

## **Whitehorse Public Engagement “Community Conversation” Summary October 19, 2021 at Yukon Inn**

On October 19, the Commission held a public session at the Yukon Inn in Whitehorse as part of a series of “Community Conversations”. The format of the session included several parts: there were panel displays with opportunities to meet with staff and Commission, there were two 90-minute table topic discussions on any topic people wished to discuss, and there was a conversation circle in the evening. Attendance at these sessions at any given time ranged from 10 to 20 people.

### **Table Topics**

#### **1. MINING AND WETLANDS**

- What happens when the same wetland has both gold and ecological value, what next?

##### **Legacy placer mining**

- A long-standing issue has been that very little was done to document the landscape that used to exist in the region. (i.e. the landscape of the past) pre-goldrush.
- Historically, little planning was done
- A lot of the landscape has been changed – the ecological historical record has been lost.
- Mapping – old topo maps are a good way to find out what existed in the past

##### **Industry Access to Land Base**

- Overlapping values: wetlands hold both economic and environmental wealth
- Need for prospecting:
  - Only about %5 of the land that has mineral potential.
  - 40% of land in the region is off limits to prospectors now
  - You should allow prospecting to happen
  - If there are minerals, then the exploration and development still have to jump through all of the hoops (YESAB)
- Mining when finished, should be stopped fully and completely – move to reclamation, so that mining is a temporary use of the land.
- Prospecting can be low impact
  - drone information can help reduce that impact.
  - alternative ways to prospect (e.g. winter drilling, lower impact)
- Experienced local miners should be allowed to provide for their families

- The green areas (in the plan) are closed to exploration and a number of “cobalt plays” have disappeared – there is a huge resistance to even allow the industry to explore.
- Winter drilling
  - Winter drilling is possible – it is less impactful in the winter and inexpensive
  - YG often doesn’t allow winter drilling
- Reclamation is key

### Wetlands reclamation

- How long does it take for a disturbed / reclaimed wetland to return to ‘undisturbed’? How / when does it move back into the wetlands inventory?
- Wetlands hold multiple values.
  - We all value wilderness and biodiversity.
  - Challenge of values: where is overlap? How do we balance or choose?
- There are concerns that values might not be protected (i.e. FN rights, the land, the wetlands and all they provide to us [besides gold])
- What is an unreclaimable wetland? A bog or fen on permafrost is not replaceable. If you reclaim, you end up with something different.
- Different wetlands = different functions = different values
- Placer mining often removes large surface areas of wetlands (the old timers really know how to find the good channels (where the gold is) .
- Can reclamation be done in an area of existing activities?
- Permafrost / bogs
  - What happens to drilling on permafrost: is it lost? Reclaimable?
  - Once permafrost is gone we are not going to get it back (in a reasonable time)
  - Weigh the value of permafrost vs the mineral value
- Bogs and fens don’t have technology to replace
  - Some values not replaceable
  - Challenge is value-based to make a decision
- Wetlands vs slopes = higher productivity vs lower
- Planning is important and overdue
- Maps based on aerial photography: can we leverage that data-set to support creating the pre-development baseline?
- What is the acceptable level of loss? Economic, cultural or environmental

### Defining Special:

- Decide what wetlands are ‘special’, but there has to be justification for ‘special’.
- What is meant by “special”? needs more exploration / definition
- Wetlands that overlay permafrost are special (we don’t have the mapping).

- As First Nations, we know wetlands are important.
- Special is not just what you see, it's emotional, spiritual. It's like home. Your home is special to you. We can't do it the way we've always done it. Things are changing and things are going to change fast.
- Wetlands – there is more to them than what we see on the map.

### Mining concerns:

- Driven by wealth and growth
- Capital wealth is not all there is – we live in one of the few places in the world that is still 'pristine'.
  - Is mining sustainable? Enable future economic development
  - How is mining part of 'sustainable development' in Chapter 11?
- If you are going to mine an area, you should do it right and do it completely. Are there areas where this has been done well?
  - What if people don't do it well? There are no implications.
  - The whole area has been mined for hundreds of years – the destruction is awful.
  - The Black Hills (in LMU 12) are a mess – even animals don't go there and no one is cleaning it up. There should be proper reclamation.

### Indian River Wetlands

- Historical use of Indian River Watershed compromised by current activities.
- The Indian River wetlands (IRW) used to be really good hunting areas. We can't go there any more, it's no good for every camp that's set up it erodes First Nation rights - There's nowhere to hunt/trap/harvest in IRW any more. The moose are stagnant in the water. People are overharvesting even cranberries.
- Newmont want to put a new tower and a new road right through a quality berry patch.
- Over 45 years of living in Yukon I've always heard about the value of the IRW before the mining. The historic value seems all but gone. Can we reclaim it? Can we heal the landscape? You have to decide that there will be no more mining.
- If there are values to protect – protect them now.

### Data Needs

- Common interest: all values want more knowledge of what is there: Gold? Rare lichens?
- Idea: use Stewardship Fund to gather more information; when prospect drilling, can we also gather biological or heritage data? Could help decision making

## 2. THE AGREEMENTS AND PLANNING

### Chapter 11

- Chapter 11 is like an octopus head – the other chapters are the arms (Chapters 10, 12, 13, 14, 16, 17 etc.) There is a linkage to all of the other chapters .
- Supreme Court told us we need to interpret both UFA and TH Agreement as a whole
- What did we learn from the Peel
  - Use UFA and THFA as guides
  - The land use plan takes in all of the Chapters
- Without understanding the agreements, the other topics don't matter.
- Planning is to be a community driven process.
- Think about the connection between the LMUs and the agreements.
- Agreements as lens to evaluate

### Roles in land management

- What is the role of FN in land management?
- How does FN influence take place after the plan is signed??
- Co-management of land.
- What is the role of the commission after the plan is signed?
- LUP can keep us all out of court.
- The “certainty” is inside the agreement

### Protected Areas

- Co-management, and what happens once Plan signed?
  - Matson & Upper Klondike (SMA 1s) should be co-managed
- Some TH citizens do not want to turn land into a park – past experience has shown us that co-management in parks is really YG dominated – TH citizens don't want to lose it.
- Consider Indigenous Protection & Conservation Area (IPCA as a new tool)
  - Tombstone not the best example of co-management
  - Porcupine Caribou Management Board – good example of co-management
- Mineral industry wants certainty.

## 3. WATER & WILDLIFE

- Connectivity especially south of the Yukon River is important: how to plan wildlife corridors?
- Definitions of revegetation (or recovery) vary and relate to topography and local highest value e.g. moose here, caribou there

- General discussion on cumulative effects framework, including:
  - Can someone sell their rights/permits for disturbance?
  - How to track how much disturbance is permitted (vs actually done)
  - Mapping of narrow trails could be done without satellite imagery (e.g. GPS)
  - Plan needs more guidance about what happens once each threshold level is reached. E.g. at cautionary level, there should be a moratorium on new activity until impacts are better studied.
  - What constitutes 'disturbance' e.g. mountain bike trails?
- Impact of Northern Access Route: pros / cons of concentration. Could disturbance be exempt along it like along the Dempster?
- Concrete actions for fish habitat e.g. spawning areas
- Concern about credibility of Plan if it oks a project by DFO rejects it.
- Caribou movement corridor may be inadequate; bump up the LMU designation, or maybe use a Zone of Influence buffer along ridgetops.
- Thresholds: moratorium until greater understanding of values.
- Why does LMU 8 (ISA III) extend so far east? I.e. higher conservation could be to the east.
- Concern about roads through SMA II to reach existing claims.
- SMA II is the worse of both worlds: limits mining and conservation.
- Ladue River (in LMU 21 – ISA I) has a history of mining but ISA I is a disincentive and casts uncertainty to the industry.

#### 4. MINERAL DEVELOPMENT & WATER

- Water and mineral development are linked.
- Some management intent statements not clear enough; require review.
- Upper Indian River: consider newest gold information (Draft Plan might use outdated data)
- Reclamation: needs to be identified and valued
- Learn from New Zealand: be careful of unintended consequences (loss of industry)
- Regulations are outdated in Yukon
- Learn from Alaska's Best Practices
- Thresholds can be used to exclude competition: be careful
- Placer & hard rock mining can have conflicts
- Consider sub-dividing some LMUs, enable project completion without crossing thresholds
- Nimbleness and adaptation: Changes (mineral development strategy and wetland policy)
- Yukon River Corridor: need access for resources cut off by the corridor
- All values require greater certainty
- Access needs full consideration: intent, best tools & predictability

- Drilling is not “one thing”; some types of drilling impact water (e.g. diamond), others do not (e.g. backpack)
- Surface disturbance can impact water
- Water quality and placer activities: what would be a good water Cumulative Effect indicator?
- Trad-offs in SMA 1s and 2s
  - Pick just SMA 1 or ISA 1 (e.g. Flat Creek & North SMA 1, & Upper Indian SMA 1)
- Better data and mapping required to support better decision making
  - Tie in mapping with prospecting (new model)
- Clean energy needs metal: what is our role to support that?

## Circle Conversations

- Some people think there are too many conservation areas

## Conservation Areas

- What is the intent of SMA 2s?
- **Advice to the commission** : don't be scared, be bold in your decisions for the recommended plan.
  - SMA 2 → PA or working landscape
  - Clarity in the Plan
- Co-management is crucial. What are the best tools to achieve that goal?
  - SMA 1 strongest tool
- IPCAs: concept exists, but not a single jurisdiction has done one unless paired to legislation (like NWT)
- IPCA: yes, good for co-management but requires legislation. How would Parties implement?
- Core question for conservation areas: what are the immediate threats. Access is #1 for wildlife
- OIC: can be put in place (e.g. no staking & no access)
- How do we consider massive threats like Climate Change? Too big. So next issue is human encroachment.
- We have different tools to achieve conservation values.
  - But how do we remain adaptable to future change?
- I am worried about putting a 'Bulls Eye' on North → Park method
  - But what happens to Tombstone may not happen to other parks or HPAs
    - Then it is possible to legislate protection without becoming Tombstone
  - Opportunity to do things differently & not make mistakes of Tombstone

- How do we learn from Tombstone for Dawson & whole Yukon region?
- Commission is doing a great job: thank you
- Challenge with OIC: @whim of Cabinet therefore if wanting stronger conservation-wise, needs a stronger tool than OIC
  - Okay, but would that happen in reality? With Land Use Plan & TH
  - But do we trust government (I trust UFA and THFA)
- Panning for an uncertain future: how do we adapt? What if critical habitat changes locations?
  - But if you “protect” it, nothing changes. If you open it up, you can’t undo it
  - Fortymile Caribou herd: but on the whole, the direction of the Plan is not enough excess land for caribou migrations
- Importance of review mechanisms as the landscape and context changes
  - For example, the herd moves
- Learning from others: let’s not make conservation mistakes of the south
  - There is such a strong cultural connection to caribou
- Can we protect areas with claim? Yes!
  - Many examples, e.g. Tombstone
- Expropriation laws in Canada: threshold is very high (success is low)
  - YG exploring other mechanisms
    - In Peel, half of claims relinquished, a quarter in process... remaining claims likely to be challenged (i.e. challenge YG)
- It’s okay to honour claims... but must uphold the UFA and THFA first. They must define the direction of the Plan and decisions
  - Values, others like economic, flow below
- **Question:** what happens to staking claims during a Planning Process?
- Herd populations in some cases have increased

### What will people say in 2050?

- I hope they are fretful for both intact wilderness and a thriving economy
- I think they will wish we set aside more land for caribou
- Did they think about growth? And what type of growth? [Commission’s growth intent? Slow increase]
- Ensure decisions use TK and science
- Why did they not do more to protect the caribou?
- Fortymile Caribou: let’s avoid death by a million cuts
- Importance of review mechanisms (with teeth & better data & TK)
- Lines & Numbers: someone always dictating within. My hope is my descendants will be stronger and more educated and do away with these lines.
- That we spoke also for the land, animals and fish... and economy (but not as priority)

- I don't like putting a number of the caribou, nor confining to lines on a map
  - We need to think differently
  - So... If Caribou move into a mine or a road, we should 'stop', not the Caribou
- If we want a different result, we need to try something different
  - Let's hope new Caribou Management Plan thinks differently for a better outcome
- Maps are important; let's not forget Management Intent Statements as more powerful
- TH wanted 60% habitat protection

## Community Input

- Why talking about Dawson in Whitehorse?
  - UFA → Chapter 11
  - All residents entitled
- Recreation → paragliding in Dawson
  - Opportunity for youth (enable enjoyment)

## Connectivity

- Shouldn't conservation be the starting point?
- How about concentrating development?
- Not sure thresholds best approach
- Region east of East, minimal claims, so why not conserve?
- Our challenge is balancing all values
- Challenge of concentration is: don't we want to avoid another Indian River
- Activity trade-off: concentrate vs. spider

## Other Conversations

### Special Management Areas

- Advice: 'think about what kind of problem you are going to solve'
- Park management plans, lots of tools available

### Yukon River Corridor

- Purpose of sub-regional plans: why? And what would that look like.