for her family. We momentarily lost the dogs, Zelda and Sophie, as they chased gophers to no avail. Shelley and Jeremiah wondered off with a ‘22, hoping to find some of those same gophers. The Elders joked that a ‘22 would be of little use – better to set a trap and then take a nap in the sunny mountain meadows. The fluff of *gūs* seeds stuck to our hair and clothes, floating around inside the trucks once we clambered back in, sticking with static to the dusty upholstery. Along the drive home, we stopped to collect balsam. Elders Louie Tommy and John Acklack showed us how to choose the right trees and select spots along their spackled grey trunks.

The daily, unglamorous work of reclamation is often lost in broader discussions about Faro – the logistical effort to make a project like this happen, to get youth and Elders on site (safely), to make sure the trees were planted respectfully, to make sure everyone is fed well, to

learn the Kaska names of plants, to plant thousands of trees in hard-packed mineral soils, and to exert Kaska sovereignty in a place so steeped in extractive colonialism – it is exhausting. This community-based work is fraught with failures, unexpected tasks, rerouted timelines and a whole lot of work that would not normally fit within the confines of ‘reclamation’ or ‘research.’ But this is what care for Land and healing can look like outside of, and in spite of, colonial mechanisms of control. Alongside planting, seed collection, and vegetation sampling we had so many other conversations - about Kaska language, governance, and stewardship practices, about residential school experiences, about the Kaska refusal to sign the UFA, and about expectations and accountabilities for researchers and consultants working on Tū Łídlīni Dena lands. And Dena Kēyeh took care of us too, showing us beauty, love, and reciprocity. In these relational contexts, on Dena Kēyeh, reclamation is an act of hope, an act of resurgence, and a tool for justice in that it merges a reckoning with the past with a promise of alternative futures.

Grounded in theorization on Indigenous relationalities and land-based governance, reclamation as care, healing, and intergenerational accountability is bound up in the maintenance and sustenance of relationships. The care and maintenance of relationships requires material and political infrastructures: “it is through relationships that prioritize Indigenous jurisdiction over infrastructure, beyond extractivism, that we may collectively develop a... 'wisdom' to know when or what to disturb.”⁴¹ The construction and care of Indigenous critical infrastructures, such as guardianship programs, seed collecting protocols, and wildlife stewardship, help to imagine and create alternative futures.⁴²

⁴¹ Pasternak et. al, “Infrastructure, Jurisdiction, Extractivism,” 9.

⁴² Spice, “Fighting Invasive Infrastructures;” B. Coombes, J. T. Johnson, and R. Howitt, “Indigenous Geographies I: Mere Resource Conflicts? The Complexities in Indigenous Land and Environmental Claims,” *Progress in Human Geography* 36, no. 6 (2012): 810–821; Sara Hunt, “Ontologies of Indigeneity: The Politics of Embodying a Concept,” *Cultural Geographies* 21, no. 1 (2014): 27–32.

The key difference between care infrastructures as a settler-technocratic endeavor and an anticolonial politics grounded in Indigenous protocols is that one creates a dialogue between people and Land, whereas the other is a corporate performance based on a “fixed technological future.”⁴³ Reclamation narratives based in dominant science and settler politics frame dispossession and contamination as something that happened ‘in the past,’ without articulating how these injustices reverberate in place, across time.⁴⁴ This creates a linear illusion that places can be extracted, reclaimed, extracted, reclaimed again and again – always accumulating or progressing while also searching for innocence in some utopic past.⁴⁵

Reclamation, if framed in a relational sense – and not as inherently good – can ask *what it means* to extract ore, to dismantle an entire mountain, to care for the waste left behind; it questions *what and who* we are reclaiming or sustaining. Rather than focusing technological and regulatory innovation on improving extraction, an ethic of reclamation asks *if* extraction is necessary, and if so – who will reciprocate what is taken. Building an ethic of reclamation is a process of interrogating how we relate to places, beings, rocks, and trees – just as much as it is an accounting of the financial securities that should be set aside for future care of Land.

A place-based, relational approach to reclamation is not a fluffy, intangible theory. An ethics of reclamation embodies specific anticolonial actions anchored in reciprocity rather than extraction. Reciprocity means sticking around, getting to know, adjusting – it is continual care and maintenance in all its messiness and politics.⁴⁶ Care happens in place, in relation. For example, getting plants in the ground at Faro requires a lot more than well wishes, seedlings, and

⁴³ Joly, “Making Productive Land,” 209–210

⁴⁴ Coulthard, *Red Skin White Masks*.

⁴⁵ Grenz, Jennifer. “Healing the Land by Reclaiming an Indigenous Ecology.”

⁴⁶ Dimitris Papadopoulos, Maria Puig De La Bellacasa, and Maddalena Tacchetti, *Ecological Reparations: Repair, Remediation and Resurgence in Social and Environmental Conflict* (Bristol, UK: Bristol University Press, 2023).

physical labour. The amount of time and effort that goes into budget approvals, work plans, accommodations, hiring, equipment, safety and insurance, aligning this all with Kaska protocols – all that monotonous work builds relationships and *demand accountability*, particularly from the non-Indigenous folks involved. And we must make sure someone will be there next year, and the year after – learning from Tsē Zūl and adapting to its needs.

Faro is a forever project. The term ‘care and maintenance’ is already used to refer to the day-to-day care of the site, and this daily care will extend, perpetually into the future. So much of the FMRP is trial and error (otherwise known as Adaptive Management Planning), a continual process of testing different treatments, reacting to changing environmental conditions, and trying to prepare for unpredictable seepages. When seen through the lens of an anticolonial ethics of reclamation, ‘care and maintenance’ infrastructures can facilitate *ongoing* reconnection – daily practices of checking in on water pumps, getting to know those who care for the pumps, and incrementally repairing community-Land-Water relationships. An ethics of reclamation at Faro does not offer a walk away solution, because we can’t walk away from Tsē Zūl.

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APPENDIX 1: SUMMARY OF THE FINANCIAL HISTORY OF FARO

Year	Revenue	Revenue - adjusted for inflation (2022 CAD)	Net income	Net income - adjusted for inflation (2022 CAD)	Provisions for Yukon Royalties	Yukon Royalties - adjusted for inflation (2022 CAD)	Provision for income taxes	Estimated number of employees
1970	\$ 40,516,000.00	\$ 302,483,422.90	-\$ 986,000.00	-\$ 7,361,256.17	\$ -	\$ -	\$ -	346
1971	\$ 56,034,000.00	\$ 407,319,687.46	\$ 5,012,000.00	\$ 36,432,992.00	\$ 387,641.00	\$ 2,817,821.52	\$ 118,359.00	379
1972	\$ 74,078,000.00	\$ 512,900,642.48	\$ 11,234,000.00	\$ 77,781,876.10	\$ 805,872.00	\$ 5,579,689.87	\$ 22,128.00	366
1973	\$ 112,908,000.00	\$ 727,294,246.67	\$ 20,677,000.00	\$ 133,190,412.89	\$ 3,235,000.00	\$ 20,838,176.99	\$ 5,135,000.00	403
1974	\$ 128,463,000.00	\$ 745,506,761.83	\$ 23,805,000.00	\$ 138,147,080.99	\$ 3,066,000.00	\$ 17,792,856.56	\$ 12,230,000.00	443
1975	\$ 157,877,000.00	\$ 827,854,271.25	\$ 18,880,000.00	\$ 99,000,415.77	\$ 286,000.00	\$ 1,499,688.50	\$ 9,200,000.00	488
1976	\$ 56,666,000.00	\$ 276,299,775.75	-\$ 2,699,000.00	-\$ 13,160,150.62	\$ -	\$ -	\$ -	443
1977	\$ 126,459,000.00	\$ 571,055,990.80	\$ 4,934,000.00	\$ 22,280,662.18	\$ 33,000.00	\$ 149,019.43	\$ 226,000.00	573
1978	\$ 140,211,000.00	\$ 581,017,543.29	\$ 6,985,000.00	\$ 28,945,001.03	\$ 180,000.00	\$ 745,898.38	\$ 1,150,000.00	550
1979	\$ 235,462,000.00	\$ 893,975,110.57	\$ 38,290,000.00	\$ 145,375,079.56	\$ 5,840,000.00	\$ 22,172,642.06	\$ 20,700,000.00	581
1980	\$ 199,718,000.00	\$ 688,524,252.00	\$ 23,180,000.00	\$ 79,912,637.63	\$ 1,650,000.00	\$ 5,688,345.65	\$ 6,450,000.00	740
1981 *only 9 months	\$ 105,439,000.00	\$ 323,191,842.72	-\$ 7,193,000.00	-\$ 22,047,998.60	\$ -	\$ -	\$ -	-
1982 *care and maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0
1983 *care and maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0
1984 *care and maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0
1985 *care and maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0
1986 *Sep 28 1985 - Nov 3 1986	\$ 36,172,000.00	\$ 83,683,908.19	-\$ 4,246,000.00	-\$ 9,823,119.38	\$ 3,783,000.00	\$ 8,751,969.06	\$ -	680
1987	\$ 199,382,000.00	\$ 442,015,505.00	\$ 25,923,000.00	\$ 57,469,420.19	\$ 255,000.00	\$ 565,316.60	\$ 11,862,000.00	600
1988	\$ 332,000,000.00	\$ 707,519,498.23	\$ 61,600,000.00	\$ 131,274,702.08	\$ 1,421,000.00	\$ 3,028,268.70	\$ 22,542,000.00	504
1989	\$ 348,000,000.00	\$ 706,411,924.09	\$ 60,700,000.00	\$ 123,216,102.85	\$ 1,773,000.00	\$ 3,599,046.96	\$ 12,794,000.00	700
1990	\$ 352,800,000.00	\$ 683,481,844.90	\$ 32,000,000.00	\$ 61,993,818.13	-\$ 985,000.00	\$ 1,908,247.21	\$ 13,199,000.00	596
1991	\$ 225,000,000.00	\$ 412,677,365.98	-\$ 98,282,000.00	-\$ 181,261,141.70	\$ -	\$ -	-\$ 14,080,000.00	729
1992	\$ 352,000,000.00	\$ 636,131,606.20	-\$ 52,600,000.00	-\$ 95,058,302.52	\$ -	\$ -	-\$ 26,307,000.00	?
1993	\$ 33,000,000.00	\$ 58,545,419.54	-\$ 95,900,000.00	-\$ 170,136,537.39	\$ -	\$ -	\$ -	?
1994	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	220
1995	\$ -	\$ -	-\$ 3,153,452.00	-\$ 5,467,813.22	\$ -	\$ -	\$ -	400
1996	\$ 214,000,000.00	\$ 365,320,039.65	-\$ 35,378,000.00	-\$ 60,393,889.55	\$ -	\$ -	\$ -	434
1997 *only 9 months	\$ 31,000,000.00	\$ 52,075,929.16	-\$ 11,566,000.00	-\$ 19,429,361.18	\$ -	\$ -	\$ -	344
TOTALS (adjusted for comparison, 2022 CAD)	\$ 3,557,185,000.00	\$ 11,005,286,588.66	\$ 21,216,548.00	\$ 550,880,631.07	\$ 21,730,513.00	\$ 91,320,493.07	\$ 75,241,487.00	

Table 1 Summary of financial history of the Faro Mine. Inflation estimates were calculated using an online calculator (Inflation Calculator Canada: <https://www.officialdata.org/Canada-inflation>). There are likely many discrepancies and errors in estimates due to using this simple method. The estimated and reported provisions for income taxes and royalties shift slightly from year to year depending on companies, company reporting policies, tax structures, royalty structures, and reporting requirements. In addition, the numbers reported in the companies' annual reports are the 'provisions' set aside for these payments, it is not a record of what was actually paid to the government(s). For fully accurate numbers, royalty records and income tax statements from Indigenous and Northern Affairs Canada would need to be reviewed. This data was gathered from the companies' annual reports, and cross referenced with financial data presented in Hodge et. al., "Through a Prism of Time," (2021).

APPENDIX 2: ETHICS APPROVAL



**Interdisciplinary Committee on
Ethics in Human Research (ICEHR)**

St. John's, NL Canada A1C 5S7
Tel: 709 864-2561 icehr@mun.ca
www.mun.ca/research/ethics/humans/icehr

ICEHR Number:	20200072-AR
Approval Period:	May 6, 2019 – May 31, 2020
Funding Source:	Supervisor's NSERC [RGCS # 20162774]
Responsible Faculty:	Dr. Arn Keeling, Department of Geography
Title of Project:	<i>Mine Remediation in Northern Canada: Confronting, Caring For and Living With the Legacies of Extractive Industries</i>

May 6, 2019

Ms. Caitlynn Beckett
Department of Geography, Faculty of Humanities and Social Sciences
Memorial University of Newfoundland

Dear Ms. Beckett:

Thank you for your submission to the Interdisciplinary Committee on Ethics in Human Research (ICEHR), seeking ethical clearance for your research project. The Committee appreciates the care and diligence with which you prepared your application. However, the limits to anonymity, confidentiality, and data withdrawal in group data collection must be more accurately explained in the workshop consent form. Also, the two sentences near the end of the risk section of both consent forms, stating that there are no risks, must be deleted as they contradict the prior text. Also, the draft research agreement must be submitted to Research Grants and Contract Services (RGCS) via the researcher portal, to be vetted for and obtain institutional authority. Please complete and submit the RGCS General Use Application for this purpose. Relatedly, please ensure consistency between the agreement and the consent forms, particularly in terms of access to and ownership of the raw data, and also correctly identify ICEHR in item 2 of the agreement. Please complete the **ICEHR - Post-Approval Document Submission form** and upload the revised consent forms and final, signed agreement.

The project is consistent with the guidelines of the *Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans* (TCPS2). *Full ethics clearance* is granted for one year from the date of this letter. ICEHR approval applies to the ethical acceptability of the research, as per Article 6.3 of the TCPS2 (2014). Researchers are responsible for adherence to any other relevant University policies and/or funded or non-funded agreements that may be associated with the project.

The TCPS2 **requires** that you submit an Annual Update to ICEHR before May 31, 2020. If you plan to continue the project, you need to request renewal of your ethics clearance and include a brief summary on the progress of your research. When the project no longer involves contact with human participants, is completed and/or terminated, you are required to provide an annual update with a brief final summary and your file will be closed. If you need to make changes during the project which may raise ethical concerns, you must submit an Amendment Request with a description of these changes for the Committee's consideration. If funding is obtained subsequent to ethics approval, you must submit a Funding and/or Partner Change Request to ICEHR so that this ethics clearance can be linked to your award. All post-approval event forms noted above must be submitted by selecting the ***Applications: Post-Review*** link on your Researcher Portal homepage. We wish you success with your research.

Yours sincerely,

Russell J. Adams, Ph.D.
Chair, Interdisciplinary Committee on
Ethics in Human Research
Professor of Psychology and Pediatrics
Faculties of Science and Medicine

RA/th

copy: Supervisor – Dr. Arn Keeling, Department of Geography
Director, Research Grant and Contract Services

ICEHR Clearance # 20200072-AR – EXTENDED

1 message

dgulliver@mun.ca <dgulliver@mun.ca>Thu, May 30, 2024 at 5:35 AM

To: "Beckett Caitlynn(Principal Investigator)" <clb268@mun.ca>

Cc: "Keeling Arn(Supervisor)" <akeeling@mun.ca>, ors@mun.ca, dgulliver@mun.ca



ICEHR Approval #:	20200072-AR
Researcher Portal File #:	20200072
Project Title:	Mine Remediation in Northern Canada: Confronting, Caring For and Living With the Legacies of Extractive Industries
Associated Funding:	20162774; 20192092; 20200780; 20200832; 20222065; 20222083
Supervisor:	Dr. Arn Keeling
Clearance expiry date:	May 31, 2025

Dear Ms. Caitlynn Beckett:

Thank you for your response to our request for an annual update advising that your project will continue without any changes that would affect ethical relations with human participants.

On behalf of the Chair of ICEHR, I wish to advise that the ethics clearance for this project has been extended to **May 31, 2025**. The *Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans* (TCPS2) requires that you submit another annual update to ICEHR on your project prior to this date.

We wish you well with the continuation of your research.

Sincerely,

DEBBY GULLIVER
Interdisciplinary Committee on Ethics in Human Research (ICEHR)
Memorial University of Newfoundland
St. John's, NL | A1C 5S7
Bruneau Centre for Research and Innovation | Room IIC 2010C
T: (709) 864-2561 |
www.mun.ca/research/ethics/humans/icehr | <https://rpresources.mun.ca/>

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APPENDIX 3: INFORMED CONSENT FORM



Informed Consent Form for Research - Interviews

Title: Mine Remediation in Northern Canada: Confronting, Caring For and Living With the Legacies of Extractive Industries

Researcher: Caitlynn Beckett, PhD Candidate, Department of Geography, Memorial University of Newfoundland, clb268@mun.ca, 306-491-2672

Supervisor: Dr. Arn Keeling, Professor, Department of Geography, Memorial University of Newfoundland, akeeling@mun.ca, 709-864-8990

You are invited to take part in a research project entitled “*Mine Remediation in Northern Canada: Confronting, Caring For and Living With the Legacies of Extractive Industries.*”

This form is part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. It also describes your right to withdraw from the study. In order to decide whether you wish to participate in this research study, you should understand enough about its risks and benefits to be able to make an informed decision. Please take time to read this carefully and to understand the information given to you. Please contact the researcher, Caitlynn Beckett, if you have any questions about the study or would like more information before you consent.

It is entirely up to you to decide whether to take part in this research. If you choose not to take part in this research or if you decide to withdraw from the research once it has started, there will be no negative consequences for you, now or in the future.

Introduction:

I am a PhD student in Geography at Memorial University of Newfoundland. As part of my PhD research, I am conducting research under the supervision of Dr. Arn Keeling. This project is funded through the Natural Science and Engineering Research Council of Canada (NSERC).

Purpose of Study:

This project examines the history, practice and regulation of mine remediation across Northern Canada, with a focus on the Faro Mine site on the unceded territory of the Ross River (Kaska Dena) First Nations. The majority of research on mine remediation has focused on technical

innovation for remediation and the impacts of mine on nearby communities and the environment. The purpose of this research is to:

- 1) Better understand the historical and socio-economic context and implications of mine remediation in Northern Canada
- 2) Analyze how remediation projects are regulated, researched and assessed
- 3) Examine and co-facilitate community-based, action oriented approaches to improving remediation practices, addressing concern expressed by Ross River residents and supporting Ross River's self-determination through better remediation processes.

What You Will Do in this Study:

If you wish to take part in this research, you will be asked to participate in an interview with the researcher, Caitlynn Beckett. During the interview, you will be asked questions about your knowledge of the Faro Mine, the Faro Remediation Project, community objectives for mine remediation, Ross River Kaska Dena's engagement in the remediation process, and planning for perpetual care of the Faro Mine site.

Length of Time:

The length of this interview will vary depending on the depth of discussion and your personal knowledge about the topics being discussed. It is expected, though, that interviews will take approximately one hour.

Withdrawal from the Study:

You may stop the interview for any reason at any time. Your decision to stop the interview or remove any of your responses will not negatively impact you or your relationship with the researcher, Memorial University, or other groups associated with this project.

Information provided during the interview will be used to produce community reports, a doctoral thesis, and scholarly publications. If you choose to withdraw after the interview has been conducted, you may contact the researcher by phone (306-491-2672) or email (clb268@mun.ca) and your data will be destroyed as soon as possible. You may choose to withdraw your interview until December 31, 2021, at which point the data analysis phase of the research will be completed.

Possible Benefits:

Participants will have the opportunity to share their experience, knowledge and understanding of the Faro Mine, the Faro Remediation Project, the broader processes, practices and regulation of mine remediation and the challenge of perpetual care for contaminated sites. Participants will be contributing to efforts to ensure that remediation practices meet the needs of Ross River, Yukon and Northern Canadian residents. Results will be shared in both public and scholarly forms and will contribute to the improvement of mine remediation practices.

Possible Risks:

The Faro Mine site has historically been a site of conflict and is a colonial development on the unceded territory of the Ross River Kaska Dena. As such, participation in the study may present some emotional or social risks, including: people feeling anxious to speak about the topic; people being concerned about harm caused to their employment or social relations; people feeling their work or concerns are misunderstood by the research project. While these risks may not be avoided entirely, this study seeks to mitigate these risks by: 1) Ensuring that potential participants know that participation in the study is entirely voluntary, and not required as a part of their employment or community affiliation; 2) paying special and close attention to safeguard anonymity and responses of study participants; 3) allowing interviewees to participate anonymously and to redact potentially identifiable information as they see fit; 4) allowing participants to suggest interview locations, which may include privacy considerations and; 5) allowing participants to withdraw, review, and/or change their responses for at least 6 months after they participate (December 31, 2021). Should any of the interview questions elicit negative emotions or make you feel uncomfortable you are encouraged to stop the interview.

Confidentiality:

The ethical duty of confidentiality includes safeguarding participants' identities, personal information, and data from unauthorized access, use, or disclosure.

All information you supply during this research will be confidential. Unless you give consent otherwise, your name and/or photo will not appear in any report or publication of the research. Some identifying information may come up in conversation (e.g. place of work, job title, communities lived in) and therefore may be included in our results. Based on this information, it is possible that people may identify you even if you do not give your name. Transcripts will be sent to you and you may redact/change such identifying information. Your identity, personal information, and the data you provide will be safeguarded from unauthorized access or disclosure. Your personal information will be recorded separately from the data collected and your identity will be coded.

Anonymity:

Anonymity refers to protecting participants' identifying characteristics, such as name or description of physical appearance. All research participants will be given the opportunity to participate anonymously or with their given names and/or may self-identify as Indigenous. Identifying characteristics (e.g. birthdate, age, description of physical appearances) will not be recorded. Our purpose is not to collect any private information about you. While some interview questions may address personal involvement or knowledge (i.e. what is your involvement in mine closure planning?), in all cases the emphasis will be on issues of the Faro Mine and remediation planning and policies.

You will be asked to give your informed consent to have your name recorded and used in any reports or publications that may come from this research, but this is not a requirement to participate in an interview. Should you choose to remain anonymous, your name will not be recorded. After the interview and before data is compiled into a final report/thesis, you will be sent a copy of your transcribed interview for you to review and, if you choose, change or retract any information.

Individuals involved in the Faro Remediation Project and mine remediation across Northern Canada represent a relatively small group, and thus it may not be possible to guarantee anonymity. Despite efforts to ensure anonymity, it may be possible for readers to identify you in future publications/reports. Please be aware of this risk before participating in this interview. However, if you do choose to participate and wish to remain anonymous, every reasonable effort will be made to ensure your anonymity. You will not be identified in reports and publications without your explicit permission.

Recording of Data:

If you consent, the researchers will be using an audio recording device to record this interview. You do not have to consent to this aspect of the interview. Should you choose not to have the interview recorded, the researcher will only take written notes.

Use, Access, Ownership, and Storage of Data:

Digital recordings and transcribed interviews will be stored securely on a password protected computer. Any hard copies of notes or transcribed interviews will be kept in the supervisor's (Dr. Arn Keeling) office in a locked filing cabinet. Only the primary researcher (Caitlynn Beckett) and her supervisor (Dr. Arn Keeling) will have access to this data, unless the participant specifies that they would like their interview data to be added to Ross River Dena Council's community archives (specific to participants who are members of Ross River First Nation). Outside of the option to archive certain interviews with Ross River First Nations, there are no plans to archive this data or make it available to other researchers. If this changes in the future, you will be contacted for additional consent. Data will be kept for a minimum of five years, as required by Memorial University's policy on Integrity in Scholarly Research.

Reporting of Results:

Interview audio recordings and transcribed interviews will not be disseminated in any way, though selected quotes may be used in future publications, with permission. Reporting of results will include a written dissertation, academic publications, conferences, and public communication of results (reports, presentations, newsletters etc.) Upon completion, my PhD dissertation will be available at Memorial University's Queen Elizabeth II library, and can be accessed online at: <http://collections.mun.ca/cdm/search/collection/theses>.

Sharing of Results with Participants:

You will be sent the transcribed version of this interview for your review. You may choose to have any information removed or revoke permission to use the interview/transcript. Individual participants and regional/provincial authorities will be provided notice and copies of publications (where relevant) and a copy of the thesis that will be the result of this project. Results will also be communicated through presentations, posters, and reports for relevant communities and at academic conferences.

Questions:

You are welcome to ask questions before, during, or after your participation in this research. If you would like more information about this study, please contact: Caitlynn Beckett, clb268@mun.ca. If you wish to contact my supervisor directly, please contact Dr. Arn Keeling, akeeling@mun.ca.

ICEHR Approval:

The proposal for this research has been reviewed by the Interdisciplinary Committee on Ethics in Human Research and found to be in compliance with Memorial University's ethics policy. If you have ethical concerns about the research, such as the way you have been treated or your rights as a participant, you may contact the Chairperson of the ICEHR at icehr@mun.ca or by telephone at 709-864-2861.

Consent:

Oral consent: The researcher has read and explained this consent form to the participant before receiving the participant's consent, and the participant has knowledge of its contents and appeared to understand it.

- Oral consent, recorded by the researcher ☐
- Oral consent, recorded by audio recorder ☐

Signed consent: Your signature on this form means that:

- You have read the information about the research.
- You have been able to ask questions about this study.
- You are satisfied with the answers to all your questions.
- You understand what the study is about and what you will be doing.
- You understand that you are free to withdraw participation in the study without having to give a reason, and that doing so will not affect you now or in the future.

- You understand that if you choose to end participation **during** data collection, any data collected from you up to that point will be retained by the researcher, unless you indicate otherwise.
- You understand that if you choose to withdraw **after** data collection has ended, your data can be removed from the study up to December 31, 2021

I agree to be audio-recorded ☐ Yes ☐ No

I agree to be photographed ☐ Yes ☐ No

I agree to the use of direct quotations ☐ Yes ☐ No

I allow my name to be identified in any publications resulting from this study ☐ Yes ☐ No

I allow data collected from me to be archived with Ross River Dena Council ☐ Yes ☐ No

By signing this form, you do not give up your legal rights and do not release the researchers from their professional responsibilities.

Your Signature Confirms:

☐ I have read what this study is about and understood the risks and benefits. I have had adequate time to think about this and had the opportunity to ask questions and my questions have been answered.

☐ I agree to participate in the research project understanding the risks and contributions of my participation, that my participation is voluntary, and that I may end my participation.

☐ A copy of this Informed Consent Form has been given to me for my records.

Signature of Participant

Date

Researcher's Signature:

I have explained this study to the best of my ability. I invited questions and gave answers. I believe that the participant fully understands what is involved in being in the study, any potential risks of the study and that he or she has freely chosen to be in the study.

Signature of Principal Investigator

Date

APPENDIX 4: INTERVIEW OUTLINE

Sample Interview Outline:

Note: Interview questions will vary according to how the semi-structured interview proceeds and the role(s) individual participants play in the community or within government and other organizations. Some questions may have more or less relevance depending on these roles.

Introduction and Context (for all interviews)

1. Begin with introducing ourselves (both the interviewer and interviewee). What do you do in your community? What organization or group do you work for/represent and what is your position within this group?
2. How have you and/or the organization you represent been involved in the remediation process?
3. What are your general experiences with the remediation process and the Yukon Environmental and Socio-Economic Assessment process?

Ross River elders and community members:

1. What is historical legacy of the Faro site? What is the material history of the site (regulatory history, history of leaks, tailings failures etc.)
2. What is the story of Ross River Dena's experience of the Faro mine?
3. Do you have any personal experiences with the Faro Mine or the Faro Remediation Project?
4. How has the remediation project unfolded since closure?
5. What strengths and/or weaknesses do you see in how the remediation project has unfolded?
6. What do you know about the upcoming assessment of the remediation plan?
7. What are your opinions on the regulations and policy of remediation in Yukon and across Canada?
8. What are your concerns in regards to the remediation project?
9. What are your concerns in regards to the perpetual care of the Faro Mine site?
10. What are your opinions on the regulations and policy of remediation in Yukon and across Canada?
11. How would you like Ross River to be involved in or direct the remediation of the site?
12. Do you connect the Faro Remediation with broader calls for reconciliation, decolonization, land claims negotiations and/or self-governance and self-determination?
13. How do you think Ross River Dena knowledge and governance could be better incorporated into long term planning for the Faro Remediation?
14. How do you think (or would you like) the legacies of the Faro Mine site and the care of that site to be communicated to future generations?
15. What do you think are the most important objectives for Ross River in the Faro Remediation Plan?

Government (federal and territorial) employees, remediation project employees, consultants, scientists:

1. What is historical legacy of the Faro site? What is the material history of the site (regulatory history, history of leaks, tailings failures etc.
2. What are your experiences with the Faro Mine and/or the Faro Remediation Project?
3. What is the government's (or regulators, scientists, consultants etc.) role in remediation processes? What kinds of activities are you engaged in in relation to the remediation project?
4. How has the Faro Remediation Project unfolded since closure?
5. How is remediation knowledge gathered, by whom, and how is it presented? How do perceptions of remediation differ – what is done to discuss these differences?
6. How has the government (or regulators, consultants, scientists etc.) worked with local community organizations and the Kaska Dena First Nations to plan for remediation?
7. What do you think is the state of remediation research in Canada at the moment? Do you see any gaps or ways to improve?
8. What strengths and/or weaknesses do you see in how the Faro remediation project has unfolded?
9. What are your concerns in regards to the remediation project?
10. What are your concerns in regards to the perpetual care of the Faro Mine site?
11. What are your opinions on the regulations and policy of remediation in Yukon and across Canada?
12. What do you think are the most important objectives of remediation projects?

APPENDIX 5: ROSS RIVER ELDERS, FARO WORKSHOP REPORT,
JUNE 2019

ROSS RIVER ELDER'S COUNCIL WORKSHOP ON THE FARO REMEDATION PROJECT

June 11-12, 2019

Faro Mine site and Ross River, Yukon



Tour of the Faro Mine – Rose Creek Diversion with Ross River Elders and Councilors and Parsons staff, June 11, 2019

**Written by Caitlynn Beckett and Brittany Tuffs for Ross River Elders Council and
Ross River Dena Council**

August, 2019

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1. INTRODUCTION

The Ross River Kaska Dena Elder's Council workshop on the Faro Remediation Project was held on June 11-12, 2019 in Ross River and Faro, Yukon. The workshop included a site visit to the Faro Mine on June 11 and an Elder's Committee meeting at the Hope Centre in Ross River on June 12. Both the site visit and the Elder's Committee meeting



Faro Water Treatment Plant, June 11, 2019.

Photo: Arn Keeling

were attended by Ross River Elders, Ross River Chief and Council, Ross River advisors, and researchers from Memorial University (see Appendix A – Attendance). This community workshop was a collaborative activity intended to:

- 1) Gather feedback from Ross River Elder's on PhD Candidate Caitlynn Beckett's research on the Faro Remediation Project (see Appendix C – Research Agreement and Appendix D – Research Proposal/Approval);
- 2) Provide an opportunity for Ross River Elders to visit the Faro Mine site;
- 3) Begin developing community-led objectives and strategies for the environmental assessment of the Faro Remediation Project.

As the Faro Remediation Project is about to enter into the Yukon Environmental and Socio-Economic Assessment (YESA) process in 2019, a better understanding of the Ross River community's concerns and objectives for the environmental assessment (EA) is needed to ensure a robust remediation plan, to realize benefits for Ross River members, and to confront the painful legacies of the Faro Mine site. Throughout this workshop, Ross River Elders identified ongoing concerns and strategized ways to build on past work. Over past decades there has been extensive Traditional Knowledge research done by Ross River Dena Council (RRDC) and their Lands Office and there has been periodic community engagement for remediation planning since the early 2000s. As the project moves into EA, it is important to summarize, build upon, and mobilize the important

research and community engagement work done by RRDC and the Faro Secretariat over the past 20 years.

1.2 Partnerships and Funding

This community-driven workshop was developed outside of the official consultation processes led by the federal and territorial governments. It was a collaborative project between Ross River Dena Council (RRDC), the Dena Kayeh Institute, and TERRE-Net researchers at Memorial University of Newfoundland. [TERRE-Net](#) is a National Sciences and Engineering Research Council-funded research program that addresses the challenges of mine remediation, water and waste management and environmental monitoring. The Dena Kayeh Institute is a non-profit organization dedicated to facilitating education programs, traditional knowledge protocols, practices and policies, cultural preservation and land management on Kaska Dena territory. We also coordinated with Kathlene Suza, the manager of the Faro Secretariat, who is tasked with community coordination for the Faro Remediation Project Team. The workshop was organized and facilitated according to Ross River Dena Council (RRDC) protocols and procedures regarding the collection and exchange of knowledge.

The research collaboration between TERRE-NET researchers (Caitlynn Beckett and Arn Keeling) based at Memorial University, RRDC, and the Faro Secretariat has been reviewed and approved by Ross River Dena Chief and Council. We maintain ongoing discussions to ensure meaningful, productive research objectives and deliverables from this community-driven research (see Appendices C and D). All of the data gathered through this workshop and through future interactions with Ross River members will remain the property of RRDC. Caitlynn has permission from RRDC to use this data for the completion of her PhD dissertation, with the review and approval of RRDC on an ongoing basis.

We received funding and assistance through the Western Mining Action Network and Indigenous Environmental Network's Community Mining Mini-Grant Program, through Memorial University (TERRE-Net), and through Ross River Dena Council. Funding was managed by the Dena Kayeh Institute and RRDC to ensure that grant funds went directly to paying for Ross River Elders, local catering, and local transportation, and to contract short-term research and facilitation guidance from Ross River. Research and administrative support, in addition to in-kind funding was also provided through TERRE-Net funds.

1.3 May 16, 2019 Chief and Council Meeting

Before the June community workshop, Caitlynn Beckett held a planning meeting with RRDC and the Faro Secretariat in Whitehorse on May 16, 2019. Those in attendance included: Caitlynn Beckett (Memorial University), Arn Keeling (Memorial University), Chief Jack Caesar (RRDC), Councilor Robbie Dick (RRDC, Deputy Chief), Councilor Dylan Loblaw (RRDC), Kathlene Suza (RRDC community member, Faro Secretariat), Clifford McLeod (RRDC), Gordon Peter (RRDC, Director of Dena Nezziddi), Norman Barichello (science advisor for RRDC), Stanley Noel (CEO of Dena Nezziddi), and Brittany Tuffs (RRDC community member, Masters student and research assistant for Memorial University). At this meeting Caitlynn presented her research proposal to attendees. This research proposal was developed based on feedback from RRDC in a initial research meeting held in May 2018 (Appendix D). The intent of the May 16, 2019 meeting was to review that proposal again and to review research plans for the summer, including how to conduct interviews, how to organize a community workshop and what kind of research deliverables Chief and Council would like to see.

Important points from this meeting included:

- *The need to ensure that Ross River has the prominent role in an assessment of the Faro Remediation Plan (however that assessment is framed, either through YESAA, through their own process, or through a hybrid). This strategy should be outlined with direction from Elders.*
- *How Ross River Land Stewards and a Ross River Lands Office could be supported to eventually direct this process.*
- *How do we ensure there is the capacity to manage this Faro project? The federal team has 23 staff members. Ross River has 1-2 people working on this. Need to look at funding processes for support during an environmental assessment that can be tied to longer-term support of a permanent Lands Office.*
- *After remediation, what does the next 100 years look like for the Faro Mine site and Ross River? How can Ross River ensure long-term job and training opportunities rather than ‘one-offs’*
- *What are other examples (such as Giant Mine) that Ross River can learn from in order to strategize their environmental assessment and their long-term plan for Faro?*

- *What is the best way to communicate Ross River's story of Faro to a broader audience? Focus on telling the stories of places like Blind Creek, the Faro townsite, and the Faro Mine area.*
- *How will Ross River pursue the question of compensation for the environmental and cultural destruction brought by the Faro Mine? This could include reclaiming the Blind Creek and Faro townsite areas that people were displaced from. While the remediation project is somewhat separate from these concerns, how can they be effectively dealt with side by side? How can remediation reckon with colonial legacies?*

From these discussions, the group concluded that a community workshop with Elders, including a Faro Mine site visit would be the best way to initiate community-based research and to gather feedback from the broader community in order to move ahead on these important points.

1.4 Summary of Report

Included in this report is a summary of activities on June 11 and 12 (Section 2-3) and a synopsis of the main concerns, questions and strategies for moving forward with Caitlynn's research and the environmental assessment more broadly. Possible 'action items' are summarized in Section 4. Section 4 also includes some additional information and examples from other remediation sites that could be useful for RRDC and their involvement in the Faro Mine Remediation Project.

2. DAY 1: JUNE 11, FARO MINE SITE VISIT

2.1 Summary of the Day

Day 1 of the workshop was a visit to the Faro Mine site. 22 people attended this site tour, including 16 Ross River Elders (see Appendix A). The agenda for the site visit was relatively open. This provided an opportunity to share stories of the Faro Mine from the perspective of those who had lived and



Faro Water Treatment Plant, June 11, 2019: Willie Atkinson and Robertson Dick. Photo: Arn Keeling

worked in that area. It also provided Elders an opportunity to see what is currently happening on site and to have a fuller understanding of how the remediation will move forward. We began the day with a safety presentation from Parsons and a discussion between Elders and Parsons representatives (James Carss and Amy Philip). After lunch, we did a rainy guided tour of the following areas: the Faro Pit, the Rose Creek Diversion urgent works, the water treatment plant, the Cross Valley Tailings Dam and the new water pumping installations.

2.2 Key Questions, Findings and Concerns

Below we highlight some of the main points discussed throughout the Faro Mine site tour. Some of these points and questions will require follow up with the Faro Remediation Project team and can also direct Ross River's review of the environmental assessment submission.

- *The language used in the Parsons safety presentation was from a different dialect of Kaska (from Lower Post, BC). Parsons would like to work with RRDC and Elders to ensure this is corrected.*
- *Elders would like to see more management positions being filled by Ross River Dena--training needs to facilitate 'moving up the ladder' rather than being trained for just one job. Parsons noted that they are dedicated to a certain number of training hours, but more follow up is needed.*
- *Need to make sure that people from Ross can live close by rather than commuting. Parsons hopes that this can be addressed with the construction of the new work camp (owned by Dena Nezziddi).*
- *Concern expressed about wildlife getting into the tailings ponds and pits. Elders wanted to know if it is possible to address this as a part of Care and Maintenance work. This is also important to consider in the review of the Faro Remediation Plan for socio-economic and environmental assessment. This isn't something that Parsons would make a decision on.*
- *Elders would like support for an RRDC Guardian Program, including on the land environmental monitoring jobs. Parsons was supportive of such a program. This is important to consider in the review of the Faro Remediation Plan for environmental and socio-economic assessment.*
- *Ross River people want more information on how exactly the tailings and waste rock will be covered and how the flow of contamination will be mitigated. Will putting dirt or a cover on top of the contamination really keep it from moving?*

How will this work? Or does it just make it look better? This is something that needs to be communicated better by the Faro Remediation Project team.

- *Elders wondered why there is a temporary creek diversion (Rose Creek), and fish will be moved back and forth, rather than just diverting it permanently? Question to follow up with the Faro Remediation Project team.*
- *How will generations of displacement be dealt with? Ross River's story of displacement because of the Faro Mine and townsite needs to be central to the Faro story and remediation. This is important to consider in the review of the Faro Remediation Plan for environmental and socio-economic assessment.*



Faro Mine - Rose Creek Diversion Channel, June 11, 2019.
Photo: Arn Keeling



Water collection and pumping station near the Cross Valley Dam, June 11, 2019.
Photo: Arn Keeling

3. DAY 2: JUNE 12, ELDERS COUNCIL WORKSHOP

3.1 Summary of the Day

This workshop was attended by Ross River Kaska Dena Elders, Chief and Council, and the Faro Secretariat (Kathlene Suza), and was facilitated by Caitlynn Beckett, Arn Keeling and Brittany Tuffs (Memorial University). There was a total of 33 attendees (see Appendix A). Goals for the day were to review the proposed TERRE-NET research, reflect on previous day's mine tour, and discuss the impending environmental assessment of Faro Remediation Project.



Faro Mine site tour: Caitlynn Beckett.... Theresa...

Photo: Arn Keeling

After an opening prayer, Caitlynn outlined her proposed research, as reviewed by RRDC Chief and Council. This research is focused on analyzing community-based approaches to mine remediation and the socio-economic and environmental assessment of these remediation projects (see Appendices C and D). Ensuring consistent and meaningful communication, feedback and direction from Elders and community leaders is central to this research project. Following this foundation, Caitlynn also reviewed the participant consent forms and the structure of consent, confidentiality, anonymity, and ownership of data for this research (see Appendix E). Elders were supportive of this information being owned and controlled by RRDC, and wanted to be able to review/receive notification of any reports or work from the research in an ongoing manner. Caitlynn also reviewed her [past research at Giant Mine in Yellowknife](#) and the environmental assessment of the Giant Mine Remediation Project.

The rest of the day was a relatively free flowing discussion on what the Elders view as important points of concern not only for future research, but for the Faro Remediation

Project more generally. From this discussion, we identified key questions and concerns that can direct Ross River's involvement in the Faro Remediation and EA (however they choose to be involved over the coming years). Several Elders also generously shared stories of their personal experiences of growing up and working on the territory now occupied by the Faro Mine.

“We all worked in prospecting – my grandparents – we all told them where all there rock is. Us young generation worked with Al Kulan – stayed in Van Gorda – stayed where the mine is now... where the tailings pond is was tent city. This will go for years and years and I would like our people here to get a job and the work done on the tailings pond so that young people can come in and do their job.”
– John Acklack, p. 23

“Al Kulan was really poor in those days – he would sleep in the corner of the tent. Mom would patch him up and give him moccasins and everything – he never turned around and looked at us or gave us anything. He built his own house down there – if I knew how to do these things, it would have been my house, I would have done it. You can't trust anybody. Al Kulan teach all the people not to trust. There are so many stories – I could write a book.”
– Grady Sterriah, p. 29

3.2 Key Questions, Concerns and Findings

Through an analysis of the notes and audio transcripts from the Elders' Committee workshop on June 12, we have summarized the 'key take-aways' in the following points:

- **Learning from other communities and remediation sites:**

A review/summary report about similar remediation sites across Canada would be helpful in evaluating the Faro Remediation Project proposal and in long-term planning for the Faro Mine site. There is a particular desire to learn from the Giant Mine case. This is where Caitlynn and Arn have the most research experience. In addition, it is one of the only examples of a large remediation project to go through an environmental assessment with the federal government as the proponent. There was enthusiasm about organizing a community workshop/public hearing and to invite people from Yellowknives Dene First Nation (or other communities) to share their experiences.

- **Independent Community Oversight**

The need for robust, independent community oversight was identified by several Elders. Again, it was noted that it may be helpful to meet with YKDFN to share experiences and knowledge of Giant Mine, where an independent oversight body has been established. Community oversight and governance needs to be long

term (for example the Giant Mine agreement includes a 100 year project). Faro is a perpetual monitoring and maintenance site. Therefore, Elders questioned what kind of long-term independent oversight, or perhaps ‘environmental and socio-economic agreements’ are needed for Faro beyond the more immediate care and maintenance and remediation projects?

- **Town of Faro**

The town of Faro (and the impacted Blind Creek area) is part of the impacts of the Faro mine. Elders questioned how this can be addressed in the remediation project, or through other avenues connected to remediation? There is a desire to return to Blind Creek and to reclaim this space. *Chief Caesar noted, “The town of Faro itself is an impact on us... I think the impacts when we look at it are huge culturally.” (p. 34)*

- **Ross River’s story of the Faro Mine**

While there has already been a lot of work done that documents the negative effects of the Faro Mine on Ross River Kaska Dena (Martin Weinstein and Bob Sharp’s work and the Faro TK report done by RRDC’s Lands Office), there is a need to bring this work together into something ‘usable’ for an independent environmental assessment process. In connection to this, several Elders identified the need to ‘get the true story of Faro’ out to the public. This includes telling this story publicly in media and in the Faro tourist center, interpretive signs etc. Gordon Peter mentioned that there is a plaque celebrating the discovery of the mine and that this needs to be changed to reflect Ross River’s experience: *“It would be nice if we could re-write the plaque on the bridge – it makes Al Kulan look like a savior – we need to change this.” (p. 29)* Norman Sterriah mentioned that this information also needed to be included at the visitors center in Faro.

- **Job, training and other opportunities on the Faro site**

Job and contract opportunities on site are of pivotal importance for Ross River Elders, especially in the long term, since it will be on their territory forever. These ideas were connected to a potential Lands Stewards program that Ross River has been trying to start up. Both Edna Simmons and John Acklack emphasized the need for the Faro Remediation Project to see Ross River as the managers, stewardships and benefactors of the Faro territory

“Parsons says government is the client, no we are the client. [We] need to shift this discourse.” – Edna Simmons, p.

“We know the animals are gone, we know we need jobs, the First Nations here don’t go in the bush every weekend – don’t take their kids to the bush, don’t learn the traditional way, they just stay around here. So, we have to get our feet in gear and look at what we losing out on – this is just talk talk talk. We want to

*see our people here having a good life – as these young people here can learn.
People from Ross River could have jobs.”
– John Acklack, p. 24-25*

- **Communication and documentation of the Faro Remediation process**

Many Elders had questions about why certain decisions were made, and why certain options were preferred for the remediation plan. For example, they questioned why the decision had been made to cover the tailings in place, rather than move the tailings into the pits. Kathlene Suza explained the reasons for these decisions and how these objectives were reviewed with Ross River leadership and Elders between 2003 and 2009. It was mentioned that there might be a need to summarize this information (re-engage/re-communicate) because this was ten years ago and a lot of people are no longer familiar with this process. This could include more support for the Faro Secretariat (and/or Ross River's Lands Office) for more regular public engagement and/or a public hearing. There is a need for the capacity to hire more people to review, assess and communicate about the Faro Remediation Project over a long period of time.

- **Strategy for doing an independent/hybrid assessment**

Concerns were raised about participating in the YESAB process because Ross River has not signed the Yukon Umbrella Final Agreement, which the Yukon Environmental and Socio-Economic Assessment Act (YESAA) is directed by. The YESAA process does not address the unsundered title and rights of Ross River and Kaska peoples more broadly. Elders stated that Ross River and RRDC needs to strategically emphasize this position and ensure some kind of independent review process. There may be a need to follow some kind of hybrid process in order to complete an independent assessment, but to also participate strategically in the YESA process in order to publicize Ross River's position.

*“How long would it take us to do our own assessment? I don't want to be involved in YESAB – we are a government too, ourselves right here. We have been self-governed all our life.... Raised up by our grandparents telling us what to do. So why settle, when we have our own rights through our Elders.”
-John Acklack (p. 39)*

*“But we have never settled. They should need our consent.”
-Willie Atkinson (p.)*

One option that was discussed was to apply for funding for Ross River to conduct their own 'mini' assessment alongside the process. RRDC could hire community members, Elders, consultants etc. to help them complete an assessment of the proposed remediation plan. From this work, RRDC and Ross River Elders can decide what information they would like to submit to YESAB. This could roughly follow the Kaska Resource Management Association

(KARMA) process that was developed (but not implemented) by Kaska Elders in the past. Such an independent assessment could include: technical reviews, the set-up of an Elders/leadership advisory committee for EA, and the organization of a public hearing or some kind of communication and reporting structure. Elders also suggested that some kind of public event could be held at Blind Creek as a method of reclaiming that area and reasserting their rights. This kind of approach has been discussed by RRDC and the Faro Secretariat in the past (see attached document, “A Proposal to Undertake a Socio-Cultural Assessment of the Faro Remediation Project”, submitted by RRDC and the Faro Secretariat in 2017).

- **Technical concerns for the Faro Remediation Plan**

Throughout the afternoon discussion, there were several specific concerns raised regarding technical aspects of the Faro Remediation Project. While some of these concerns may have been addressed by the Faro Remediation Project team and the Faro Secretariat in the past, we summarize them here to highlight Elder’s ongoing concerns. Many of these concerns highlight questions about ongoing care and maintenance while planning is underway, emphasizing the need to discuss interim care and maintenance alongside broader questions of the final remediation plan.

- **Animal access to tailings ponds/pits/waste rock**: Elders asked if there was some kind of temporary way to ensure access to these contaminated areas are limited while the Remediation Project works on building covers and filling pits.

“The tailings pond. I want to know why they aren’t covering it up or protecting it from animals. What about birds and that accessing it?”

- Willie Atkinson, p. 20

“We really want fencing around that area... keep the animals out. We brought this up to the government a few times – but they have ‘taken it under advisory’”

- Gordon Peter, p. 30

- **Dust management**: Elders questioned how dust from the tailings is being managed while planning for remediation is underway and what kind of vegetation studies have been done.

“It is important to know where all of this contamination/dust is going... going down to Swim Lakes where there is a lot of camps and fishing.”

- Norman Sterriah, p. 22

- **Revegetation**: Several Elders were interested in what the plan was for revegetation, how the tailings covers would be constructed and what kind of research has gone into revegetation options.

*“They were talking about planting different plants and trees and whatever –
Ross River people can do that – keep them at their word to do this”
-Gordon Peter, p. 30*

- **Van Gorda and Grum:** Elders questioned why the Van Gorda/Grum side of the property isn’t being fully included in the remediation plan and insisted that a discussion about this area should be included in the plan. There were also concerns expressed about the remediation of the haul road.
- **Rose Creek and Water Management:** As mentioned by Elders on the Faro site tour, there is a need for clearer and more widescale communication in Ross River about the plan for long term water management and the Rose Creek Diversion.

4. OBJECTIVES AND WAYS FORWARD

“I want a repatriation plan – a sovereignty plan... What is the definition of reclamation anyway?... Well clean it up and give it back, that’s what we want – clean it up and then we want it back.” – Norman Sterriah, p. 7

Now that the Faro Remediation Project has entered the Yukon Environmental and Socio-Economic Assessment process, and consultation will be triggered to address the potential

infringements on Indigenous title and rights, we believe that, through a community-directed approach, the story of Ross River’s experiences with the Cyprus Anvil Mine and the Faro Remediation Project will contribute to a broader understanding of the social, political and colonial dimensions of resource extraction, contamination, and mine remediation across Canada. Our ultimate goal through this workshop was to add to the work that Ross River and the Faro Secretariat have done to identify community values and goals in regard to remediation, facilitate intergenerational communication, and identify best practices for community-based mine remediation planning and perpetual care of contaminated sites.



Faro Mine site tour, June 11, 2019: John Acklack, Willie Atkinson, James Carss, Clifford McLeod

Photo: Arn Keeling

Building on the planning objectives set out by the Kaska Elders Oversight Committee for the Faro Secretariat in 2005-2009, there is now a need to strategize the best methods for Ross River's involvement in this new phase of the project (the EA), and moving forward into remediation and long-term monitoring. According to Ross River Elders, environmental and socio-economic assessment needs to be done within the context of (and in support of) Ross River's self-determination and reclamation of territory – a reclamation of Land and self-governance. Faro can't be separated from this process. We conclude with four actionable research items that we believe could contribute to Ross River's meaningful involvement. These options are far from the only options available, and are open to change and critique. We note that it is important to evaluate how the below options could fit most effectively within Ross River's longer term plan for a hybrid independent assessment, long-term care, compensation claims, and business/job opportunities.

Actionable items for research (with possible responsible parties noted):

- **Summary of remediation sites across Canada (Caitlynn Beckett and Arn Keeling):** Complete a summary report of what is being (or has been done) at other sites, including community review processes, independent oversight structures, environmental assessment of remediation, storytelling etc. This could include examples from Giant Mine, Colomac, Port Radium, Keno Hill and others. Such a summary could be tied into a proposal to bring together communities to discuss strategies for remediation planning. This summary could also focus on drafting a format of what possible public hearings could look like based on what has been done elsewhere. Proposed deadline of December 2019
- **Historical summary of the Faro Mine and the Remediation Project (Caitlynn Beckett):** A historical summary could include: company history and economic data, environmental history, Ross River's history, regulatory history and the more recent history of the remediation planning process. This would be based on documents in the Yukon Archives, the federal archives and the Yukon Energy, Mines and Resources Library, and from Ross River's own work on Faro. This historical summary could be combined with interviews completed as a part of this research in order to provide a contextual summary meant to help community members and outsiders better understand the legacies of the Faro Project and how the Remediation Planning has progressed

over the past 20 years. For an example of similar work done for the Giant Mine Remediation Environmental Assessment. Proposed deadline of December 2019

- **Community report on interviews (Caitlynn Beckett):** Complete a summary of the interviews gathered from Ross River community members for this research (with permission from interviewees). This can be used to help direct the assessment of the Faro Remediation Plan. Proposed deadline of May/June 2020, or ongoing summaries as interviews are completed.
- **Funding Applications (Caitlynn Beckett, RRDC, Dena Nezziddi etc.):** Direct the summary of remediation projects across Canada and the historical summary of Faro into funding applications that would support Ross River's independent assessment of the Faro Remediation Plan. This could include ideas for: public hearings, meetings with other communities, independent oversight/long term governance structures, and land stewardship/management among other things. For example, this research could be used to assist in drafting an application for the Northern Participant Funding Program for environmental and socio-economic assessments. The deadlines for these applications are ongoing.