

# COURT OF APPEAL OF YUKON

Citation: *The First Nation of Nacho Nyak Dun v.  
Yukon,*  
2016 YKCA 8

Date: 20160620  
Docket: 14-YU752

Between:

**The First Nation of Nacho Nyak Dun, The Tr'ondëk Hwëch'in, Yukon Chapter-  
Canadian Parks and Wilderness Society, Yukon Conservation Society,  
Gill Cracknell, Karen Baltgailis, The Vuntut Gwitchin First Nation**

Respondents  
(Plaintiffs)

And

**Government of Yukon**

Appellant  
(Defendant)

And

**The Gwich'in Tribal Council**

Intervenor

Before: The Honourable Chief Justice Bauman  
The Honourable Madam Justice Smith  
The Honourable Mr. Justice Goepel

Supplementary Reasons to *The First Nation of Nacho Nyak Dun v. Yukon,*  
2015 YKCA 18, 14-YU752

Counsel for the Appellant:

J.B. Laskin,  
J. Terry, J. Roth,  
M. Radke

Counsel for the Respondents:

T.R. Berger, Q.C.,  
M.D. Rosling, C.P.S. Riley

Counsel for the Intervenor:

J. Langlois

Place and Dates of Hearing:

Whitehorse, Yukon  
August 20, 21, 2015

Place and Date of Judgment: Vancouver, British Columbia  
November 4, 2015

Written Submissions received: May 11, 2016, May 20, 2016,  
and May 24, 2016

Date of Supplementary Judgment: June 20, 2016

**Supplementary Reasons of the Court**

***Summary:***

*Supplementary Reasons on costs.*

**Supplementary Reasons of the Court:**

[1] We have received and reviewed the submissions of the parties. We acknowledge their agreement that each of the parties will bear their own costs of the appeal. In all the circumstances, we award the plaintiffs in the trial court 75% of their costs as assessed by that Court or agreed to by the parties.

“The Honourable Chief Justice Bauman”

“The Honourable Madam Justice Smith”

“The Honourable Mr. Justice Goepel”