



September 3, 2020

Yukon Mineral Development Strategy

P.O. Box 372

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Re: Submission regarding Yukon Mineral Development Strategy

Dear Yukon Mineral Development Strategy Panel,

Thank you for taking the time to review and consider this submission on behalf of the Yukon Fish and Wildlife Management Board (YFWMB).

We recognize the importance of reviewing, refining and modernizing Yukon's mining practices. We sincerely hope that the outcome of your work will enable a more environmentally sustainable mining industry here in Yukon and will also serve to influence industry reforms nationwide.

We have a rich history of mining in the Yukon territory and the Board acknowledges that mining will likely remain an important part of our economy for years to come.

Our Board sees this process as an opportunity for Yukon to become a leader in environmentally conscientious mining practices. Practices which include proper consultation with First Nation governments - based on environmentally sound planning and ecological considerations that provide Yukoners with an industry that ensures transparency and accountability.

We hope that our submission can help you to pursue those goals and thank you for your time and consideration.

If you have any questions about this submission please contact the YFWMB's Executive Director, Graham Van Tighem, at (867)-667-5835 or by email executivedirector@yfwmb.ca.

Introduction

The Yukon Fish and Wildlife Management Board is an advisory body comprised of 12 members that are appointed by the Minister of Environment; six nominees are from the Council of Yukon First Nations (CYFN), one is from the Government of Canada (GC) and Government of Yukon, and five are nominees chosen by the Government of Yukon (YG). The Board is established under Chapter 16 of the Umbrella Final Agreement, which outlines our specific mandate and responsibilities with respect to Fish and Wildlife conservation and management in the Yukon.

As per the Umbrella Final Agreement and the Yukon First Nations Final Agreements, the Board is established “as the primary instrument of Fish and Wildlife management in the Territory” (UFA 16.7.1). Furthermore, “the Board shall have standing as an interested party to participate in proceeding of any agency, board or commission dealing with matters that affect the management and Conservation of Fish and Wildlife and their habitat in the Yukon” (UFA 16.7.13).

Owing to this, we have the responsibility of engaging with the Mineral Development Strategy, as future mining operations will undoubtedly affect numerous Fish and Wildlife populations.

The Board has compiled a brief list of considerations which we hope will aid you in your process, and will serve to ensure the health, quality, diversity, and productivity of Yukon’s Fish and Wildlife populations. These were gathered during our first engagement with the YMDS team at our October 2019 meeting at the Goldrush Inn, along with some historical perspectives and corporate history when dealing with mineral development in the Yukon.

Before we continue, we would like to explicitly state that we are not against the practice of mining, in any form, so long as it begins with an environmentally conscious outlook, is conducted in appropriate and well-studied areas, utilizes industry leading best practices, adheres to current established regulations, and is underpinned by well-funded closure and reclamation plans.

Further, we would like to recognize that mining has played an integral role in the lives, culture and identity of many Yukoners, for generations. We understand that mining continues to play a critical role in Yukon’s economic well-being, and that without it, the territory would not be where it is today. Moving forward, we want to ensure that any future mineral development will not have the same lasting negative effects on the environment that has been the hallmark of Yukon’s mining legacy to date.

Ecological consideration

Ecological consideration must be paramount in the development of any new policy or strategy that will guide future exploration and mining work. The territory’s mining history has an endemic lack of sustainable development, which has been extremely problematic for the

integrity of our ecosystems for over a century. It is due time for the mining industry to take ownership and responsibility for the environmental damage and waste that it creates, and it should be the aim of this panel to mitigate any such harm from occurring in the future.

It is the view of our Board that future mineral development in the territory, be it placer or quartz operations, must go above and beyond the standards of existing policy and legislation, in effort to preserve and protect the abundance and availability of Fish and Wildlife in the territory. If we are to retain healthy populations in the future, we must maintain healthy, uncontaminated ecosystems. Ensuring environmental integrity will mitigate some of the effects of climate change by counteracting the loss of global biodiversity.

Diverse, robust ecosystems are essential to ensuring healthy human communities, and these ecosystems will protect First Nation cultures and tradition. This will guarantee subsistence living as a keystone of First Nation culture and identity as it has been for thousands of years. These rights outlined in 16.4.2 of the First Nation Final Agreements are guaranteed, protected, and constitutionally enshrined in the Umbrella Final Agreement. With increasing conservation concerns over local moose, caribou, Dall sheep and even Yukon origin salmon populations, coupled with an increasing Yukon population, fish and wildlife simply cannot afford to undergo any additional strain or unplanned or unregulated mineral development.

Regional land use plans must be implemented (across the territory) in order to protect our remaining intact ecosystems. These ‘untouched’ ecosystems need to be carefully studied, for a considerable amount of time, before future operations may move forward. By implementing land use plans, we can reduce our human impact on the land and water, because we will have a more thorough and comprehensive understanding of how and what will guarantee the survival of these ecosystems. In addition, thresholds should be set for development and adhered to so that we can ensure healthy fish and wildlife populations for future generations of Yukoners.

A growing concern for our Board is the ever-increasing access to wilderness spaces. It is well documented that some hunters will utilize private resource roads to access areas of wilderness that were previously inaccessible. This has a direct effect on the habitat facilitating cumulative effects that deplete the integrity of wildlife populations in these remote areas. Roads cause significant and lasting disruption to landscape and dissect the connectivity of the landscape affecting migration corridors and promoting human traffic which inevitably introduces new contaminants to pristine ecosystems. These corridors are also known to increase predation levels on wildlife populations, as animals such as wolves and bears will often utilize linear infrastructure to hunt ungulates with substantially higher success and efficiency. Linear disturbances are particularly damaging to caribou populations, as their natural history causes them to exist in low densities in non-fragmented habitats. This helps them avoid detection, and their behaviors, which have evolved over eons will not adapt fast enough to avoid population collapse or even local extirpation if roads are permitted through their habitats.

The Board believes that the new mining legislation and policy should address how physical barriers (i.e. gates) will be maintained on necessary roadways, and how access restrictions (i.e. permits and multi-use agreements) will be enforced on new and existing resource roads. Utilizing existing roads should be prioritized; development of new roads must be minimized as restricting access is very difficult and decommissioning virtually impossible. The Board supports a requirement for all new mining operations to develop a closure and guaranteed decommissioning plans, before they can obtain a resource road permit.

From a financial perspective, money spent on remediation by the Yukon Government is tax dollars not spent on Yukon's fish and wildlife. The Board has concerns with proponents abandoning projects, and the Yukon government's inevitable role of providing bailout funding for remediation. The Board would like to see this panel provide clarification on how much funding would be available for remediation of decommissioned resource roads, and that the money should be provided by companies well in advance of project initiation to be held outside the Yukon government. These security deposits from all large-scale mining operations, should be mandatory to ensure that monies for environmental cleanup are retained right from the onset, before any excavation or exploration work goes forward. In addition, reclaimed mines should remain reclaimed for the foreseeable future. Once an area becomes decommissioned and reclaimed, fish and wildlife should be permitted to return, and the sites should be returned to as close to their original state as possible. Repeated use of areas will guarantee that the biodiversity of these disturbed areas will likely never return.

Should permitting beyond the construction phase be implemented, the Board would like to see priority placed on permit conditions for minimizing impact to wildlife and habitat, through route choice, construction methods, road standards (as mentioned in Section 5 of the proposal), and access permissions.

As mentioned above, the Board is concerned with the enforcement of access to wilderness through private resource roads. The Board supports the idea of access permits and additional compliance and enforcement tools, with sufficient resources (funding and capacity) to effectively put these measures in to place.

Finally, given the very real threat of a warming climate, it is imperative that future industrial development does not exacerbate the existing climate crisis, nor should it have any detrimental impact on existing stocks and populations. In essence, our Board would like to know that moving forward, mineral extraction will not cause further environmental degradation, in any capacity.

Shared + public ownership

In addition to ecological consideration, a guiding tenet for a new mineral development strategy should permanently secure a shared, public ownership of all mineral resources. Yukoners

should have more input and control over mineral exploration, development, and extraction. The general public should have some tangible control over the fate of Yukon's mineral deposits, just as it does with other natural resources, like fish and wildlife.

If this process is to be improved and modernized in good faith, then the free entry staking system should be eliminated. Mineral exploration and extraction should be managed by the territorial and First Nation Governments, with both indigenous and non-indigenous communities working together to determine which mining projects will move forward, and when. This process needs to be in collaboration with the private sector. Control over the future of our mining industry needs to be championed by a people-first approach – not an unplanned, ad hoc, money first approach.

Forfeiting control and ownership of Yukon's vast mineral resources to the general public (both Indigenous and non-Indigenous) ensures that profits and monetary value will be retained in the territory, and more specifically within the communities themselves.

Further, any mineral deposits that are located on Settlement Lands, ought to be under the explicit control of the respective First Nation government(s). This will effectively work towards the goal of reconciliation and improved land use planning and is in tandem with the spirit and intent of the Umbrella Final Agreement.

Our short history of resource extraction, this practice of abandoning mines after they are no longer operating at profit has left a wake of destruction and devastation that will linger for generations to come. As you know there are several abandoned mines in the territory that continue to cost taxpayers and governments millions of dollars to clean up. These mines include Tom Adit, Ketza River, Keno City, Clinton Creek, Wolverine, Mount Nansen, and most notably, the Faro Mine. The Board does not want to see this occur again, however in order to ensure this is not a part of our possible future, we need to fundamentally change the current mineral development strategy to guarantee mandatory reclamation on projects permitted in the Yukon.

Regulatory reform

In the future, we hope to see a new system of regulatory reform that ensures Yukon's ecosystems, fish and wildlife, and its people benefit from mineral development and are not left in the wake of its devastation. The regulations currently in force need to incorporate a modern vision that works for Yukoners while incorporating modern day treaties and their respective Spirit and Intent. Communities should have control over developments, and access the benefits of these projects to ensure their values are represented and its benefits land in their Traditional Territories rather than abroad. In addition, the current systems that utilize "adaptive management" such as the new Adaptive Management regime that has overtaken the old Yukon Placer Regime should be an example of how to manage with the best available information possible. However, even this system is not being utilized to its fullest potential and our hope

would be to bring out the best of this model, and modernize its application based on the current review of the strategy currently underway.

The Umbrella Final Agreement

Yukon fish and wildlife have always been one of the highest priorities for Yukoners. This should be a significant marker for consideration when modernizing mineral, or any other industrial development strategy. Many Yukoners both historically and in modern-day value Yukon's fish and wildlife above all, and it has been quoted time again by Elders that healthy fish and wildlife populations beget healthy human populations.

Mineral development is a key component to Yukon's economy, however whatever strategy we decide upon should not come at the cost of our most precious resource – fish and wildlife.

Thank you for your time in considering this submission, and please contact the Board's Executive Director Graham Van Tighem with any questions (executivedirector@yfwmb.ca or 867-667-5335).

Sincerely,

Carl Sidney

Chair, Yukon Fish and Wildlife Management Board