

Court of Appeal File No. 14 – YU752
Supreme Court File No. 13 – A0142
Supreme Court Registry: Whitehorse

COURT OF APPEAL

BETWEEN:

**THE FIRST NATION OF NACHO NYAK DUN, THE TR'ONDĚK HWĚCHIN, YUKON
CHAPTER-CANADIAN PARKS AND WILDERNESS SOCIETY, YUKON CONSERVATION
SOCIETY, GILL CRACKNELL, KAREN BALTGAILIS**

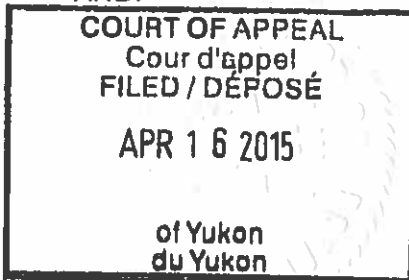
Respondents
(Plaintiffs)

AND:

GOVERNMENT OF YUKON

Appellant
(Defendant)

AND:



THE GWICH'IN TRIBAL COUNCIL

Intervener

AMENDED NOTICE OF APPEAL

Amended on April 16, 2015 pursuant to Rule 12(a) of the Court of Appeal Rules, 2005
Original Notice of Appeal filed December 30, 2014

Take notice that Government of Yukon hereby appeals to the Court of Appeal for the Yukon Territory from paragraphs 1, 2(a), 2(b) and 2(c) of the order of Mr. Justice R.S. Veale of the Supreme Court of Yukon pronounced the 2nd day of December, 2014, at Whitehorse, Yukon Territory.

1. The appeal is from a:

Trial Judgment

2. If the appeal is from an appeal under Rule 49 or 53 (6) of the Supreme Court Rules, name the maker of the original decision, direction or order: N/A.

3. Please identify which of the following is involved in the appeal:

Constitutional/Administrative

Civil Procedure

And further take notice that the Court of Appeal will be moved at the hearing of this appeal for an order that:

~~(a) The appeal be allowed and paragraphs 1, 2(b) and 2(c) of the order of Mr. Justice R.S. Veale pronounced the 2nd day of December, 2014, be set aside, with costs.~~

(a) allowing the appeal, setting aside in its entirety the order of the Honourable Justice Veale pronounced December 2, 2014, and dismissing the respondents' action;

(b) in the alternative, varying the order of the Honourable Justice Veale pronounced December 2, 2014, so as to remit the matter for reconsideration and consultation in respect of the Peel Watershed Regional Land Use Planning Commission's Recommended Plan dated December 2, 2009; and

(c) awarding it costs of the trial and this appeal.

The trial of this proceeding occupied 4 days.

Dated at Whitehorse, Yukon Territory, this 16th day of April, 2015.



Mark Radke

John B. Laskin

John Terry

Jonathan Roth

Solicitors for the Appellant

To the respondents: The First Nation of Nacho Nyak Dun, The Tr'ondëk Hwëch'in, Yukon Chapter-Canadian Parks and Wilderness Society, Yukon Conservation Society, Gill Gracknell and Karen Baltgailis

And to their solicitor: Thomas R. Berger, Q.C.

And to the intervener: The Gwich'in Tribal Council

And to their solicitor: Jeff Langlois

This Notice of Appeal is given by Mark Radke, whose address for service is Legal Services Branch, Yukon Department of Justice, 2130 – 2nd Avenue, Whitehorse, Yukon, Y1A 5H6.

To the respondents: The First Nation of Nacho Nyak Dun, The Tr'ondëk Hwëch'in, Yukon Chapter-Canadian Parks and Wilderness Society, Yukon Conservation Society, Gill Gracknell and Karent Baltgailis

And to the intervenor: The Gwich'in Tribal Council

IF YOU INTEND TO PARTICIPATE in this appeal, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in the Court of Appeal registry and serve the notice of appearance on the appellant WITHIN 10 DAYS of receiving this Notice of Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE

- (a) you are deemed to take no position on the appeal, and
- (b) the parties are not obliged to serve any further documents on you.

The filing registry for the Yukon Territory Court of Appeal is:

Yukon Court of Appeal
The Law Courts
2134 – Second Avenue
Whitehorse, Yukon Y1A 5H6

Inquiries should be addressed to (867) 667-3429
Fax filings: (867) 393-6212

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c/o Legal Services Branch
Yukon Department of Justice
Government of Yukon
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