



February 21, 2021

To: Yukon Mineral Development Strategy Panel
Submitted via YMDS website (www.yukonmds.com)

Re: Wildlife Conservation Society Canada Response to
The Yukon Mineral Development Draft Strategy and Recommendations

To the Yukon Mineral Development Strategy Panel:

WCS Wildlife Conservation Society Canada (WCS Canada) is a national, non-profit charitable organization established in 2004. Our mission is to save wildlife and wild places through science, conservation action, and inspiring people to value nature. WCS Canada scientists have been working in Yukon since 2004 on land use and protected areas planning, land and water management, wildlife conservation research, and policy applications for conservation science.

In this document we provide our Response to the Yukon Mineral Development Draft Strategy and Recommendations. This follows our earlier written submission to the Panel in August 2020, in which we laid out our vision, a principle-driven approach to the review of mineral development in the territory, plus out thoughts on the primary issues outlined by the Panel.

We thank the Panel for this opportunity to respond to the Draft Strategy and Recommendations. We are encouraged that the Draft Strategy addresses a number of the concerns and issues that we had raised. Clearly the Panel has done a lot of work in addressing this wide-reaching topic, which has significant meaning for and impact on all Yukoners, and in laying out a wide-ranging set of Recommendations for improvement.

WCS Canada finds that many of the Recommendations are positive and worth implementing. They will contribute positively to better governance of the industry. We also find that the reasoning and wording for quite a few Recommendations is unclear or insufficient or lacks enough knowledge of what is already going on in the territory: as a result, a clear response to a number of Recommendations is difficult to make, and we provide explanations and advice on how to redirect the Recommendation. We also have decided that quite a few Recommendations are unjustified, and some are even deleterious, for a socially and environmentally just set of outcomes in the governance of this industry.

We have structured this document to respond directly to each of the Recommendations in the Panel's draft document. To do this, we have worked directly with the text of the Draft Strategy and Recommendations document (copied below), and have inserted a Table with our Comments and our own Recommendation after each of the Panel's Recommendations.

In general, we are of the opinion that the Draft Strategy and Recommendations have been developed with a strong emphasis on First Nations' rights, especially under the Umbrella Final Agreement, and also with a strong emphasis on facilitating the economic interests of the mineral exploration and development industry. However, we are of the opinion that the document is relatively weak, and often misses the point, when it comes to environmental concerns. There is a general tone that dealing with the environment is a necessary but problematic issue for the industry and the territorial government, and therefore a hurdle to be expedited. The Panel has not placed this Strategy firmly in the context of the major environmental crises that threaten the globe. It also does not acknowledge that all mineral exploration and development activities entail some adverse environmental effects, and in fact puts forward the idea that all environmental effects can be mitigated. This is not a benign industry as far as the environment is concerned.

The Panel's recognition of UNDRIP and the principle of free, prior, and informed consent (FPIC) is to be praised. However, we do not think that the Strategy and Recommendations fully realize the meaning of FPIC and its implications for mineral exploration. Free entry staking is by definition at odds with FPIC: both principles cannot coexist logically, or probably legally.

What follows is the text of the Draft Strategy and Recommendations, with our responses embedded in tables.

Thanks again for the opportunity to provide our comments.

On behalf of other WCS Canada reviewers (Dr. Justina Ray and Dr. Cheryl Chetkiewicz),
Yours sincerely,

A handwritten signature in dark ink that reads "Donald G Reid". The signature is written in a cursive, flowing style. Below the signature, there is a faint, light-colored rectangular stamp or watermark, but the text within it is illegible.

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Yukon Mineral Development Strategy and Recommendations

Vision

The Yukon Mineral Development Strategy lays the foundation for the collaborative and place based development of Yukon mineral resources in a way that benefits all Yukoners and ensures the continuation of a balanced mining industry. The Strategy envisions a future where:

- all mineral development activities will honour modern treaties with Yukon and transboundary First Nations and will respect First Nation values
- all mineral development projects earn and maintain a social licence to operate through positive contributions to the social, cultural and economic well-being of all Yukoners
- the mining industry operates in Yukon without leaving adverse environmental legacies behind
- the Yukon's mineral exploration and development industry is a global leader in ethical and sustainable mining practices and attractive to global investment markets.

Comments	<p>The word “balanced” is used without explanation of what this means: what elements in particular are being balanced and what is the desired outcome of the goal of balance? And even more importantly, what process(es) could be used to achieve “balance”? A vision is not useful unless there are processes in place, or at least recommended, through which to strive for the vision. The public needs to understand key words in the vision, such as balance, ethical practices, and social licence. These go undefined, making the document vague and subject to easy political manipulation.</p> <p>The third bullet is unattainable. All mining leaves “adverse environmental legacies”. The question is what types and scales of adverse environmental legacies can other governments and the Yukon public tolerate. Also, what does the Panel think is an adequate process to measure tolerance?</p>
Recommendation	Revise the Vision with more realistic wording, some definitions, and a more transparent preamble

Guiding Principles

Through its extensive engagement with a full cross-section of Yukoners, the MDS Panel identified seven principles to guide the development of Yukon's mineral resources for the benefit of all Yukoners. Adoption and integration of the seven principles will create a foundation for a healthy Yukon mineral industry within an attractive investment climate.

1. **Collaboration.** A better Yukon built through collaboration among all government entities, Yukon First Nations and industry to ensure all Yukoners benefit from mineral resource development activities.
2. **Honouring Our Ancestors.** All mineral development activities reflect the spirit and intent of Yukon's modern treaties with Yukon First Nation peoples, trans boundary treaties, the United Nations Declaration of the Rights of Indigenous Peoples and the findings of Canada's Truth and Reconciliation Commission.
3. **Sustainability.** Resource development based on environmental impact levels acceptable to Yukoners as resource stewards, and responsive to evidence of cumulative effects.
4. **Future Generations.** Holistic consideration of the social, economic and environmental effects of development on future generations of Yukoners through all stages of mineral development.
5. **Respect.** Respect for the Yukon's natural and human environment demonstrated by timely, balanced and evidence-based decision making informed by many voices.
6. **Transparency and Trust.** Mining industry expansion founded on transparency and trust to create economic and social viability.
7. **Certainty and Clarity.** Legislative and regulatory certainty for access to Yukon lands for mineral exploration and development with clarity and transparency in the permitting, monitoring and enforcement processes.

Comments	<ul style="list-style-type: none"> - Most of the Principles seem worthy at face value, but there are real problems with the way they are expressed and laid out. We recommend that the Principles laid out by the International Council on Mining and Metals (ICMM) be taken up and followed in Yukon, because they are more comprehensive and realistically expressed. They are organized in the following subject headings: Ethical Business, Decision Making that includes sustainability, Human Rights, Risk Management, Health and Safety, Environmental Performance (includes social, ecological, health, and culture), Conservation of Biodiversity, Responsible Production, Social Performance, Stakeholder Engagement. See: https://www.icmm.com/mining-principles - Natural resource management on all Yukon lands is a government-to-government process by legislative and Constitutional definition (including the Umbrella Final Agreement). The first principle attempts to recognize that fact, but fails to do so explicitly. Its wording implies that industry is an equal player with governments, which it should not be, legally. At present industry's interests frequently prejudice those of governments, because of free entry staking. - Reconciliation is not laid out as even a Principle in this list; the assumption is that Principle 2 covers it. It needs to be an overarching Goal or context for the Strategy, and made explicit in various of the ICCM Principles. - Principle 5 talks about "timely, balanced and evidence-based decision making" as though it is a
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	<p>straightforward set of activities that can lead to “respect”. The statement lacks an explicit acknowledgement of the trade-offs involved in decision-making, including the fact that middle-ground between positions is frequently contradictory to what the scientific evidence demonstrates is a necessary position for the sake of sustainability. Once again, the lack of definition of balance hampers the wording.</p> <ul style="list-style-type: none"> - Principle 6 assumes that the mineral industry should expand. Why? There are often reasons why it should not expand, including the inability of some mining developments (both quartz and placer) to demonstrate sufficient ability to minimize or mitigate risk to the environment, and the inability of some communities to accommodate a large increase in economic activity. It is not logically true that expansion of the mineral sector necessarily leads to social and economic viability. - Although “environment” is repeatedly mentioned in the Principles, the current context for environmental concern is never addressed. The natural world in Yukon, and globally, faces two crises – a loss of biodiversity and climate upheaval. The natural world in Yukon also faces a crisis of past pollution by defunct mines. None of these crises is mentioned in the preamble, or in the Principles. The mineral development industry has significant responsibility in dealing with these crises, and it is already clear that historic patterns and processes of regulatory review through YESAB and the YWB will not suffice. - There is no text to explain how the Principles might be realized, for example through various governance and resource management processes. A graphic would be very valuable.
Recommendation	<p>The Principles need to be re-written, with at least one over-arching Goal – Reconciliation, and much clearer thought as to what each one actually means.</p> <p>A Preamble needs to couch this Strategy in terms of the major issues that humans are facing globally, and to link those issues explicitly to the Principles so that it is clear that Yukon is taking on some real responsibility for dealing with mining in the context of global loss of biodiversity and global climate overheating.</p>

Strategic Priorities

Strategic Priority 1. Modern mineral regime.

Establish a modern mineral management regime aligned with the modern treaties with Yukon First Nations, transboundary treaties, the principles of reconciliation enshrined in the *United Nations Declaration on the Rights of Indigenous Peoples* and the recommendations of Canada's Truth and Reconciliation Commission.

It is time to thoroughly modernize Yukon's mineral management regime and replace the *Quartz Mining Act* and the *Placer Mining Act* with new mineral resource legislation. The new legislation will align the development of Yukon's mineral resources with the modern treaties established with Yukon First Nations over 25 years ago. The new legislation will also complement contemporary federal and Yukon legislation and policies. Entities and agencies established for co-management of Yukon lands as part of the modern treaties will be fully recognized in the new legislation, including the Yukon Environmental and Socio-economic Assessment Board, the 11 Renewable Resource Councils, the Yukon Water Board and the Yukon Land Use Planning Council.

The new legislation will replace the patchwork of amendments that have rendered the Yukon's century-old mineral resource legislation unresponsive to evolving industry circumstances and difficult to enforce. The roles and responsibilities of government decision makers and front line staff will also be clarified in the new legislation.

The modernized mineral resource legislation must be developed collaboratively on a government-to-government basis with Yukon First Nations, including First Nations that have not yet established a modern treaty. An early example of a collaborative approach to the development of natural resource legislation can be found in the *Yukon Forest Resources Act*. The 2008 *Act* is consistent with Yukon First Nation Final Agreements, meets the requirements of Section 35 of the *Constitution Act, 1982* and is aligned with the Truth and Reconciliation Commission's Call to Action No. 92.

The Yukon's mining industry is deeply rooted in Yukon history. Modernizing Yukon's mineral resource legislation holds unprecedented potential to advance economic, social and environmental reconciliation between the Yukon Government and Yukon First Nations. A collaborative approach to legislative development is also in keeping with commitments found in the 2003 *Devolution Transfer Agreement* between the federal and Yukon Governments. To gain wide acceptance, the new mineral resource legislation must be developed in a transparent manner that allows for participation of all affected stakeholders including the Yukon's mining industry and representative entities.

Recommendations

Develop a modern mineral management regime for Yukon by:

- Completing, together with Yukon First Nation governments, a comprehensive engagement with mineral industry representatives and interested Yukoners to confirm the design parameters for the new mineral resource legislation for quartz and placer mining. The specific features of the new mineral resource legislation are outlined in strategic priorities two through six of this Yukon Mineral Development Strategy.

Comments	Re-design and re-writing the legislation governing quartz and placer mining is necessary, and a welcome recommendation. Such a process should be a government-to-government process (Indigenous, Territorial and Federal), at first, to establish the principles, scope, and bounds of the legislation. Beyond that, other interested parties should be able to comment.
Recommendations	Generally support this Recommendation

- Drafting and bringing into force the new mineral resource legislation and regulations within the next three years (by the end of 2023).

Comments	This may be an ambitious, but is a worthwhile, target, and a recommendation to be supported.
Recommendations	Support this recommendation

- Amending the *Yukon Waters Act* to ensure a seamless statutory fit with the modernized mineral resource legislation, *Yukon Environmental and Socio-economic Assessment Act* and the Yukon First Nation Final Agreements.

Comments	This Recommendation is too vague to be useful. What does a “seamless statutory fit” mean? Given the tone of this document as a whole, one could interpret this to mean that the Panel considers the YESAA as already effective. Any legislative reform should carefully consider what is needed to achieve environmental sustainability, because the YESAA and its statutory body, YESAB, are not equipped to deal with water-related issues. Yukon First Nation Final Agreements, by contrast, were written in full recognition of the role of the Yukon Water Board and its Act, so what is the statutory issue? Although some specific wording in both the YESAA and the YWA might require change for accurate reference to revised quartz and place mining legislation, there is no clear reason to overhaul the Yukon Waters Act
Recommendations	This Draft Strategy document is hiding too much regarding its intent and purpose in making this recommendation. The Strategy needs to state up-front why there is an issue to be dealt with, rather than jumping to a recommendation. This Recommendation should be dropped.

- Amending *the Historic Resources Act* and its enforcement and compliance tools to be fully harmonized with the modernized mineral resource legislation and the Yukon First Nation Final Agreements.

Comments	This recommendation is reasonable given that the Historic Resources Act is a legacy piece of legislation from prior to most Final Agreements and devolution, and that successor legislation is required.
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Recommendations	Support this recommendation
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- Ensuring the new mineral resource legislation and regulations are aligned with Yukon’s modern treaties, Canada’s *Constitution Act*, the *United Nations Declaration on the Rights of Indigenous Peoples* and current case law by:
 - acknowledging the *United Nations Declaration on the Rights of Indigenous Peoples* principle of Free, Prior and Informed Consent;
 - modifying the free entry staking system to be consistent with Yukon’s modern treaties and case law;
 - requiring the negotiation of benefit agreements for mineral exploration and development activities.
 - providing for the full delegation of regulatory enforcement tools to Yukon First Nation mining lands officers; and,
 - adding reconciliation to the list of reasons the Yukon Government may use to justify a prohibition of entry order for prospecting, staking and mining under the *Quartz Mining Act* and the *Placer Mining Act*.

Comments	<p>- Generally, these recommendations deserve support, in that they will serve to redress some past injustices, and they make a government-to-government regulatory regime more of a reality.</p> <p>- However, the recommendation regarding free entry staking is incomplete and vague. What specifically is being recommended here? In this bullet, there must be specific mention of Free, Prior, and Informed Consent (FPIC) as a criterion for modifying free entry staking, given the precedence set by several court decisions, and given the recognition of UNDRIP (the source of FPIC) in Principle 2. Given UNDRIP and FPIC, <i>any</i> prospecting and staking operation should be subject to review, by both Indigenous and Territorial governments, prior to any work on the ground. FPIC cannot just be invoked for more advanced exploration (e.g., classes 1 through 4 under the current Quartz Mining Act). Free entry staking should not be “free”, either monetarily or in terms of holding claim to land. The opportunity to stake should only be granted with FPIC from all Yukoners.</p>
Recommendations	<p>The text of this Draft Strategy needs to be much more explicit and clear as to what the Panel members actually recommend on free entry staking.</p> <p>Other bulleted recommendations are necessary and positive outcomes.</p>

The MDS Panel recognizes that some of the recommended actions in the Yukon Mineral Development Strategy must be preceded by modernized mineral resource legislation. While modernized mineral resource legislation is under development, the MDS Panel recommends that the Yukon Government implement the following interim measures to establish a respect based foundation with Yukon First Nations for future mineral sector development:

- Creation of programs to better fund participation by Yukon First Nations in mineral resource development opportunities and environmental assessment processes.
- Encouragement and strengthening of early engagement pathways between industry and Yukon First Nation governments.

- Recognition and co-leveraging of opportunities for Yukon First Nation equity positions in mineral development projects.
- Development of a semi-annual report card on progress by the Yukon’s mineral sector towards honouring the principles contained in the *United Nations Declaration on the Rights of Indigenous Peoples*.
- Design and implementation of resource revenue sharing measures that provide meaningful and steady revenue flows aligned with land-based resource activities.
- Funding support for First Nation participation in the development of the modernized mineral resource legislation and related legislative changes, including amendments to the *Waters Act* and the *Historic Resources Act*.
- Dedication of resources to ensure the principles of reconciliation are embodied in the implementation of the modern mineral regime to improve regulatory certainty for all stakeholders.

Comments	These Recommendations are generally good, and deserve support. The “strengthening of early engagement pathways” between industry and First Nations governments could be better worded. This is clearly a necessary condition for any advancement of mineral exploration, let alone development, given the Goal of Reconciliation and FPIC. Although this condition will be clear in revised legislation, what is meant by “strengthening the pathways”? The wording needs to be “necessitating the pathways...”. Given FPIC, all exploration and development needs to be considered by First Nations governments, and all Yukoners, prior to being allowed to proceed. There may be need to provide First Nation government with more resources to interact with an increasing array of mineral exploration outfits. At least as importantly, all governments need to make the scope of this necessary condition much more transparent and accessible in all media, and pro-actively through the communications with the industry and its agencies that represent stakeholders.
Recommendations	Support these recommendations, with some more clarity regarding engagement pathways.

Additional Recommendations

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General Thoughts

- The Preamble to this section, mentions the need to address reconciliation in terms of the Truth and Reconciliation Commission’s calls for action. The Panel has not linked those calls for action to any practical actions in regard to the mineral development in Yukon. Doing so would be a step forward, and would help chart a useful way forward.
- The Preamble talks about Yukon’s history being steeped in mining. That is the colonial history of Yukon, which was far from just and equitable when it came to treatment of First Nations. It is highly questionable to be proud of this aspect of Yukon history, especially in the context of reconciliation.

Strategic Priority 2. Socio-economic returns.

Create substantive and sustained Yukon socio-economic returns from resource development that benefit Yukon First Nations, local communities and all Yukoners today and in the future.

The socio-economic viability of Yukon depends on exploration and mining activities being carried out in a sustainable manner. The MDS Panel heard that true sustainability involves more than good environmental stewardship. Social and economic sustainability are also key to the well-being of Yukon communities.

Social sustainability requires effective consultation and consideration of how people and families in Yukon communities are affected by mining projects. Recognition that the adverse effects of resource development are borne locally while many of the benefits are exported outside the Yukon, is crucial to social sustainability. Positive aspects beyond employment opportunities such as whole-career human capital development, cultural resilience and social well-being need to be discussed and enhanced.

Economic sustainability means helping Yukon businesses be positioned to take advantage of opportunities presented by mineral sector development such as camp support, construction, transportation, logistics, drilling, equipment operation and maintenance, accounting, human resource management and environmental monitoring. Early and open conversations about how Yukon businesses can capture benefits from mineral development opportunities are essential to ensuring Yukoners and communities benefit to the greatest extent possible.

Resource royalties are intended to provide a payment to the owner of the resource for use of the resource. In Canada, minerals are owned by the Crown on behalf of the people resident in a province or territory. As such, resources royalties are collected for the benefit of Yukon people as payment for the extraction of Yukon's non-renewable resources.

The Yukon Government has collected only a small amount of resource royalties on behalf of Yukon people. Over the period 2006/07 to 2019/20, the Yukon Government collected an average of \$23,218 per year in placer gold royalties. Excluding the royalties collected by the Yukon Government from the Minto Mine on behalf of the Selkirk First Nation, the Yukon Government received a total of \$724,113 in *Quartz Mining Act* royalties (\$72,411 per year), over the ten years between 2010 and 2019.

Over the most recent 10 years for which data is available, combined placer and quartz royalty revenues collected by the Yukon Government have averaged less than \$100,000 per year. In contrast, the value of mineral production over the same time period has averaged \$335,399,000 per year. Thus, the Yukon Government has managed to collect a mere 0.03% of the value of mineral production on behalf of the people of the Yukon as payment for use of the Yukon's mineral resources.

The Yukon's modern treaties allow Yukon First Nations to share in resource royalties collected by the Yukon Government under the Chapter 23 provisions of the Umbrella Final Agreement. With placer and quartz royalty revenues collected by the Yukon Government averaging less than \$100,000 per year, Yukon's royalty approach has resulted in a negligible amount of royalties being collected and shared with the 11 self-governing Yukon First Nations.

It is important to note that increasing royalty rates to collect a higher level of resource revenues is in itself not enough. In order for mining royalty payments to rise significantly, new and profitable mines must be opened, and existing mines must be profitable. In addition, changes to the Yukon's resource royalty scheme must be balanced within a package of measures to create substantive and sustained Yukon socio-economic returns from resource development.

Recommendations

- Adopt the 2017 recommendation of the Yukon Financial Advisory Panel that the Yukon Government:

Undertake a comprehensive review of resource-sector policies, with a particular emphasis on ensuring fair and efficient royalty rates, fee structures, permit and licensing costs, tax exemptions, and minimum work requirements.

Comments	We agree with this recommendation. A comprehensive review of policies is required, with the goal of achieving a better return to Yukoners for resources extracted, as is outlined in the preamble. It is unfortunate that it has taken so long since 2017 to get to something resembling a solid step forward on this issue.
Recommendations	Support this initiative.

- Modify Yukon's quartz royalty regime in the modernized mineral resource legislation to ensure all Yukoners receive fair and meaningful financial returns from mining activities while also ensuring competitiveness with other Canadian jurisdictions.

Comments	We agree that the quartz royalty regime needs to be revised in new legislation and regulations to give Yukoners a better return on private-sector exploitation of a common property resource. Unfortunately, this recommendation provides no indication of what kinds of criteria or measures need to be employed for calculating royalties and fees. The quartz mining industry removes natural capital from the Yukon in terms of the volume of mineral and associated ore removed from the ground. Mining processes also deplete and put at risk the value of other natural capital on the land in general proportion to the physical scale of its footprint (i.e. area occupied by roads, other linear developments, trenching, land clearing for access to ore and buildings, open pits, tailing ponds) and the volume of water used for all activities and for storing tailings. All three of these benefits accrued to industry from common property resources needs to be valued in some way. The revised royalty regime for quartz mining should be based on a combination of volume of ore removed and the total footprint of the mineral exploration and development activity. Fees for water use, as part of a water use license, should be based on volume of water diverted and stored.
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Recommendations	This recommendation is a positive step forward, but needs more detail on the measures by which “rents” or “taxes” or “fees” or “royalties” will be charged. Profit-based measures <u>alone</u> are not adequate (see next point).
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- Implement the Yukon Financial Advisory Panel’s suggestion to introduce a profit-based placer gold royalty. Yukon citizens can then receive rents due from the extraction of a publicly owned resource by profitable mine operators while placer operations that are truly marginal in terms of profitability will continue to pay essentially no royalties. Consideration should be given to a placer royalty system that favours local operators over non-Yukoners.

Comments	We disagree with some aspects of this Recommendation. Although Yukon citizens and Indigenous governments, deserve to acquire much better return on the removal of a common property resource (placer gold) and associated destruction of other natural capital, the measure against which “rent” or “royalty” is to be measured should not be profit. This is because profit is not a tangible measure related to the actual resources removed and destroyed; it is more of an abstract accounting measure. Accounting can readily reduce measures of profit by various means, including inflation of costs, and hiding of subsidies and grants. Use of profit as the measure will result in a rush to the bottom in terms of ethical accounting practices. There are numerous examples in Canada of mining companies reporting no profits while at the same time removing lots of mineral resource. A royalty should be based on an absolute measure of the amount of common property resource removed from nature (weight of free gold), and a measure of the amount of natural landscape destroyed by the placer operation (hectares of naturally vegetated land cover and water bodies changed). Businesses that remove value from nature, but cannot pay for that opportunity and be profitable, should not be operating; that is what the market place is supposed to adjudicate, not some measure of socially-constructed, relative rental cost based on “true profitability” which cannot be accurately measured. Too often, industry promises inflated levels of profit in order to influence government and social support, then fails to deliver on profitability.
Recommendations	The Recommendation, for revised royalty rates that provide better returns, is a good one. However, basing it on profit is inappropriate, and needs to be replaced with royalties on weight of free gold sold and area of land and water bodies destroyed.

- In collaboration with CanNor or other public sector agencies, initiate and fund baseline socio-economic studies for all Yukon communities so that information is readily available to support socio-economic assessments of mining or other major projects. The socio-economic studies could also be used to inform the completion of the remaining Regional Land Use Plans (Dawson, Northern Tutchone, Kluane, Whitehorse, and Teslin).

Comments	This Recommendation is valid and useful
Recommendations	Support the Recommendation

- As part of the socio-economic baseline studies, evaluate the readiness of individual Yukon communities to benefit from resource development activities by assessing:
 - current community interest and desire to host resource development activity within proximate traditional territories, including the potential hosting of itinerant workers.

- the current capacity of the community to effectively capture significant benefits from resource development activities.
- the interest and pathways for skill development for community members joining the labour market.
- possible impediments to community participation in mining projects, such as inadequate infrastructure in the form of housing, child care, education, training and health care.

Comments	This Recommendation is generally a good one, and information provided by such studies would certainly benefit the communities, various governments, and decision bodies. It is unfortunate that there is no mention of First Nation controlled Development Corporations in this mix of bulleted points. Development Corporations could be powerful instruments for a truly “place-based” industry, which is what this Strategy claims to promote. There is a need to understand what might limit the involvement of Development Corporations.
Recommendations	Support this Recommendation, but urge the Panel to specify the important potential role of First Nation controlled Development Corporations, and an improved understanding of what might be limiting their involvement in the industry.

- Consider creating an alternate avenue for Yukon citizens to receive rents due from the extraction of publicly owned resources through the imposition and collection of an industrial water tax by the Yukon Water Board. The industrial water tax would for the first time place an economic value on Yukon’s water resources and provide a new resource revenue source to be shared with Yukon First Nations, similar to the approach recently adopted in British Columbia. The industrial water tax could be designed to encourage sustainable resource extraction activities. For example, the tax rate could be made variable and adjusted according to water quality at producing placer mines such that the higher the water quality, the lower the effective rate of tax.

Comments	This Recommendation is valuable and worthwhile, and would be a solid step forward towards fair and adequate costing of the use of natural capital by the industry. As mentioned in our comments about royalties and rents under quartz mining (above), industry needs to pay for this privilege. The idea of measuring rent levels for placer operations based on water quality seems reasonable.
Recommendations	Support this recommendation

- Ensure that Yukon First Nations receive a fair financial and social return from mining and exploration within Traditional Territories by strengthening the connection between revenue flows and Indigenous interests in the land itself by:
 - introducing a First Nation Resource Charge based on self-governing Yukon First Nations power of direct taxation, in addition to the sharing of limited resource revenues being collected by the Yukon Government. The First Nation Resource Charge would involve a set of pre-specified charges (e.g., a water use fee or land rental fees) and be linked to tax room currently occupied by other governments.

Comments	<ul style="list-style-type: none"> - Ensuring that a proportion of royalties and rents return to First Nations government, along with the Yukon Territorial government, would be a positive step forward, and would implement provisions of the Umbrella Final Agreement and individual First Nations Agreements. It is a necessary component of any revised royalty regime. - However, it is not clear that a new mechanism with a new name - “First Nation Resource Charge” - is required to achieve this goal. The Panel has not explained why this approach is any better than splitting any royalties or rents charged by the Territorial government into two components or proportions, when paid, with one component going to the pertinent First Nation government(s). - To be equitable, A First Nation Resource Charge would charge royalties or rents based on the same measures or criteria that the Territorial government would use to charge industry for the same industrial operation. There would be two, parallel, accounting processes, which seems inefficient and costly in terms of human capital.
Recommendations	We recommend more detailed explanation of this idea, in particular why it is an improvement on a single royalty charging mechanism, through the Territorial government, with subsequent division of revenues amongst governments.

- o creating a statute-based template for the negotiation of benefit agreements between project proponents and affected Yukon First Nations. Advanced-stage quartz exploration and development activities would require participation agreements. Quartz mine development, construction, production and decommissioning activities would require impact and benefit agreements. All benefit agreements would include a range and depth of measures proportional to the scope of the exploration or mine development project. Measures could include opportunities for training, employment, contracting, community infrastructure and equity project participation. Establishment of a legislated and independent dispute resolution body with a mandate to adjudicate any negotiation impasses will streamline the drafting of benefit agreements. Negotiation and implementation of benefits agreements will help ensure engagement between First Nations and developers and help to build trust and understanding.

Comments	<ul style="list-style-type: none"> - This is generally a useful and positive recommendation - The recommendation is incomplete in that it does not specify at what stage in the mineral development cycle a benefit agreement needs to be put in place. Consequently, there may need to be more than one template or kind of benefit agreement. For example, given FPIC, quartz mining exploration at the staking level should require First Nation consent, and that could entail direct involvement in the staking operations. A benefit agreement for that exercise would be quite different than one for any site-based exploration work, or mine development. In other words, benefit agreements may need to multi-staged.
Recommendations	Support this Recommendation, but with more detail on when in the mineral development cycle such benefit agreement(s) need to be instituted.

- o improving the flow of information between placer gold project proponents undertaking exploration activities in previously un-mined areas and Yukon First Nations prior to the submission of a Form 1 project proposal to the Yukon Environmental and Socio-economic Assessment Board. Improved information sharing will provide Yukon First Nations opportunities to express concerns and

propose mitigations that will help placer operators prepare more comprehensive project proposals to the Yukon Environmental and Socio-economic Assessment Board.

Comments	<ul style="list-style-type: none"> - Improved communications between placer gold miners and First Nations governments is certainly needed, so the Recommendation as written is generally positive. - However, given FPIC under UNDRIP plus the need for reconciliation, what is recommended here is insufficient. Placer gold operations should be obliged to inform and get consent from First Nations governments before staking claims, not just at the stage of deciding to explore on claims. Given FPIC, free entry staking should be removed from the options available to mineral exploration. - This Recommendation includes the phrase “previously un-mined areas”. How are those defined? This is too vague a term to direct policy. Any existing claims should be included, along with unclaimed terrain.
Recommendations	The Recommendation needs to be changed to include FPIC before any staking of claims, and a much clearer definition of what “un-mined” means.

- o designing, in collaboration with Yukon First Nations, measures to enable Yukon First Nations to acquire equity positions in mining projects and related infrastructure initiatives. Seek funding support from Canada and model the measures on initiatives such as the Ontario Aboriginal Loan Guarantee Program and the Alberta Indigenous Opportunities Corporation.

Comments	This is generally a good recommendation, but could do with more thought as to how to make it work. Specifically, direct discussion about equity positions and indices of sustainability should be mandated as part of the development of Benefits Agreements (discussed in an earlier Recommendation above). The loan and equity development opportunities in other jurisdictions may be good models to consider, but such models are of little use unless there are clear entry points in the mineral development cycle for such discussions to take place.
Recommendations	Support this Recommendation , and urge that it explicitly mention the use of Benefits Agreements as point of entry for such discussions.

- o exploring, in collaboration with CanNor, joint venture and public-private partnership opportunities with Yukon First Nations for investments in energy and infrastructure projects that enable mineral development and provide First Nations with opportunities to acquire secure returns on equity investments.

Comments	Generally, this seems to be a useful and positive Recommendation
Recommendations	Support this Recommendation

- Ensure that all Yukoners receive a fair fiscal return from mining and exploration within the Yukon by retaining more of the potential financial benefits from mineral development activities by:
 - o introducing a Yukon payroll tax, modelled on the approach used in the Northwest Territories, that applies to all non-resident workers in the Yukon, to better align the location of income tax revenues with the location of the service-providing

government. Currently, personal income tax on the earnings of non-resident workers living outside the Yukon accrues entirely to the province or territory where the worker is resident on December 31 of the year. For Yukon residents, the payroll tax would be deductible from Yukon personal income taxes paid. Alternatively, federal tax collection methods could be modernized to allow the allocation of personal income tax revenues between more than one jurisdiction, similar to how corporate income taxes are divvied up according to the permanent establishment rules.

Comments	We agree that there is a real need to “better align the location of income tax revenues with the location of the service-providing government”. We cannot comment on the relative merits of a Yukon payroll tax as compared to changes in the distribution of income tax revenues at the federal level, but suspect that getting a Yukon payroll tax legislated and implemented would take less time and would be better supported.
Recommendations	Support this Recommendation

- enhancing procurement opportunities for Yukon businesses and First Nation Development Corporations using an approach similar to that used in the Northwest Territories which genuinely favours northern businesses under the same trade agreements to which Yukon must abide. Acknowledge and act on the exemptions already contained in Canada’s interprovincial and international trade agreements specific to municipalities and Indigenous entities. Make the case for the abandonment of the current Yukon Government approach of ten \$1 million exemptions (which by design can only benefit less than 0.5% of Yukon businesses) to broaden the reach of procurement-enabled business support.

Comments	This Recommendation seems beneficial and justifiable.
Recommendations	Support this Recommendation

- Ensure that future generations of Yukoners receive a fair fiscal return from mining and exploration by establishing a Yukon Heritage Fund. The Fund would allow for the intergenerational transfer of wealth such that royalties from non-renewable resources extracted today are paid forward to provide opportunities for future generations of Yukoners.

A Yukon Heritage Fund would provide a visible link between mining activity, royalty revenues from mining and long-term prosperity in Yukon, thereby enhancing sustainability and the industry’s social license to operate. The Fund could be used to minimize social and economic impacts resulting from the boom-bust cycles of the mining industry. Proceeds from a new Yukon payroll tax and/or a new industrial water tax could also be used to endow a Yukon Heritage Fund.

Since 2012, the Yukon Government has had the option to change its approach to resource

revenue offsets under territorial formula financing arrangements to match the approach used in the Northwest Territories. Under Yukon's current arrangements, the offset rate is 0% on the first \$6 million and 100% thereafter, meaning that the maximum amount of resource revenues Yukon can collect and keep is \$6 million, an amount too low to capitalize a Yukon Heritage Fund.

Under the NWT fiscal arrangements, the offset rate is 50%, capped at 5% of the Gross Expenditure Base used to calculate the territorial formula financing grant. Implementing the NWT approach would increase the amount of resource revenues Yukon can collect and keep to approximately \$54 million, opening the door to a financially viable Yukon Heritage Fund.

Comments	<ul style="list-style-type: none"> - This is a positive and desirable Recommendation. A Fund to capture resource royalties is especially desirable when dealing with the liquidation of natural capital from non-renewable resources such as minerals. Given the cost of natural capital, whatever financial capital can be recouped from royalties and rents needs to be kept as a public asset for the long term and not combined (and lost) within the general revenue of governments. A Trust would need to have built-in safeguards to make sure its capital will not be liquidated for short term political gain in the future. - Changes to the resource revenue offsets calculations with respect to federal financing arrangements would be essential to capitalize a Yukon Heritage Trust.
Recommendations	Strongly support this Recommendation

Additional Recommendations

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General Thoughts

- The Preamble to this Strategic Priority is based on a number of concepts that are not defined, and are subject to very different interpretations. These include social sustainability, environmental sustainability, and economic sustainability. This Strategy document would benefit from a glossary in which numerous terms, including these, are defined.

Strategic Priority 3. Regulatory process.

Establish effective, efficient and transparent environmental and regulatory processes.

In a globally competitive mining industry, a transparent and predictable environmental assessment and regulatory system is critical to attracting financing for mineral exploration and development. Conversely, regulatory complexity and uncertainty deter investment in exploration and development.

Borne of the modern treaties with Yukon's First Nations, the Yukon's environmental assessment

process was intended to be a one window approach to resource regulation. As the Yukon Water Board is not a Decision Body under provisions of the *Yukon Environmental and Socio-economic Assessment Act*, the Yukon continues to feature a dual-window approach to resource regulation.

As all placer and quartz mining projects require water licenses, the Yukon's mining sector is disproportionately affected by the duplication of regulatory efforts. Increasingly louder calls by the mining industry to streamline the Yukon's environmental and regulatory processes will not solve the underlying dual-window structural issue.

Designation of the Yukon Water Board as a Decision Body by the Yukon Government will go a long way to creating a single window for the environmental assessment of Yukon mineral exploration and development projects. The creation of a true one-window approach will rapidly advance constructive discussions about how to streamline the Yukon's environmental assessment process for mineral exploration and development projects in a way that is aligned with Yukon's modern treaties. A greater emphasis on utilization of established best practices would also streamline environmental assessments and preparation of decision documents.

Beyond the question of assessment and regulatory efficiency, the MDS Panel also suggests that more attention must be focused on monitoring and inspections following the issuance of permits. Additional financial and human resources are needed to achieve consistency and transparency for inspection and monitoring activities.

Effective progress towards reconciliation with Yukon First Nation peoples will require meaningful engagement with Yukon First Nations and communities beyond the initial permitting stage. Having permits in hand should not mean the end of conversations started to acquire mining and land use permits. Early and ongoing conversations, including First Nation roles in the monitoring and inspection of mining activities, help build trust and understanding and are important steps in engaging and consulting with Yukon First Nations.

More focus and financial support are required to bring environmentally positive technological innovations to mine sites. Remote technologies are changing how the environmental integrity of mining projects can be monitored in real time to avoid or reduce adverse environmental impacts. Applying new technologies and solutions, including solutions developed at Yukon University's Research Centre, will help make the Yukon a leader in practical and effective mining and remediation practices.

Recommendations

- The Yukon Government should designate the Yukon Water Board as a Decision Body under the *Yukon Environmental and Socio-economic Assessment Act* to create a true single window approach to the environmental assessment of Yukon mineral exploration and development projects.

Comments	<p>- The Panel is not clear as to why they think that making the Yukon Water Board (YWB) a Decision Body under YESAA will “streamline” the process; the text provided lacks pertinent information. We assume that they are referring to the general fact that <i>“Prior to a water licence application proceeding to public notice, most project must undergo an environmental and socio-economic assessment under the Yukon Environmental and Socio-economic Assessment Act (YESAA). The project confirmation form and YESAB decision document must be completed and submitted as part of the water licence application.”</i> (Text from YWB webpage).</p> <p>- Placing the YWB directly in the assessment review, and decision-making, processes under YESAA would only shorten timelines on regulatory decision-making if the work of the YWB can happen concurrently with the other assessment work of YESAB and its staff and if the outcome is effective, and wins the confidence of members of the public. It is not at all clear, with the information presented here, that dealing with a water license application (the main work of the YWB) can occur before the work of YESAB is complete and the resulting conditions have been laid out, with acceptance by the Decision Bodies under YESAA. Those conditions may often be parameters around and within which a water license is drawn up.</p> <p>- Instead of recommending amendments to YESAA, why hasn’t the Panel provided a critique of the YWB’s policy/process outlined in the italicized text above? The YWB clearly requires certain information in order to make decisions; it is the Decision Body under the YWA. The Panel needs to demonstrate that the current sequential approach to decision-making by different Decision Bodies can logically be changed while still satisfying the necessary flow of information and regulatory decisions that are logically required by Decision Bodies.</p> <p>- The rhetoric around “single-” compared to “dual-window” approaches to regulatory approval is not helpful because it converts the discussion into a metaphor which misses the primary issue at hand, which seems to be logical sequencing of decisions.</p>
Recommendations	<p>We do not support this Recommendation. It is being presented without sufficient reasoning. Also, the supposed “solution” (amendment to YESAA) doesn’t acknowledge or address the fundamental policy and process issue established by the YWB which leads to sequential reviews and decision making. The supposed “solution” of “one-window” regulation is therefore likely to be illogical and ineffective.</p>

- The Yukon Government implement the recommendations in the recent PricewaterhouseCoopers report on regulatory duplication prepared for the Yukon Minerals Advisory Board. Key recommendations consider:
 - improvements to project coordination between the Yukon Government, the Yukon Water Board and the Yukon Environmental and Socio-economic Assessment Board by having the Yukon Government establish a major project manager role to work with quartz project proponents from the time of project proposal submission through to license issuing. The project manager would help proponents understand the assessment and regulatory processes and promote coordination and understanding among assessors and regulators within the public sector.

Comments	<p>- Making the assessment, regulatory, and licensing processes more transparent with regard to their internal mechanics plus how they are related to one another across agencies (YESAB, YWAB, YWB) would be a good thing.</p> <p>- Each of the assessment and licensing bodies can readily lay out its rules of procedure and process (e.g., YWB Rules of Procedure) and have staff who can readily explain those to proponents. Government can increase the transparency and information flow by producing documentation and media that clearly lay out process and procedure for proponents to follow in dealing with multiple agencies. The production of such media should be sufficient for proponents to follow.</p> <p>- Government should not take on a major project manager function, however, for two main reasons: (i) such a role puts government in a conflict of interest by appearing to promote and even advocate for a</p>
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	particular project in the communications and facilitation exercises it enters into on behalf of the proponent (government is supposed to be neutral with respect to assessment and licensing as it is often the Decision Body; (ii) this is an unnecessary addition to the territorial bureaucracy.
Recommendations	We do not support this Recommendation, because it puts the Territorial Government in a conflict of interest. In addition, there is a cheaper way to increase information flow and transparency, than adding to the bureaucracy with government-employed advocates for industry. Government can direct YESAB, YMAB, and YWB to jointly provide a comprehensive guide to regulatory processes that would, in a single updatable document, provide the necessary transparency if available digitally through a government website and through regulatory bodies.

- o clarified project scoping by the Yukon Environmental and Socio-economic Assessment Board to reduce the potential for overlap and duplication between assessment and regulatory processes.

Comments	- Clear communications and documentation laying out rules of procedure and process are certainly necessary and desirable. If YESAB does not communicate these well, then improvements are warranted.
Recommendations	Support this Recommendation

- o clarified adequacy requirements for project proposals by establishing clear guidelines as to what is required for an “adequate proposal” and clear guidance on when environmental and socio-economic effects are to be considered significant.

Comments	<p>- This Recommendation assumes that concepts such as “adequacy” and “significance” are primarily technical, with logically determined bounds, and so can be laid out with clear boundaries or thresholds. That is not the case. These are concepts that are defined with a mix of technical criteria and, also, socially derived value judgement. Whether or not a proponent has provided all the information for an adequate assessment can be determined to some extent in advance, given direction, from among others things, land use plans, and known and likely influences of surface disturbance, water pollution, increased housing demand, etc.. However, reflection, by affected parties, assessors, and the public, can reveal prominent issues that were not immediately evident to all concerned. Regarding significance of impacts, many socio-economic concerns have significance that varies among different sectors of the community. No one set of guidelines, produced up-front, is going to give necessary and sufficient information for proponent to assess adequacy and significance.</p> <p>- What this means is that, discussions between the proponent and affected parties, notably First Nation governments and community groups, by way of exploring and advancing a Benefits Agreement, are crucial in the mineral development cycle. Those discussions will go a long way to defining adequacy and significance, in the context at hand.</p>
Recommendations	We only support this Recommendation in part. We agree that providing as much information as possible regarding the criteria and bounds of adequacy and significance is worthwhile. However, it would be naïve to expect that all requirements could be laid out in a fixed set of guidelines that would fit all cases.

- o improved communication opportunities between project proponents and staff from the Yukon Environmental and Socio-economic Assessment Board and the Yukon Water Board, including possible amendments to the *Waters Act* to remove restrictions on Yukon Water Board members and staff to communicate directly with project proponents.

Comments	- Some degree of increased communications between proponents and assessors may be warranted, to
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	<p>give both parties an improved understanding of the scope, issues, and possible significance of the project. Site visits by YESAB staff are a key example.</p> <ul style="list-style-type: none"> - However, restrictions on levels of direct communication between project proponents and assessors have a purpose – to maintain the objectivity of the assessment. At present, communications are not prohibited; they generally have to be other than in person, and mediated through the Secretary in the case of the Yukon Water Board (Rules of Procedure). There is no obvious need to change such arrangements. - The Panel has copied this recommendation from the PwC Report without reference to where in the Yukon Waters Act there is room for amendment. The question of communications is dealt with in the YWB Rules of Procedure, but where in the Act?
Recommendations	We support the need for site visits by assessors on YESAB staff. We do not see value or need for major expansion of direct communications between proponents and assessors.

- In addition to the enhanced project coordination role proposed by PricewaterhouseCoopers for Major Projects Yukon (for Executive Committee screenings) or Mining Lands Officers (for Designated Office evaluations), it is recommended that the project coordination role of Major Projects Yukon be expanded to provide comprehensive information to proponents to facilitate positive First Nation engagement and consultation processes, including arranging introductory meetings between proponents and appropriate First Nation representatives when requested to do so.

Comments	<ul style="list-style-type: none"> - Government should not take on a major project manager function, for two main reasons: (i) such a role puts government in a conflict of interest by promoting and even advocating for (or at least appearing to do so) a particular project in the communications and facilitation exercises it enters into on behalf of the proponent. (Government is supposed to be neutral with respect to assessment and licensing as it is often the Decision Body); (ii) this is an unnecessary addition to the territorial bureaucracy. - There is no particular reason why the Territorial government should employ someone to do the job of enhancing communications between the proponent and First Nations. Industry should be able to do that itself. - Government can provide assistance to proponents in the necessary communications by working with First Nations governments, and/or CYFN, to put in place documents that lay out necessary and sufficient protocols for communication and engagement.
Recommendations	We do not support this Recommendation

- The Yukon Government address the effects of having delegated decision-making authority to more than 12 departments and branches for purposes of Designated Office evaluations. Greater clarity of roles and responsibilities among the Yukon Government's delegated Decision Bodies, the Yukon Environmental and Socio Economic Assessment Board and the Yukon Water Board is required if assessment efficiency is to be improved. To help achieve greater clarity, the Yukon Government, Yukon Environmental and Socio-Economic Assessment Board and the Yukon Water Board should create project charters and swim lane diagrams at the start of every mine project assessment that define roles, responsibilities and timelines for each agency and the proponent to follow.

Comments	- There is value in government establishing a flow chart (no need for fancy jargon such as "swim lane
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	<p>diagram”) illustrating the ways different departments and designated offices would fit into the assessment and regulatory process. This should be standardized for different categories of project or different categories of assessment. It would be part of the single source of comprehensive information on regulatory processes (six bullets above), mandated and maintained by the Territorial Government.</p> <p>- The Panel fails to provide any reasoning about the idea of a “project charter”. What is such a document? What would it accomplish?</p>
Recommendations	<p>-Support the notion of publicly available (web-based), regularly updated, and comprehensive documentation and flow charts re: regulatory process.</p> <p>-Do not support the unexplained idea of a project charter.</p>

- Upon completion of a project, the swim lane diagram and decision documents should be audited by the Yukon Government to identify and prevent mandate creep among Yukon’s assessment and regulatory authorities.

Comments	- Auditing is not a government function; if done at all, it should be done by an impartial third party
Recommendations	Do not support government taking on the role of auditor

- The Yukon Environmental and Socio-Economic Assessment Board should complete and implement the “pre-submission engagement” process currently under development, in part to help surface any competing priorities. Annual independent audits of the efficacy of the “pre-submission engagement” process should also be conducted to assist both government regulators and project proponents to achieve best-practice standards.

Comments	<p>- A “pre-submission engagement” process is generally a good idea, and should include interactions with First Nations governments. It is a desirable process to scope issues and adequacy concerns. This should be the purview of the YESAB.</p> <p>- It does not seem appropriate to talk about “auditing” a bureaucratic process that lacks specific regulatory or fiscal outcomes, and has no fixed template or scheme against which performance can be measured. The “pre-submission engagement process” would benefit from “reviews” by participants to evaluate effectiveness.</p>
Recommendations	<p>Support the Recommendation of establishing a “pre-submission engagement” process.</p> <p>Do not support the notion of auditing the process.</p>

- The Yukon Environmental and Socio-Economic Assessment Board and proponents should adopt the Gowlings WLG 2020 recommendation to broaden the scope of a proposed project to include likely future minor modifications in order to reduce reassessment possibilities for minor project amendments.

Comments	- This might be appropriate for some projects. Proponents need to be forthcoming, in pre-submission engagement, as to the full scope of a project in an ideal (to the proponent) project implementation. Incremental additions to project scope after initial acceptance, are not easily dealt with because they could vary widely in impact, therefore, decisions about whether or not they need re-assessment cannot be made simply.
Recommendations	Generally support this Recommendation

- In conjunction with the Yukon Environmental and Socio-Economic Assessment Board and the Yukon Water Board, the Yukon Government should undertake a legislative and

regulatory review of the feasibility of establishing a mining district or zone approach to mining development project assessments and permitting. Such a holistic approach would mitigate the need for Decision Bodies to ask the Yukon Environmental and Socio-Economic Assessment Board to review minor changes to an established mining plan for a district or zone to permit development of newly identified deposits. Such an approach would be restricted to changes involving similar types of mineralization and host rocks, minor changes to the mining or extraction processes and changes which do not result in cumulative environmental impacts that exceed limits set by the decision documents for the established mining plan.

Comments	<p>- A mining district or zone approach to assessment and permitting should not be supported. Such an approach puts lines on a map within which activities would be assessed, cumulative impacts assessed, and incremental addition of activities permitted up to some level(s). However, lines on a map are artificial designations of geography when it comes to assessments of impacts, especially cumulative impacts. Those impacts do not respect the boundaries of a mining zone approach, and should not be measured just within such zones. For example, water pollution would have potential impacts far downstream and well outside any mining zone. Cumulative impacts of human footprint have to be measured with respect to a zone of influence around a mine, and it would often happen that much of that zone of influence fell outside the mining zone within which the mine was located. The ability of a community to deal with the socio-economic disruption of new mines requires an integrated assessment of cumulative impacts over a wide hinterland, and that hinterland is unlikely to coincide with a “mining district”. Also, different mining projects within the same “mining district” would involve different kinds of impacts depending on how they were arrayed in time and space, and no one set of thresholds or limits to activity would necessarily be valid across all projects.</p> <p>- A zoning approach for tallying impacts and cumulative effects of mining is already available through land use planning, and the landscape management unit designations laid out in final land use plans. These often include legally enforceable measures of cumulative impact, and are sufficient for addressing this issue.</p>
Recommendations	Strongly disagree with this Recommendation

- The positive and negative socio-economic impacts of major mining projects should be addressed by including a requirement for improved assessment of cumulative effects and heritage impacts, either by the Yukon Environmental and Socio-Economic Assessment Board or by Decision Bodies.

Comments	<p>- The need for improved assessment of cumulative effects and heritage impacts has long been a concern. Yes, there is a need to better deal with these issues. However, Yukon generally lacks Yukon-based scientific evidence to determine the specific limits to development that would avoid detrimental cumulative effects to valued ecosystem components or heritage values. That science is gradually being explored with field studies. Until more scientific evidence is available, we will not be able to deal with cumulative effects in a satisfactory manner. In the interim, other social processes and the local information they reveal (e.g., land use plans, discussions regarding Benefits Agreements, YESAB reviews) can be used to answer the question of “acceptable limits to development”.</p> <p>- Cumulative impacts happen over larger geographic scales than most individual mining projects. The individual project assessment and permitting processes are not the most reasonable scales at which to deal with cumulative effects. Cumulative effects should be a mandated focus of regional land use plans, such that those plans provide clear direction to YESAB and Decision bodies concerning thresholds and limits to development within which cumulative effects should be managed (on a landscape management unit basis).</p>
Recommendations	This Recommendation is well intentioned, but needs re-drafting to make it useful in terms of recommending what government can do better to provide evidence with which cumulative impacts

	measures can be based, and in terms of pitching the recommendation at the most useful institutional and geographic scales. As written, it is naïve with respect to scale and institutional process.
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- Regulators should be empowered to more thoroughly address positive and negative socio-economic considerations in licenses and permits in the modernized mineral resource legislation. The accompanying licencing regulations must also enable the use of innovative practices and technologies that support outcome-based environmental performance with reference to industry best practices.

Comments	<p>- Yes, there is a substantial variety of guidelines, standards, and best practices aimed at improving the environmental and socio-economic performance of the mining industry, and reducing risks. Yes, it would be valuable to have some of these built directly into the conditions, permits, and licences under which projects are approved.</p> <p>- However, there is no such thing as one set of “industry best practices”. In fact, there are competing sets of practices, with varying likelihood of achieving real reduction in risk of negative impacts from mineral exploration and development.</p> <p>- This Recommendation is therefore difficult to interpret and turn into a useful initiative. Who is going to decide what standards, guidelines, and practices should be adopted in Yukon?</p>
Recommendations	We cautiously support this Recommendation, noting that it may prove relatively useless to Yukon if government and industry implement standards, guidelines and practices that are not the most rigorous at reducing risk from mining. Measures advocated by industry may not be the best for the environment and communities because industry is always looking to reduce costs.

- While the efforts to improve the transparency of mining inspections by posting the results of water licence-related inspections on the WATERLINE website are acknowledged by the MDS Panel, Yukon Energy, Mines and Resources should go further and post all mining inspection reports online. The online reports, whether posted on WATERLINE or another web-based site, should be project-specific and include warnings issued and company compliance/non-compliance with mine permit conditions.

Comments	This is a useful and positive Recommendation
Recommendations	Support this Recommendation

- The establishment and enforcement of performance standards that apply across Yukon and First Nation governments and require regular, timely and transparent inspections and monitoring of mine operations. Introduce in-field digital data collection and reporting technologies to support the achievement of the performance standards and real-time web-based reporting to the public. Provide training support to inspectors to ensure effective adoption of the new performance standards.

Comments	This is a useful and positive Recommendation
Recommendations	Support this Recommendation

- The establishment and application of minimum qualification and experience standards for Yukon Government inspectors to ensure mining inspections are conducted in a fair and consistent manner, especially for large-scale and complex projects.

Comments	This is a useful and positive Recommendation
Recommendations	Support this Recommendation

- A range of enforcement tools be built into the modernized mineral resource legislation to allow inspectors to effectively and efficiently address non-compliance with licenses and permits.

Comments	This is a useful and positive Recommendation
Recommendations	Support this Recommendation

- The establishment of clear lines of accountability within Yukon Energy, Mines and Resources to support adaptive management decisions made by front line staff including mining inspectors.

Comments	<ul style="list-style-type: none"> - This Recommendation is too obscure to be clearly interpreted. - Adaptive Management is “a structured, iterative process of robust decision-making in the face of uncertainty, with an aim to reducing uncertainty over time via system monitoring” (definition on Wikipedia taken from established texts on this topic). It is a process, within which decisions can be made, but by a consensus of those doing the system monitoring, not on a short-notice basis. It is a process established to learn from the application of certain management regimes within a system, and such learning can only happen with careful and repeated monitoring of the system. - As written, this recommendation suggests that front line staff would have the option of fairly ad hoc and immediate decision-making in the field with regard to compliance and enforcement. That is not adaptive management. - It seems that clear lines of accountability within EMR are necessary no matter the context for decision-making by front line staff who have compliance and enforcement responsibilities and powers. - So, what are the decision-making contexts that the Panel is trying to address with this recommendation?
Recommendations	This Recommendation cannot be evaluated as written. It states the idea of “adaptive management decisions”, something that does not make sense in an “adaptive management process”. It needs much better explanation.

- Energy, Mines and Resources be provided with the resources to evaluate and refine approaches to the co-inspection of permits and mining activities by Yukon Government and Yukon First Nation inspectors, and to expand the co-inspection joint stewardship pilot project to include all interested First Nations.

Comments	This is a useful and positive Recommendation
Recommendations	Support this Recommendation

- The full delegation of regulatory enforcement tools to Yukon First Nation inspectors should be built into the modernized mineral resource legislation.

Comments	This is a useful and positive Recommendation
Recommendations	Support this Recommendation

- Any residual responsibilities for the promotion of mineral development should be transferred from Yukon Energy, Mines and Resources to Yukon Economic Development. The mandate transfer will address the conflict of interest inherent in the same department have responsibility for both mineral sector development and regulation. Reinforce the mandate change with a public communication initiative to improve transparency and competitiveness with other mining jurisdictions.

Comments	<ul style="list-style-type: none"> - Overall, this is an important and positive Recommendation, because it partly addresses a conflict of interest that is currently baked into the Ministry of Energy Mines and Resources - The way it is written needs clarification. What are “residual responsibilities”? Why only residual responsibilities? Why not all responsibilities for the promotion of mineral development? - The underlying problem of conflict of interest (promotion vs. regulatory responsibility) will not be adequately addressed just by moving staff between Departments within YTG. The Department of Economic Development must have a different Minister than the Department of Energy, Mines and Resources for this to work. The Minister is the ultimate decision maker, holding the responsibility for the decision. The conflict of interest is most acute at the level of the Minister, so two different Ministers have to be involved – one for each Department.
Recommendations	We cautiously support this Recommendation noting that its apparent intent is worthwhile, but the way it is expressed and explained is insufficient to resolve the problem it is trying to resolve.

Additional Recommendations

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General Thoughts

- The preamble to this Strategic Priority talks about the need for a transparent and predictable regulatory regime. These are not the priority considerations that a regulatory regime is established to achieve. They might be priorities for industry, but they should not be the priorities for the regulatory regime or the public.
- A regulatory regime is established to determine the risk that a proposed project brings for environmental and social sustainability. The key considerations need to be: is the regulatory regime doing a good job of assessing risk; does it appropriately decide when a project should or should not be allowed to proceed; does it establish the necessary and sufficient permitting conditions to minimize and mitigate risk? A regulatory regime needs to be evaluated based on its effectiveness in satisfying these considerations.
- Outcomes of a regulatory regime can be transparent in terms of reasoning and documentation. They cannot be predictable in advance; an assessment process needs to have the option of rejecting a proposal.
- The Panel makes no effort to illustrate and provide means to support these important reasons for a regulatory regime. Instead, it is proposing an agenda of change that is largely driven by industry interests.

Strategic Priority 4. Investment climate.

Operate within an attractive investment climate which supports competitive and innovative mineral development enterprises.

Yukon has tremendous mineral resource potential, but this alone is not enough to guarantee that investment and mineral development will occur. Modernized Yukon mineral resource legislation, respectful and collaborative relationships with Yukon First Nations as well as improved regulatory clarity and certainty are all prerequisites for the Yukon to compete for global investment capital.

Investors hate uncertainty. In recent years, a number of legal and regulatory decisions have resulted in staking moratoriums and delays to Yukon exploration and development projects. Certainty of land tenure and the belief that economically viable projects can proceed are fundamental to investor confidence. Until land use plans are completed in all parts of the Yukon, mining industry proponents and investors will remain uncertain as to whether or not there are potentially un-mitigatable concerns about any given exploration area or mining project. Completion of land use planning will give governments and industry greater confidence as to which roads are likely to be needed to support mineral development.

During the course of engagement, the MDS Panel heard concerns from all corners about the current mineral claim situation in Yukon. Some presentations from industry suggested that large, relatively unexplored claim blocks often include areas that other explorers might wish to look at for different minerals or deposit types. Others observed that rock-bottom annual work requirements mean that little work is needed to maintain claims in good standing and that low annual payments-in-lieu of work often makes it more cost effective for owners of small claim blocks to do no work at all.

Some mineral deposits and highly prospective placer ground have been held for many years while receiving little or no work. If more claims were to expire, more prospective ground would be available for staking by new entities that might develop it or at least explore the targets faster and more thoroughly. First Nations people and others expressed concern that staked claims diminish the value of the land for other uses and that some claims threaten wildlife habitat and cultural sites. Others pointed to claims being staked simply so that roads can be constructed more easily or so that cabins can be built without proper authorization.

It is clear that the Yukon can do much more to bolster the investment climate for the mining industry. Cross-industry initiatives can help make Yukon a sought-after destination for national and international investments in sustainable and ethical mineral exploration and development. Investors and regulators world-wide are paying increasing attention to the environmental and

social policies and practices of companies in all economic sectors, especially companies involved in resource extraction.

One of the most critical factors identified by participants in the Yukon Mineral Development Strategy engagement process was the need for clarity around land access to mineral claims. Improved certainty is required concerning when and where roads and trails can be constructed and what assistance, if any, is available from government to assist with construction.

Infrastructure gaps were also noted in many high potential mineral zones in Yukon. The gaps include the lack of cost-effective electrical energy and incomplete communications infrastructure. The infrastructure gaps have significant impacts on capital and operating costs for companies undertaking exploration and development activities and are considered to be serious impediments to mine development. In many cases, infrastructure upgrades would benefit all Yukoners.

The need for incentive programs, supportive taxation regimes, reliable and readily accessible environmental science and heritage data, as well as geoscience data in general, were also referenced by engagement participants as being important contributors to the creation of an attractive and competitive investment climate in Yukon. Public geoscience maps, data and reports reduce the cost and risk of exploration by allowing prospectors and companies to identify areas of high mineral potential, reducing the need to spend time and money exploring less prospective ground. Geoscience information also informs government policy decisions for land use planning, infrastructure development and environmental protection.

Creating an investment climate which supports competitive and innovative mineral development enterprises requires a multi-faceted approach involving industry support, modernized land access and enhanced strategic knowledge.

Recommendations

Land Access and Planning

- Direct additional resources necessary, including some of the not-as-yet allocated \$360 million in federal and territorial funding for the Yukon Resource Gateway Project, to expedite the completion of the remaining Yukon Regional Land Use Plans envisioned in the Umbrella Final Agreement: Dawson, Northern Tutchone, Kluane, Whitehorse, and Teslin. To the extent possible, regional planning processes should be undertaken concurrently rather than sequentially and all Plans should be completed within the next five years.

Comments	- Yes, getting land use planning done is an important undertaking for the territory, and needs to be better resourced and supported. It would be foolish to attempt more than two processes concurrently. Many First Nation traditional territories overlap a number of planning regions; a First Nation
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	<p>government does not have the capacity in people or finances to address more than one process at a time. The set of knowledgeable Yukoners who could be appointed to Commissions, who could put together the necessary technical information for a Commission, and who could support Commissions in their deliberations and planning processes, is limited. The notion of completing the 5 outstanding plans in 5 years with sufficient resources, care, and attention is far too ambitious.</p> <p>- Land use planning is a critical process for just and adequate adherence to the spirit and intent of the Umbrella Final Agreement, and for reconciliation. It takes time, and needs to be done well. Frustration on the part of industry should be a driving concern in timelines.</p>
Recommendations	<p>Support providing more resources to the Yukon Land Use Planning Council to get up to two planning processes going concurrently.</p> <p>Do not support the un-realistic timeline of all Plans completed within the next 5 years</p>

- Assist the Regional Land Use Planning Commissions by ensuring ease of access to the spatial data already collected (e.g., mineral, forestry, wildlife, heritage trails, historic sites) in a centralized geographic information system housed by a Joint Secretariat structured as a special operating agency co-founded by the Yukon and Yukon First Nation governments. Within appropriate data sharing protocols, include data already collected by Yukon First Nations.

Comments	<p>- The notion of establishing a new agency – a Joint Secretariat – for land use planning would be redundant and a waste of taxpayers resources. Yukon already has such a body – the Yukon Land Use Planning Council - mandated by the Umbrella Final Agreement. This is a body jointly controlled by Yukon Territorial and First Nation governments. It has a previously negotiated mandate to promote and pursue new land use plans, including administration of their funding and data. It generally has the trust of the First Nations governments. For the Yukon government to push for a new body, outside the mandate of the UFA, would be a waste of time and likely the subject of a great deal of suspicion.</p> <p>- There is already a sufficient Government body – Geomatics Yukon – housing many of the data sets required for land use planning, and accessible to all Parties in a planning process. Additional data sets, including those inherent to First Nations, do need to be brought forward, compiled and ultimately shared in land use planning processes, so resources should be made available to do this well.</p> <p>- The recommendation is a bit naïve in that it is aimed only at the Planning Commissions. Yes, Commissions need to be adequately resourced, and that means better funding for the Yukon Land Use Planning Council, the body that does a lot of work to bring syntheses of information to the Commissions, and administers funds for the Commissions. However, land use planning processes are government-to-government processes. So, the recommendation should be aimed at the Governments, and specifically address the question of how well resourced are the governments (i.e. the Parties to the planning) in compiling, mapping, and presenting the information that they see as essential to the process.</p>
Recommendations	<p>- Support the provision of more resources to the Parties in planning processes to bring forward the necessary information and mapping for good decision-making.</p> <p>- Reject the Recommendation of a new body called a Joint Secretariat</p>

- Assist the Regional Land Use Planning Commissions by establishing time-limited staking moratorium parcels to tightly encompass specific high-value environmental, social and cultural attributes in a planning area upon initiation of a Chapter 11 regional land use planning process. The parcel-specific staking moratoriums should be withdrawn before completion of a regional land use plan if it becomes clear that areas will be designated, in whole or part, to allow mining development in the Final Regional Land Use Plan and that the Parties are in agreement with the designation. A proactive approach to identifying staking prohibition zones at the beginning of regional planning processes will reduce a major source of uncertainty for the industry and a significant concern for First

Nations, non-governmental organizations and Yukoners in general. Similarly, early recognition of areas where mining development will be permitted will provide certainty to industry.

Comments	Yes, moratoria on staking within land use planning regions need to be an essential components of land use planning processes. The Panel recognizes that the lack of such moratoria in the past has prejudiced the outcomes of land use plans. However, the Panel tries to down-play this recommendation by making such moratoria “time-limited” and “parcel-specific”. A moratorium can only work if it is for the full planning region, and for the duration of the planning process. No entity can make arbitrary decisions as to what portions of a region are more or less likely to be controversial or valuable, in their ultimate and use designations, until the full process is completed. Plans go through a number of stages of proposal and review, and substantive changes occur along the way
Recommendations	Modify this Recommendation so that it establishes the responsibility for Yukon Territorial government to set up a moratorium on mineral staking at least as soon as the YLUPC makes public its decision as to when a land use planning region will be subject to a planning process (without waiting until the planning process actually gets started). The moratorium should apply to the entire planning region and last until the a Final Recommended Land Use Plan is ratified by all Parties.

- Facilitate the negotiation and implementation of contract-based arrangements for the management of lands and permitting of resource development activities with First Nations, including trans-boundary First Nations and First Nations that have not yet established a modern treaty.

Comments	This Recommendation is quite vague and potentially inflammatory and wasteful. What is meant by “contract-based arrangements”? One interpretation of the word “contract” is that the Territorial government contract (with legal ramifications) First Nations governments to undertake land management and resource permitting processes within timelines and to standards established by the contracts. This is an insult to the independence of First Nation governments who have signed agreements under the UFA. As a result of those agreements, these governments are already involved in referral and joint management processes with the territorial government; there is no need to formalize them in contractual relationships that have an automatic power structure built into them. Such a Recommendation is also potentially insulting to any First Nation with un-ceded title to its territory.
Recommendations	This Recommendation is too vague to be useful, and would appear to be a waste of time.

- Introduce clear, consistent and specific constraints on land access and the existing free entry system to provide greater investment certainty and enhance the mining sector’s social license to operate. Legislative adjustments must include:
 - specific constraints on free entry, including prohibitions from prospecting and staking on Category B lands, lands held in fee simple title and lands within municipal boundaries, without the written consent of respective Yukon First Nation, landowner or municipality. The constraints should extend to the staking of placer claims over existing quartz claims and vice versa without consent of the prior owner.

Comments	Yes, there should be no staking and/or prospecting on privately owned lands or within municipal boundaries
Recommendations	Support this recommendation

- continuation of the Class 1 exploration notice process, with adjustments to exclude from notification “low impact, non-mechanised” prospecting activities on Commissioners’ lands. Such non-mechanized activities would include geological mapping, prospecting and geochemical and geophysical surveys conducted without line-cutting.

Comments	We disagree with this Recommendation. All Class 1 exploration activities, no matter whether mechanized or not, should be subject to public notification and the principle of free, prior, and informed consent (FPIC) for all Yukon citizens.
Recommendations	Reject this Recommendation

- the addition of reconciliation to the list of reasons the Yukon Government may use to justify a prohibition of entry order for prospecting, staking and mining under the *Quartz Mining Act* and the *Placer Mining Act*. For example, Part 2 of the *Quartz Mining Act* provides the statutory authority to uphold socio-economic and environmental values identified in the United Nations Declaration of the Rights of Indigenous People and to respect modern treaty rights.

Comments	Yes, “reconciliation” should be included as one of the criteria with which Yukon Government can prohibit mineral exploration and development activities
Recommendations	Support this Recommendation

- a reduction in the maximum size of claim groupings for assessment filings. ○ an escalation of annual assessment work requirements over time for both placer and quartz claims and a doubling of escalated payments-in-lieu for quartz and placer claim assessment costs to encourage claim owners to explore more quickly and not sit on large claim blocks without assessing mineral potential.

Comments	Yes, there needs to be more onus on claims holders to explore the claims, or otherwise be forced to allow them to lapse
Recommendations	Support this Recommendation

- the forced conversion of quartz and placer claims, 30 years after staking, to mineral leases subject to significant annual advanced royalty payments in place of annual assessment charges.

Comments	Yes, after 30 years of being staked, claims should be required to pay higher fees for retention by claim holder, or be forced to lapse
Recommendations	Support this Recommendation

- a prohibition of claim staking solely for the purpose of securing road access or to link separate claim blocks.

Comments	Yes, the use of claims to protect a road or other access corridor, or for other non-mineral related purpose, should be disallowed. This would probably mean requiring claims holders to demonstrate specific annual investments in mineral exploration on any claims that might fall into this category.
Recommendations	Support this Recommendation

- Increase funding for the Yukon Geological Survey to ensure that regional mapping and assessment of mineral resource potential are completed ahead of or in conjunction with land use planning initiatives. Funded activities should be expanded to include identification and categorization of wetlands and areas at high risk due to climate change.

Comments	Yes, the availability of up-to-date regional mapping of mineral potential is crucial for good land use planning. To that extent, the Yukon Geological Survey requires solid funding, and/or direction to make this activity a priority. However, a land use planning process requires much more than just mapping of mineral potential: it also requires mapping of ecosystems, key wildlife values, heritage values, tourism values, and an up-to-date mapping of the human footprint (trails, roads, clearings, etc.). We agree that wetland mapping is another necessary data layer for good land use planning, especially in the context of mineral development. It is not clear that the Yukon Geological Survey should be tasked with this responsibility. Yukon Environment currently is charged with leading the development of a wetland policy, and also houses much of the wetland-related mapping done to date in the territory. It is noteworthy that Yukon Government, as a whole, lags in the mapping of wetlands; the lead agency pursuing this task, which is so important for society as a whole, is Ducks Unlimited Canada – a non-governmental organization. The Lands Branch in Yukon Energy, Mines, and Resources would be a suitable agency, in conjunction with Yukon Environment (who have already done some of this work), for being custodians and charged with regular updates to the Human footprint. EMR Lands Branch now has to do this as part of its planning and oversight of the new Off-Road Vehicle Management Area regulation
Recommendations	We support the Recommendation to increase funding to YGS and/or get the YGS to prioritize mapping of geological potential. We recommend, however, that Yukon Environment be given improved funding, and a directed mandate, to produce wetland mapping for the Territory. We recommend that, Yukon EMR Lands Branch and Yukon Environment jointly develop and regularly update the human footprint mapping, which is essential for land use planning.

- Authorise online map staking to bring Yukon in line with staking practices now prevalent in Canada as part of the modernized mineral resource legislation. Online map staking will provide greater assurance of land tenure, improve safety and bring environmental benefits. Online staking will also allow the Yukon Government to uphold its court-confirmed obligations to provide advance notice to Yukon First Nations of potential on-the-land exploration activities.

Comments	Online staking of claims has risks and benefits. It could provide greater assurance of land tenure because stakes – the present means of assuring tenure – can get lost, removed, subverted, etc. It could improve safety because personnel would not have to travel by air or foot in rough terrain. It could provide environmental benefit by removing the need to use aircraft to disperse stakes, and move personnel around, often with considerable disturbance to wildlife. The major risk is that staking is made so easy that the whole countryside becomes rapidly staked, and therefore prejudiced in perceived “ownership” before land use decision-making occurs. Therefore, on-line staking absolutely needs to be done in conjunction with very substantial fees, likely a bond, to significantly reduce the
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	chances of nuisance staking (see two bullets below). Another consideration is to establish a phased approach (see one bullet below) wherein on-line staking is first made available for regions where land use planning has already made decisions about land use designations (Peel, North Yukon, and soon Dawson), and for other regions only after problems with the initial roll-out may have been identified.
Recommendations	Cautiously support this Recommendation. Strongly urge a phased approach to roll-out, so that regions lacking official land use plans are not subjected to nuisance claims.

- Given the complexity of introducing a comprehensive electronic system to manage online staking, claims and mining land use, a phased approach for implementation is suggested. The initial phase should focus on quartz claim staking, claim management and permit submissions, followed by placer claim staking and management at a later date. Look to the Newfoundland and Labrador system as an example of a tried, tested and improved approach that integrates claim staking, assessment and fee collection as well as inspection functions.

Comments	Yes, a phased approach should be taken. We recommend phasing based on geography, with regions having ratified regional land use plans in place receiving first roll-out of on-line staking. Yes, quartz staking in advance of placer staking.
Recommendations	Cautiously support this recommendation

- The new online staking system must also feature mechanisms to prevent nuisance staking, including a sizable cash deposit to be reimbursed when actual work is carried out on the claim. The reimbursement provisions could be subject to decisions yet to be made regarding possible use of staking fees for security bonding.

Comments	Yes, on-line staking runs a very large risk of nuisance staking. This must be countered with the requirement for a large investment up front by the potential staker, in the form of a fee and/or bond.
Recommendations	Cautiously support this recommendation

Industry Support and Incentive Measures from the Yukon Government

- Establish the Yukon Mineral Exploration Program in regulation and allocate core funding of \$2.5 million for three years to provide certainty to the mineral industry.

Comments	<p>In general, we are opposed to subsidies from government to the mineral industry. It is not clear why an industry that promotes itself as being part of the free market economy cannot exist without large investments and subsidies from taxpayers. This is particularly unjust for a number of reasons: (i) the industry continues to leave a legacy of environmental liabilities in the form of roads and trails, un-reclaimed surface disturbances (trenching, borrow pits, and clearings), acid rock drainage (from tailings ponds, exposed tailings, bed rock exposures, and adits); (ii) a large part of the value of the natural resource extracted is lost to the taxpayers of Yukon. In essence, these subsidies and government handouts amount to the public paying a business to take away some of what the public owns, give it to a select group of people elsewhere in the world, leave a mess for the public to clean up, and claim that it is all worthwhile because a subset of the public made a living along the way.</p> <p>With regard to this Recommendation, a funding program should not be established in regulation. To</p>
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	put it in Regulation is completely at odds with government's responsibility to its citizens first, not the private sector.
Recommendations	We strongly disagree with this recommendation

- Continue to fund the Yukon Mining Alliance and the Yukon Chamber of Mines who are actively promoting the Yukon's mineral potential at the national and international levels. Enhance funding support for Yukon First Nation participation in mining promotion activities.

Comments	By funding the Yukon Mining Alliance and the Yukon Chamber of Mines, government makes worse its inherent conflict of interest when it comes to management of natural resources. Government's responsibility is the sustainability of the natural environment. In general, mineral exploration and development erode that sustainability and put it at increased risk. Government has to weigh that loss of value and increased risk against the value accrued from the development. By fiscally supporting the agencies leading the development, government prejudices its ability to act and think impartially when it comes to adjudicating risk. Government should not be funding these agencies.
Recommendations	We strongly reject this Recommendation

- Design and implement tax-based exploration incentives for designated geographical areas, similar to Saskatchewan's Targeted Mineral Exploration Incentive program. Investigate measures to create incentives to explore for critical metals (metals considered rare in supply or of strategic importance).

Comments	Government should not be subsidizing the mineral exploration industry (see bullets above).
Recommendations	Reject this Recommendation

- Establish clear compensation rules for existing mineral claims stranded by land use planning exercises to protect Yukon's reputation as a secure jurisdiction for mineral investment.

Comments	This Recommendation is biased and vague. It is biased because it uses the word "stranded", implying that the claims in question were unjustly made unavailable by land use planning under the UFA. The outcomes of government-to-government treaties, such as the UFA, have legal precedence over acts of governance regarding land-based natural resources (e.g., mineral staking) instituted by just the Territorial government. So, the claims may lose their current value, but this outcome is no more arbitrary than the arbitrary nature of the original staking (done without any consultation with Yukoners). The Recommendation is vague, in that it relies on the undefined phrase - "clear rules". There seems to be an underlying assumption that compensation should necessarily occur. Is that an assumption behind the recommendation? Compensation should not necessarily occur. The UFA-mandated process of land use planning, and potential loss of access to claims, should have legal priority over the claim staking itself. There is also an assumption in this recommendation that being "stranded" is a fixed characteristic of a claim. That is not necessarily the case: means of access can change over time with different technologies, and land use plans are subject to revisions over time. The means and process of potential compensation should be an open question for each land use planning process, and the governments that are Parties to the planning process. Circumstances change, and there must be flexibility in how Commission and Government might react. To put in place fixed rules of compensation is unjust because: (i) it would prejudice the evaluation of costs and benefit for land designation that a Planning Commission has to evaluate; (ii) it lays open a much higher risk of nuisance claim staking given
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	the knowledge that compensation is a high likelihood.
Recommendations	We do not support this recommendation.

- Launch a nation-wide branding campaign under a banner of “ethical mining” once an improved regulatory environment is established in Yukon. The campaign should be created together with the Yukon Chamber of Mines and the Yukon First Nations Chamber of Commerce and be used to promote the Yukon as a progressive mining jurisdiction where minerals are extracted in ethical and sustainable ways.

Comments	Launching a campaign that claims mining is “ethical” prior to establishing a solid record of good social and environmental practices is “green-washing”. How can the mining industry claim itself to be “ethical” at this point in time, given that the improvements in practices, acknowledged as necessary by this Panel, have not been implemented? That is a judgement to be made by reviewers and affected people, not by the proponent industry or government. It is also a judgement that should not be made prior to this process of policy reform.
Recommendations	We do not support this recommendation

- In partnership with Yukon First Nation governments and industry, develop a focused business case to pursue federal funding support for infrastructure in the form of electricity generation, roads and telecommunications.

Comments	<p>There is a reasonable case to be made for government funding for electrical generation projects, where these provide power to the Yukon grid as a whole. This is because the ongoing pollution of the atmosphere by all sectors of society, largely as an externality in economic accounting, has created an existential threat to human existence.</p> <p>Federal government funding of infrastructure aimed just at the mining industry is another form of unacceptable subsidy. One new access route induces more development and growth than originally targeted by the new route, thereby increasing the environmental liabilities to the region as a whole.</p>
Recommendations	Neutral to this recommendation

- Establish a Yukon First Nation Equity Fund to offer low interest loans to Yukon First Nation Development Corporations for investment in energy, communication and other mining-related projects.

Comments	Yes, Yukon First Nation Development Corporations should have much more involvement in Yukon’s mining industry, if that industry continue to exist. If government subsidies for the mineral sector are to happen, this is one approach that can have some support.
Recommendations	Cautiously support this recommendation

- Maintain a negotiating position for port access in both Skagway and Haines, Alaska.

Comments	No comment
Recommendations	Neutral

Strategic Knowledge

- Fund, create and support an integrated central repository for all research reports and documents prepared by proponents for environmental assessments and regulatory reviews. The material in the repository should be catalogued and managed by the Joint Secretariat operated by the Yukon and Yukon First Nation governments.

Comments	As explained above, there is no justification for the establishment of a new body, called a Joint Secretariat. This Recommendation lack context, so is difficult to assess. To some extent repositories of the documents referred to already exist in the YLUPC data storage system, and in the YESAB file repositories. The Recommendation specifically talks about documents prepared by “proponents”. Presumably, the point is to make these available to a wider cross-section of the mineral industry. It seems that the agencies supporting the private sector players should take on the responsibility for this repository.
Recommendations	This Recommendation needs more context for evaluation. In general, it seems like an activity that the private sector could tackle.

- Dedicate additional resources to consolidate, standardize and store spatial data in a centralized geographic information system housed in the Joint Secretariat operated by the Yukon and Yukon First Nation governments. Types of spatial data sets to be standardized and stored in a repository include geology, geomorphology, mineral potential, vegetation, wildlife, heritage and when possible, traditional knowledge. Improved public access to the data will assist with project assessments, land use planning and regulatory processes. The comprehensive data base will also help mineral explorers pre-assess sensitivities that might exist within proposed exploration target areas.

Comments	Yukon Government already supports a centralized spatial data storage agency – Geomatics Yukon. There is no value in duplicating this agency’s work, so the focus should be on strengthening the existing agency. Geomatics Yukon already houses, or links to, all the data sets mentioned in this recommendation. It supports ready access by all users to data, with ongoing technical support. There may be ways in which it houses and provides links to some data sets that could be improved, for access by the mineral exploration and development industry. Those would need discussion with Geomatics Yukon. The Recommendation makes the assertion that a new repository of information would help the industry find out about “sensitivities”. The primary ways to explore sensitivities are with (i) direct conversation with affected Parties, and (ii) prior knowledge and experience of the social and biophysical environments under consideration. Data sets themselves, in a repository, can help inform an assessment of those sensitivities, but will not directly address them.
Recommendations	We do not support this Recommendation, as it duplicates an existing government agency.

- Build an electronic and comprehensive ‘cradle to grave’ mineral management data system within Yukon Energy, Mines and Resources that includes, or is linked to, a centralized repository of information for forestry, fisheries, water, placer claims, quartz claims, geographical surveys and heritage trails, etc.

Comments	This recommendation is very vague. What is meant by a “mineral management data system”? What data? What management processes? The many data sets that are listed here are far more expansive and varied in scope than is the purview of “mineral management”, so any mineral –related data system should be a subset of the bigger data repository. Since that latter role is already satisfied by Geomatics
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	Yukon (see bullet above), any mineral data system needs to be one that is a subset of, and linked into, Geomatics Yukon. That is already the case to some extent, with the Mining Recorder office and its mapping of claims. To the extent that its information is incomplete or too narrow in scope, then perhaps its role needs to be expanded to include other data sets. However, this Recommendation leaves too much uncertainty, and needs much better explanation.
Recommendations	Generally reject this Recommendation, but urge that it be better explained.

Additional Recommendations

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General Thoughts

- The Preamble to this Strategic Priority is somewhat naïve as to the role of land use planning, and thereby assumes too much about what land use planning can achieve. It states that land use plans are required to remove uncertainty about “un-mitigatable concerns” around an exploration area or mining project. Land use plans can provide some certainty, by zoning the land base, and thereby making it clear where mineral development can proceed and how much at a time. Land use plans cannot remove uncertainty around mitigation because: (i) all exploration and development activities will have some un-mitigatable concerns – none of the activities can be fully mitigated; (ii) land use plans do not address individual projects; that is the role of YESAB, and even the recommendations and permitting conditions that result will not mitigate all concerns. It also states that land use plans will give more confidence “as to which roads are likely to be needed”. Land use planning generally does not address individual roads, though it should address access management through use of zoning and cumulative effects measures.
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Strategic Priority 5. Environment.

Demonstrate environmental responsibility and preparedness to adopt practices to address climate change including the implementation of green energy measures.

Many people and organizations who engaged with the MDS Panel pointed to the positive impacts of mineral development in the Yukon. Benefits associated with the mining industry include employment as well as direct and indirect economic contributions to the Yukon and national economies. Other specific examples of benefits included sponsorships, scholarships and other direct community supports. The need for minerals used to manufacture the products Yukoners use to support our high quality of life was also noted, especially critical minerals required for the green economy.

Many other people and organizations who engaged with the MDS Panel spoke to a legacy of negative environmental and social effects from past mining activities. Environmental damage

and ongoing threats to ecosystems as well as costs to the public purse to clean up abandoned mines were mentioned many times. Water quality is of particular concern. The erosion of Indigenous rights and cultures and adverse social effects, such as violence against women and social and family disruption, were brought forward as examples of adverse social effects.

Industry and its supporters indicated that companies involved in mineral exploration and development need to be held to high standards to overcome the negative aspects of the sector's legacy. Improving the public profile of the mining industry extends to recognizing how Canada's climate is changing, especially in the north, and how the industry can reduce its climate change footprint.

Recommendations

- Finalize and implement progressive mine reclamation policies that exemplify “best practices” and require legally enforceable mine closure plans that are backstopped with adequate and accessible security and bonding plans. The modernized mineral resource legislation must give the Yukon Government the authority to:
 - seize security and bonds before costs are incurred.
 - require an annual corporate profile to assess a company's financial viability including the adequacy of its insurance coverage.
 - recover costs for technical reviews of closure plans and cost estimates.
 - ensure long term maintenance and environmental liability will be vested in the operator.

Comments	<p>Yes, the Yukon Government needs to put in place more rigorous measures to reduce the environmental liabilities of closed mines. It is unacceptable for the public to pay so much for the environmental damage and ongoing risk abatement that former mines leave behind. There is more awareness of this issue in the recent decade, but the mechanisms to reduce risk to government and the public (i.e. bonds, closure plans) have not worked well in Yukon in past decade (e.g., Wolverine and Wellgreen mines). The path forward must shift accordingly. However, this is not an issue that can be dealt with by way of only the points listed here. The first reason is that the “operator” will continue to see the “securities and bonds” they have to pay as just a cost of doing business; pay the bond, satisfy the closure plan, and the liability is resolved as far as the operator is concerned. Second, few mine closure plans would be able to return the mine site to a state of very low chance of ongoing environmental risk within even a few decades of mine closure; generally speaking, the toxic pollution risks cannot be remediated in short periods of time and will persist long past completion of a mine closure plan. Third, an operator is unlikely to maintain investment in the property for “long term maintenance” to minimize ongoing environmental risk; with no return on that investment, the company will declare bankruptcy. Overall, the relatively short time periods in which investment and mine development and operation cycles operate are well out of phase with the much longer time periods through which mine properties (tailings piles, tailing ponds, exposed bedrock, infrastructure) pose environmental risk during operation and after closure. To truly get operators to cover those long-term costs of mitigating risk, security bonds may well have to be so large, and in place for such a long period of time, that very few mines could be financially viable. This conundrum is what makes mining inherently unsustainable.</p>
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Recommendations	Cautiously support this Recommendation, especially as to the need for bigger and promptly collected bonds, and the need for adequate insurance coverage. However, the Panel needs to be much more frank and transparent with Yukoners about the likely inability of any bonding system to fully cover future costs required to mitigate environmental legacies from mines. The rhetoric that “Government is collecting sufficient bonds to cover costs” is very often not true and very often cannot be true.
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- Develop clear and enforceable progressive reclamation policies and financial security provisions for the advanced exploration industry, particularly where bulk sampling will be pursued.

Comments	Yes, the amount of land disturbance, generally un-reclaimed, that results from advanced exploration (road and trail cuts, trenching, excavations) is a detrimental environmental legacy and ongoing risk of water pollution. Much more could be done by the industry to try to return the land to a better semblance of its former condition (i.e. some reclamation).
Recommendations	Support this Recommendation

- Direct Yukon, Energy Mines and Resources to assess the feasibility of retaining a portion of staking fees (established in the modernized mineral resource legislation) as a security bond for future reclamation work.

Comments	<p>This is a poor Recommendation, and should be dropped. Most importantly, staking fees and security bonds are instituted for two very different reasons, and should not be mixed together. A fee for staking is charged because a private entity is given access and control over a common property resource: the public needs compensation for the loss of its capital and to ensure that the staking was not frivolous. So, staking fees should go to the proposed Yukon Heritage Trust. Security bonds are charged because it is inevitable that the private entity, by undertaking advanced exploration and mining, will create substantial risks of environmental damage that will require large sums of money in attempts to mitigate or minimize them. The public needs security that the private entity will take seriously the privilege it has been given to access the mineral resource and responsibly clean up the mess. The private entity should not be able to subsidize its financial responsibility (the security bond) to the public, by taking away from the public some of what it owes the public (staking fees) for the right to access the resource.</p> <p>Also, this Recommendation does seem to be workable because the business entity that does the staking to claim a property is unlikely to be the same entity that will have to deal with reclamation processes that arise because of more advanced exploration and development.</p>
Recommendations	Reject this Recommendation

- Similar to British Columbia and the Northwest Territories, institute a requirement for all mineral claim stakers and owners to hold a Prospecting License to ensure best practices are implemented from the earliest stage of mineral development and that current contact information is available for all claim holders.

Comments	Yes, there needs to be more transparency, and verified standards of competency, to be a prospector.
Recommendations	Support this Recommendation

- Recognize that financial security is already within the scope of both the *Waters Act* and

the *Quartz Mining Act* and establish an integrated process to eliminate any duplication of effort in administering financial security for advanced exploration and mine licensees.

Comments	The independence of the Yukon Water Board needs to be upheld, and its governing Act should not be amended to withdraw its role and power in requiring financial security.
Recommendations	Reject this recommendation

- Work with industry, through the Yukon Minerals Advisory Board and the Mining Memorandum of Understanding table, to facilitate environmental monitoring of closed mines by Yukon First Nation entities. Consider allocating a portion of a mine's closure security to support long term monitoring activities.

Comments	This Recommendation has some merit, but the way it is worded does not adequately address the topic. It would be a step forward to increasingly involve First Nation governments, or bodies, in the processes of mine closure and "long-term monitoring". However, "monitoring" should not just be the purview of First Nations; it needs to be a clear component of mine closure and subsequent risk mitigation, whether or not First Nations bodies want to be involved. So, the need for monitoring of potential risk, after mine closure, needs to be recognized in Regulation, and vested in the Yukon Territorial government with option for operational involvement by First Nations bodies. In addition, monitoring to assess ongoing risk is something that needs to happen often for decades after mine closure. Obtaining some of the costs from a security bond would be good, but would be an <u>additional</u> cost to be added to security bonds, not one to be covered by re-allocating portions of an existing bond. In general, security bonds have proven too small to cover costs incurred by industry and then by Government after the bond is redeemed or not paid because of bankruptcy.
Recommendations	Cautiously support this recommendation if applied appropriately

- End the practice of accepting perpetual care and maintenance of a mine site as part of any mine closure plan. Project proposals must show how proponents are planning to return the mine site to conditions that are as close as possible to the pre-mining state with minimal environmental degradation and no ongoing risk to the environment. Final closure plans must be fully costed and reclamation security amounts sufficient to return the mine site to a balanced environmental state.

Comments	<p>The sentiment and vision proposed in this Recommendation are positive and ideal. Governments can make positive steps towards achieving this vision, in particular by charging much more realistic security bonds and holding operators to account. However, the full vision of the Recommendation is likely unworkable. As observed above, the relatively short time periods in which investment and mine development and operation cycles occur are well out of phase with the much longer time periods through which mine properties (tailings piles, tailing ponds, exposed bedrock, infrastructure) pose environmental risk during operation and after closure. To truly get operators to cover those long-term costs of mitigating risk, security bonds may well have to be so large and long-lasting that very few mines could be financially viable. This conundrum is what makes mining inherently unsustainable.</p> <p>Nearly every mine, after closure, will require some long term care and maintenance, including monitoring, over time periods much longer ("perpetual") than an operator could sustain financially. Bankruptcy would be the way out.</p> <p>What is a "balanced environmental state"?</p>
Recommendations	Cautiously support the move to improve the rigour of the security bonding program, but don't fall into the trap of assuming that it will ever be sufficient to deal with the environmental legacies of mining.

- Monitor cumulative effects by creating a program within the Joint Secretariat with a

mandate to track and publish the annual volume of functional land disturbances (surface disturbance and linear density) in Yukon. Make the functional land disturbance data available at no cost for use in environmental assessment and regulatory processes as well as monitoring of all Regional Land Use Plans.

Comments	There is a very real need to have land disturbance mapping compiled in a standardized format, made available publicly, and regularly updated using remotely sensed applications coupled with ground truthing. This is not new issue, and would not require a Joint Secretariat. It has been addressed, for certain parts of Yukon, in steps by Yukon Department of Environment, Yukon Land Use Planning Council, and Wildlife Conservation Society Canada, most often for land use planning processes. Yes, a government agency should take it on as a core mandate, but that does not require a Joint Secretariat. The Lands Management Branch of Yukon Energy, Mines and Resources is a logical agency to do this, as it is now involved in doing so in developing Trail Plans for Off-Road Vehicle Management Areas. It would need to work closely with Yukon Environment who has done considerable work in formalizing a procedure for updating disturbance mapping.
Recommendations	Support this Recommendation, noting that it does not require a Joint Secretariat

- Build on the recent work of the Yukon Water Board and finalize the policy for extractive resource activities in Yukon wetlands founded on the recognition that wetlands cannot be returned to a pre-disturbance state within seven generations. Fund a second program within the Joint Secretariat or the Yukon Geological Survey with a mandate to locate, categorize, map and monitor Yukon wetlands.

Comments	This is an important Recommendation especially because it acknowledges that the great majority of wetlands cannot be recovered or remediated after placer or other mining; they are destroyed. Society needs to halt the trend to complete loss of wetlands over significant portions of Yukon. Yes, a solid policy regarding mining and wetlands needs to be in place (the YWB process, and the ongoing wetland policy development led by Yukon Environment need to be recognized and brought to fruition). Yes, wetlands in Yukon need to be adequately mapped. To date, the non-profit sector (Ducks Unlimited Canada) and ecological land classifications spearheaded by the YLUPC and Yukon Environment have done much of the work to this end. Neither the Yukon Geological Survey, nor some Joint Secretariat, would be the best agency to lead this work. It should be led by Yukon Environment because that Department already has a well-established program (Ecological Land Classification in the Habitat Branch) for mapping Yukon's vegetation communities and land cover types. They support the go-to standard in Government, and could readily partner with other agencies who have knowledge to contribute.
Recommendations	Support this Recommendation as long as it recognizes Yukon Environment as the necessary lead agency on wetland mapping

- Consider initiating public consultations on whether the extraction of certain minerals should be prohibited in the Yukon, specifically uranium and coal.

Comments	Yes, there is probably value in canvassing public attitudes towards extraction of certain minerals. However, this does not seem to be a high priority at present. Creating outright bans on certain minerals can backfire if those minerals prove to be of high value in the future. The same mineral (e.g., coal or uranium) could come in different geo-chemical forms, with different environmental risks and benefits. Blankets bans leave no room for understanding nuances.
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Recommendations	Cautious support for this Recommendation, noting that it is not high priority
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- In collaboration with the Department of Fisheries and Oceans Canada, undertake comprehensive aquatic surveys of strategic rivers and tributaries where mining has not occurred to determine whether salmon habitat would be at risk if mining was permitted.

Comments	<p>This Recommendation is rather vague, may be partly useful, but seems naive in part. There are two distinct topics: (i) first an inventory and mapping of all water bodies supporting salmon; (ii) second, an assessment of risk to salmon if mining were permitted in the drainage. The first topic is certainly worthwhile, but may already be largely achieved by Fisheries and Oceans Canada. (The word “strategic” doesn’t have clear meaning; what society needs is an inventory of relative size of all stocks by species by drainage). The second topic is not presented in a useful way. In general, salmon habitat would necessarily be at some risk if it lay downstream of where advanced exploration and mine development were to occur; there is no avoiding some risk. The intensity and type of risks involved would depend on what kind of mineral is mined, what kind of bedrock it sits in, what means of ore extraction would occur, the means by which the mineral is extracted from the ore or concentrated on site, the means by which tailings would be held (dry piles, ponds), the means by which run-off and ground water would be controlled, the likelihood of seismic events, the likelihood of extreme weather events. This long list of factors means that there is no such thing as one risk assessment; this is the meat of the technical analyses that a useful environment impact assessment requires, with scenarios employed to quantify risk. It would probably be a waste of resources to develop numerous scenarios to try to compute risk levels for even a subset of these factors in a drainage. What is required is the ability to properly build the models to project these scenarios for a specific mineral development project when it is proposed. This means investing now in the data collection (e.g., the mapping of salmon stocks), and modelling tools, to adequately quantify risk under different scenarios when a specific project comes forward.</p>
Recommendations	Support this Recommendation as far as inventory of salmon stocks is concerned, but not in terms of trying to quantify risk by drainage in advance of any specific mineral extraction proposal.

- Acknowledge and address the community-level tension that follows from the creation of resource access roads under cover of the free entry system by amending the Yukon’s Hunting Regulations to restrict hunting via new roads. Collaborate with Yukon First Nation governments to establish parallel restrictions for Yukon First Nation hunters.

Comments	<p>It is certainly true that new roads, built by mining companies sometimes with government subsidy, to access resource extraction sites, are a big problem for the sustainability of wildlife populations and equitable access to those populations, because these roads generally lead on to a set of human impacts beyond the original reason for access. These new roads should not be fully accessible by the public; public access is a large part of the set of problems they induce. However, the Yukon Hunting Regulations are probably not the best mechanism for controlling access to wildlife by way of these roads. There are a number of reasons. First, hunting is not the only, or even main, threat to wildlife from these roads. The access they provide to all recreational users, who will move off the roads and disturb all wildlife and wildlife habitat (much beyond hunted species), may well be a higher impact than hunting. Second, hunting regulation changes could only be effective in closing the entire WMU through which the road passes or a corridor of land adjacent to the road. Neither of these approaches would be fair or effective in controlling hunting. The corridor approach could easily be circumvented by hunters travelling or driving off the main resource road far enough to get out of the corridor. If the entire WMU were closed, the hunting opportunities for those who use other means of access (e.g., foot overland) would be unfairly removed. Third, the Hunting Regs do not provide a means for limiting use of the road to justifiable users (those involved in the mineral extraction) while excluding others (e.g., the general public); that distinction of access would be required.</p> <p>The Yukon Government has in recent years put forward the idea of a Resource Road Regulation under the Territorial Lands Act (next Recommendation). This would be a more useful, workable, and</p>
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	justifiable means of controlling access. Resource Roads need to be private, with gate-controlled access to discriminate between those with justified purpose in using the road, and others. This is the mechanism that the Panel should be recommending.
Recommendations	Support the Recommendation to the extent that it recognizes a problem, but urge the use of the Resource Road Regulation to achieve anything useful in terms of access management

- Expedite the completion and approval of the Resource Roads Regulation to provide a modern framework for management and enforcement of resource roads from start-up construction and use through to closure and remediation.

Comments	Yes, the Resource Roads Regulation, making resource access roads private, needs to be expedited
Recommendations	Support this Recommendation

- Direct Yukon Energy (through a policy directive, regulation or an Order-in-Council to the Yukon Development Corporation) to assist project proponents to implement renewable energy options such as solar and wind to advance the objectives of *Our Clean Future*. Where possible, facilitate the connection of renewable electricity infrastructure at mine sites to the Yukon's electricity transmission grid.

Comments	<p>There may be some merit in this recommendation. However, once again, it is too vague to be easily commented on. What does "assist" mean? Yes, mineral exploration and development projects should be employing renewable energy technologies, on site, wherever possible. That should be a high priority recommendation of any environmental assessment, given the climate emergency. However, why should Yukon taxpayers be "assisting" proponents to do this, through what would appear to be more financial subsidies funnelled through Crown Corporations? Providing and paying for energy should be the onus of the mineral development project itself.</p> <p>It is not clear that connecting renewable energy infrastructure at mines to the broader Yukon grid would be of net value. The large majority of the energy stored by these technologies would be used immediately in mine operations (not available for the grid), or could be stored to some extent for shoulder seasons. The question then is, when the mines are closed, is it worth having these sources linked to a grid? It is likely that many of these sites would be too remote (making servicing and maintenance of facilities costly, and reversing any potential gains of the Resource Roads Regulation because access would be maintained). Some sites would provide relatively little electric power to the grid, and low likelihood of recovering the cost of installing transmission lines. There are too many uncertainties and site-specific considerations, to make this a blanket policy approach.</p>
Recommendations	Generally reject this recommendation, except for putting forward the imperative that new mining operations build renewable technologies into their energy supply plans.

Additional Recommendations

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General Thoughts

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Strategic Priority 6. Public awareness.

Provide support for leading edge workforce development and public awareness initiatives.

The most significant net benefit to Yukoners from the Yukon's mineral industry over past decades has been the creation of thousands of high-paying jobs. Further multiples of jobs have been created through indirect employment in the firms supplying goods and services to miners and explorers.

However, less than half of the Yukon's mineral industry's workforce currently resides in the Yukon. Benefits accruing to the Yukon in the form of federal transfers, tax revenues, induced employment and local business revenues are being minimized rather than maximized. Developing the Yukon workforce is critical to ensure that benefits from the mining and exploration industry remain in Yukon in the short and long term.

The minerals industry has changed dramatically over the past few decades. Unlike the 'pick and shovel' operations of the distant past, modern mining is a highly technical enterprise. Advanced technologies have made exploration far more precise and mineral production has become far more automated. Education is the cornerstone of increased participation in the mineral sector workforce by Yukon people.

It is also apparent to the MDS Panel that the level of understanding about mining careers, and mining in general, is uneven at best and that perceptions are coloured by the negative legacy of past mining practices. The public deserves to have a better understanding of the different phases of the mining cycle, and the inherent environmental and social risks at each phase. An improved understanding of the mineral industry is in the interests of not only the public but also industry itself, Yukon First Nation governments, non-governmental organizations and regulatory agencies.

In short, greater efforts must be made to advance "mineral literacy" – notably initiatives to build public awareness of the mineral industry activities and benefits, including the introduction of a mining component in the public education curriculum. While it is recognized that there have been public awareness initiatives in the past (such as the Yukon Chamber of Mines campaign, "Our Yukon - In it Together"), the MDS Panel believes that a more concerted, coordinated and sustained effort would be beneficial. Better awareness will lead to increased public knowledge and more informed decision making.

Recommendations:

- Create a coordinated communications and education strategy to inform Yukoners of the foundational importance of the mining sector. The strategy should be led by Yukon Economic Development in partnership with the Yukon First Nation Chamber of Commerce

and the Yukon Chamber of Mines and in collaboration with the Yukon and Whitehorse Chambers of Commerce, as well as the service and supply sectors that have linkages to the mining industry. The strategy should strive to enhance public awareness of First Nation involvement in the mining sector by providing opportunities for First Nations to share their own stories of successful collaboration with mineral explorers and developers.

Comments	As laid out here, the Panel is recommending a one-sided propaganda, to be implemented by government. That would be contrary to government's central function which is to uphold the sustainability of the public good, including common property resources such as land and water. Government should not be a propagandist for industry, especially when the industry clearly involves numerous activities that put common property resources at risk, and is by definition unsustainable in an environmental context. All the agencies that promote mineral exploration and development already have a variety of advocacy and 'education' campaigns and activities. They certainly have the right to do so and to promote their interests. But it is not the role of government to be supporting them in this. If government were to support the industry in a major "education" campaign advocating for more mining, then it should also be educating the public about all the liabilities of the industry including the poor track record of environmental performance, the huge subsidies, the many First Nations' stories of bad experiences with the industry, etc.
Recommendations	Reject this recommendation

- Direct the Department of Education to ensure that Earth Science and Geology are well represented in Yukon's school curriculum, and government and industry should collaborate to ensure that students from K to 12 are aware of career opportunities in mineral exploration and mining. Engaging early with children and youth is key to opening the sector to a more diverse range of participants and getting young people interested in the innovative, high-tech careers that will build the mining sector of the future. Yukon Women in Mining should be approached to help design programs that highlight opportunities for women in the mining industry, including mining service and support businesses.

Comments	Yes, Yukon students should be taught about Yukon's mineral industry, its history, its achievements, its failures, and the diverse effects it has had on economies and environments. However, this recommendation is worded as a propaganda campaign on behalf of the industry, and therefore smacks of political correctness. The education curriculum should provide various perspectives on the issues, and on how society has dealt with this non-renewable, common property resource through time. Education in the K-12 grades should not be about promoting certain employment outcomes. If the education curriculum were to take on mineral industry propaganda, then it should also take on in a very purposive and directed fashion, the environmental, social and fiscal liabilities of the industry.
Recommendations	Reject this Recommendation

- Develop a response outlining how the Yukon Government as a regulatory authority will support the implementation of the recommendations of the Yukon Advisory Committee on Missing and Murdered Indigenous Women, Girls and Two-spirit+ people to:
 - eliminate violence related to development projects in both workplaces and communities.
 - increase the workforce capacity, mitigate negative impacts, and improve the positive benefits for Indigenous women and Yukon communities.

Comments	Yes, there would be value in the Territorial government being more public and clear about how it can work on the recommendation of the Advisory Committee. However, it is far from clear that Government should use its “regulatory authority” to deal with this topic. There is a wide variety of decision-making processes that could influence these issues, including the degree of social licence available from smaller communities and First Nations governments for new mineral developments, and evidenced in land use plans, and environmental impact assessments, or in willingness to enter into Impact-Benefits Agreements.
Recommendations	Support the Recommendation, with the caveat that it needs to be worded to better reflect the mechanisms available to government, and communities, for dealing with these problems

- Develop and implement, with industry partners including Yukon Women in Mining, an Action Plan to attract and retain women in mining careers, including innovative measures for work rotation schedules and childcare options.

Comments	It is not clear that Government should be taking the lead in what is essentially an internal industry issue, that needs to be negotiated between industry and affected communities
Recommendations	Reject this Recommendation

- To improve awareness about the full range of employment opportunities in the mining industry, update and digitally distribute the Yukon Mine Training Association’s 2008 publication *Yukon Mining Careers Handbook*. Create greater public awareness about the spin-off jobs in the mining industry such as legal, accounting, bookkeeping, environmental monitoring and human resources services. Highlight that many skills related to mining are directly transferable to other career paths.

Comments	The Handbook in question may well be a valuable resource, worthy of easy access on-line. However, as stated above, it is not government’s role to be taking on this advocacy work. The Government already supports industry associations, and they should be doing the advocacy work. If Government no longer directly funds them (which should be the case), then they should get the industry to support them in promoting mining careers, whether for women or men.
Recommendations	Reject this Recommendation

- Provide project funding to the Centre for Northern Innovation in Mining at Yukon University to develop a comprehensive Yukon Mining Innovation Roadmap. The Yukon’s mining sector is undergoing a technology-driven transformation driven by automation, digitization and climate change adaptation. The mining innovation roadmap will serve to coordinate and accelerate the transformation.

Comments	Yes, there is value in providing academic support to explore and test innovative technologies and approaches that could reduce the environmental burden of the industry, and enhance its performance. The Centre in question has been doing so for some years. A “Roadmap” may not be the best use of resources.
Recommendations	Cautiously support this Recommendation

- Direct and resource Yukon Economic Development, in collaboration with Yukon Energy, Mines and Resources, to expand its program to encourage innovative technologies, specifically targeting new concepts for less invasive exploration practices, progressive reclamation methods and wetlands rehabilitation practices.

Comments	<p>It is not clear that Yukon Government should be the lead agency driving the issue of new technologies and approaches. It is an appropriate agency for providing funds to explore better approaches. If that is what is meant here (not clear in the wording), then this Recommendation makes some sense.</p> <p>When completely novel, these potentially useful new practices need to be tested, with academic oversight, in real world settings. Yukon University (or other academic institutions) would be the best institution to take this on, though some funding could well come from government. When validated, YESAB is then the institution where these approaches need to become well understood and advocated for in assessment reviews and permitting conditions.</p>
Recommendations	Generally support this recommendation

Additional Recommendations

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General Thoughts

- There is a general assumption in this section, and throughout the document, that the mining industry does have “net” benefit to Yukon. That net benefit is touted in this section, and defined in economic terms. This assumption has never been fully investigated. It needs to be objectively investigated, both in terms of fiscal balance for government(s) themselves, and in terms of the loss of capital associated with a non-renewable resource. Such an investigation needs to be set up for periodic re-evaluation, perhaps over periods of 5 years.

Yes, the mineral exploration and development industries create substantial economic activity by bringing investment, direct employment, and indirect employment. That economic activity needs to be evaluated in terms of net fiscal balance for government(s), and in terms of net fiscal balance for the rest of the Yukon economy. Mining does provide revenue directly to government(s) through royalties, fees, and taxes (of numerous types including income tax); though all of these are less than they probably should be and need to be better reported (as indicated in this document). Meanwhile, government spends a lot of money in subsidizing the industry, and essentially paying for its existence. This is in the form of major infrastructure investments to provide access and energy, exploration grants, other tax incentives, industry promotion and direct funding, geological surveying, and clean-up of legacy mines. Just in terms of fiscal balance for governments (federal and territorial) themselves, it seems highly questionable that the revenues received from mining and mining employment come close to covering the costs that governments (i.e. the public) take on.

In terms of the net economic return for the Yukon economy as a whole, the picture is less clear. The fiscal balance of the industry operators themselves is positive; they obviously come out ahead because they are making money. How much of the total value of the extracted resource is actually returning to Yukon in the form of jobs (direct and indirect) and other investments by industry? What proportion of the resource value is leaving the territory as industry profits, employment income to non-Yukon residents, and other direct and indirect employment outside the Territory? The answers are not obvious, but there seems reasonable likelihood that in some years there would be a net loss of economic value to the economy of Yukon, subsidized by a loss

of natural capital belonging to the public.

In sum, there is very real chance that the net effect of the mining industry is to remove natural capital from Yukon, turning that capital primarily into profit for others with small proportional return to Yukoners, while getting Yukoners to pay for a very large part of the costs of the whole endeavour. Without focussed attention to these questions of economic value and return, Yukoners are being led into a process of economic development with inadequate evaluation. The Panel does a disservice to Yukoners by not laying this central issue out as at least a problem that needs urgent attention. It will continue to haunt future decision-making about the place of the mineral industry in Yukon.

Looking Forward

Based on our assessment of Yukon First Nation and stakeholder input, as well as our own collective experience, the MDS Panel has recommended a wide array of actions needed to support balanced and sustainable mineral development in the Yukon.

The MDS Panel is grateful to have had the opportunity to engage with so many Yukon people, governments and organizations and the Yukon mining industry in the preparation of the Yukon Mineral Development Strategy and Recommendations. We are confident that the depth and breadth of engagement undertaken over the past 16 months has resulted in a series of recommendations that will resonate with all Yukoners and lays a solid foundation for the collaborative and place-based development of Yukon mineral resources in a way that will benefit all Yukoners.

We note, however, that full, effective and successful implementation of the recommended actions will require transformational leadership by the Yukon Government. In the division of powers between the Yukon Government and Yukon First Nation governments, the Yukon Government alone has been delegated administrative responsibility for the Yukon's mineral resources by Canada, on behalf of all people in the Yukon. Aligning the mineral development aspirations of all Yukon people will require the Yukon Government to function as a coherent and singular entity. The whole of Yukon Government must embrace the principles of reconciliation and work to build the trust and respect of Yukon First Nation governments, and the entities and agencies borne of the modern treaties. True collaboration is hard.

Through the extensive engagement process, the MDS Panel believes that industry will seize the opportunity to respond positively to the alignment of interests among the people who live here. Establishing the alignment of development interests among all Yukon people will make the Yukon a rare and unique jurisdiction in the world. Such alignment, combined with the Yukon's abundance of mineral resources, will ensure that the Yukon is highly attractive to the global investment capital essential to the long-term success of the mineral exploration and

development industry.

The mining industry will finally be able to clearly see the Yukon development pathway and know the goal posts at each stage of the mineral exploration and development cycle. Risks and constraints to mineral resource development in the Yukon will be further reduced by entrenching the transparent pathway in mineral resource legislation which, in turn, will create the certainty sought by the mining industry.

The MDS Panel is also confident that Yukon people will respond positively to the alignment of mineral development interests with the interests of the people who live here. The Mineral Development Strategy fulfills the desire of many engagement participants for a bold, transformative and contemporary approach to mineral development in the Yukon. An approach that establishes a framework for sustainable mineral development within a positive context of economic, social and environmental reconciliation.

Certain recommended actions outlined in Mineral Development Strategy exemplify the scale and complexity of the effort that will be required to fully implement the Strategy:

1\ co-development by the Yukon and Yukon First Nation governments of modernized mineral resource legislation within the next three years. The new legislation will be aligned with the modern treaties with Yukon First Nations, transboundary treaties, the principles of reconciliation enshrined in the *United Nations Declaration on the Rights of Indigenous Peoples* and the recommendations of Canada's Truth and Reconciliation Commission. The new legislation will be developed in a transparent manner that allows for the participation of the mining industry.

2\ directing resources, including some of the not-as-yet allocated \$360 million in federal and territorial funding for the Yukon Resource Gateway Project, to expedite the concurrent completion of the remaining Yukon Regional Land Use Plans envisioned in the Umbrella Final Agreement (Dawson, Northern Tutchone, Kluane, Whitehorse, and Teslin) within five years.

3\ meaningful sharing of payments in respect of the land with Yukon First Nations, within the next two years, through a combination of: funding for First Nation equity participation in projects, revamped resource royalty measures, a First Nation Resource Charge and an industrial water tax.

4\ establishment of regulatory clarity and land access certainty to ensure the Yukon can compete for global investment capital.

Recommendations

The final recommended action of the MDS Panel is the establishment of a Yukon Mineral Development Strategy Implementation Agency empowered with a systems change mandate. The purpose of the Agency would be to hold up the vision of the MDS Panel and to facilitate the legislative, policy and administrative initiatives needed to fully implement the Strategy over the next three to five years. The Agency would also be tasked with reporting on implementation progress on a quarterly basis at the Yukon Forum and with a web-based scorecard.

Comments	<p>The value of this Recommendation is not really clear. Yes, there is often value for the public in seeing what has happened, what has changed, and what has not been accomplished. However, given that many of the Recommendations made in this document are unrealistic and naïve, knowing how well they have been achieved is of questionable value. Also, an Implementation Agency that reports on progress will immediately provide information and fodder for political posturing. To the extent that the Recommendations of this Report promote the interest of the mineral industry at large, which they clearly do, then the Implementation Agency is then, by definition, advocating for industry. It thereby runs high risk of being politically biased.</p> <p>There are other existing institutions for holding government to account in its implementation of policy and programs, such as the Auditor General.</p> <p>No government receiving this Panel Report is likely to accept all recommendations, and therefore move to implement them all. They will pick and choose, and make decision for various reasons. In that case, this Recommendation loses context; what would an Implementation Agency be monitoring?</p>
Recommendations	Reject this Recommendation

Additional Recommendations

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General Thoughts

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