

CLASS 1- DISCUSSION PAPER- ADDENDUM

The Department of Energy, Mines and Resources (“EMR”) would like to provide further context and clarity on the notification and timing sections of the discussion paper entitled “*Quartz Mining Act and Placer Mining Act Review Class 1 Mining Land Use Discussion Paper June 2013*”, which was sent you to assist with review of possible changes to the mining land use rules governing Class 1 quartz exploration programs and Class 1 placer land use operations.

EMR put forward the discussion paper as a starting point for consultation on the issues identified in the paper. Included in the paper is the issue of submitting a notification prior to undertaking Class 1 activities, as these are described in the *Quartz Mining Land Use Regulations* and the *Placer Mining Land Use Regulations*. The discussion paper proposed that notification would be required before any Class 1 activities are undertaken. No decision has been made that notification will be required before any Class 1 activities are undertaken; we are looking for your input and suggestions as to whether notification should be provided prior to carrying out any Class 1 activities, as suggested in the discussion paper, or whether notification should be required in relation only to certain activities – and if so, what activities. Comments received on this subject by Yukon First Nations, industry and the public will be considered carefully before any decisions are made and recommendations made for legislative change.

In deciding what Class 1 activities should be subject to a notification requirement, consideration must be given to a variety of factors. The needs of industry – such as flexibility, timeliness and certainty – must be considered. Obligations of government to Yukon First Nations – both those that have completed land claims agreements and those that have not – must also be considered. Central to these obligations is the need to consult when the duty to consult is triggered. With respect to the Ross River Area – and involving a First Nation that has not settled a land claim – the Yukon Court of Appeal declared that Yukon has a duty to notify and, where appropriate, consult with and accommodate before allowing any mining exploration activities to take place to the extent that those activities may prejudicially affect Aboriginal rights claimed by the First Nation. Yukon is seeking, across all of the Yukon, to find the balance between the need to meet our obligations to Yukon First Nations and the needs of industry.

The Yukon government needs to work with industry, Yukon First Nations and the public to determine if notification should be required prior to carrying out all Class 1 activities or only certain activities. We anticipate the comments and advice provided throughout the consultation period will assist EMR in making recommendations on changes to the *Quartz Mining Act* and the *Placer Mining Act*.