



Quartz Mining Act Proposed Amendments

What We Heard Engagement Report

September 2018

Department of Energy, Mines and Resources



Background

We are proposing an update to the *Quartz Mining Act*.

These proposed changes are intended to:

- Advance reconciliation with First Nations by providing the Yukon government with more flexibility under the *Quartz Mining Act* in working with First Nations. The update would support agreements between the Yukon government and First Nations to allow only the First Nation or their designated entity to enter specific land for the purposes of locating mineral claims. This change would only apply to land that is currently withdrawn. If such agreements are made, it will provide First Nations with additional opportunities for economic development by creating an environment where the First Nation can more actively participate in the mining industry in Yukon. This, in turn, should be beneficial for the overall Yukon economy.
- Increase opportunities for the remediation of Yukon's Type II mine sites by allowing the Yukon government to provide purchasers of Type II mine sites both sole access to mineral rights and the obligation to remediate the site.

Engagement Process

The Department of Energy, Mines and Resources conducted a 45-day engagement with Yukon and Transboundary First Nations, stakeholders and the public from July 6, 2018 to August 21, 2018.

The Yukon government used a letter and background information sheet to initiate engagement with Yukon and Transboundary First Nations and stakeholders. These letters invited questions and comments to be submitted to the Director of the Strategic Alliances Branch. Public engagement was conducted through the EngageYukon.ca website. The EngageYukon.ca website provided information regarding the proposed amendments and an invitation to submit comments and questions to qmainput@gov.yk.ca.

For further information regarding the information provided by the Government of Yukon for this engagement process, please refer to the [Quartz Mining Act](#) on the EngageYukon.ca website.

Participation by the Numbers

There were 21 responses during this engagement process:

- 5 from First Nations;
- 14 from industry representatives and operators;
- 1 from non-governmental organizations; and
- 1 from the public.

We also participated in meetings with Klondike Placer Miners' Association, Yukon Chamber of Mines, Yukon Prospectors Association, Yukon Conservation Society and White River First Nation.

Responses from First Nations

We heard that First Nations who responded are concerned with our approach in developing these amendments and with the level at which First Nations were engaged in the process. These concerns include:

- First Nations should have been more involved and at an earlier stage in developing any proposed amendments to the *Quartz Mining Act*.
- The process used to develop these amendments is not consistent with agreements and commitments between First Nations and the Yukon government, specifically the Mining Memorandum of Understanding.
- The amendments will directly affect Aboriginal and treaty rights.
- These amendments will give First Nations without final agreements benefits outside of land claims, and this does not appropriately respect the Final Agreements held by some Yukon First Nations.

- The Yukon government should work with Self-governing Yukon First Nations to implement their Final and Self-government agreements as a means of pursuing reconciliation.
- The Yukon government should retract this engagement process and reengage directly with First Nations on these matters.
- The Yukon government should provide First Nations with more details and information regarding possible act amendments, so that First Nations can submit meaningful feedback.

Responses from the Public and Stakeholders

The following pages summarize the responses we received from the public and stakeholders for each of the amendments proposed. Responses are amalgamated.

1. Furthering Reconciliation with First Nations.

The Government of Yukon proposed the following:

To amend the *Quartz Mining Act* to enable the Yukon government to consider specific requests from a First Nation or their designated entity for approval to stake claims on land that is currently withdrawn.

The responses we received supported efforts to further reconciliation with First Nations and recognized the importance of this work. However, concern was expressed about whether the proposed amendment to the *Quartz Mining Act* is an appropriate avenue to pursue reconciliation with First Nations.

What we heard:

- Any change to the free-entry system would drive investment out of Yukon and have a negative impact on the livelihoods of those in the mining industry. Some individuals are concerned that this amendment will have a particularly negative impact on grassroots mining projects.

- These amendments will give First Nations without final agreements benefits outside of lands claims, which does not appropriately respect the final agreements held by some First Nations.
- Some respondents feel that reconciliation with First Nations often comes at a cost to the mining industry, and that the Yukon government places First Nations' interests above the interests of industry and other groups in Yukon.
- Respondents have asked for further information regarding how this amendment supports reconciliation with First Nations, and have noted that providing meaningful comments on these amendments is difficult without more details and access to draft language for the proposed amendments.

2. Remediation of Abandoned Type II Mine Sites:

Yukon government proposed the following:

To amend the *Quartz Mining Act* to increase opportunities for the Yukon government to facilitate the sale of Type II Mine sites.

Although we heard some concerns regarding the remediation of Type II mine sites in Yukon, these concerns are not specific to this aspect of the proposed amendment to the *Quartz Mining Act*. We received significant support for this approach to the remediation of Type II mine sites.

3. Engagement Process:

The Department of Energy, Mines and Resources conducted a 45-day engagement period with Yukon and Transboundary First Nations, stakeholders and the public from July 6, 2018 to August 21, 2018.

We heard the following feedback on the engagement process:

- A 45-day engagement period is inconsistent with the more common 60-day engagement period.
- Engagement periods held during the mining industry's field season are challenging as many operators are unavailable to comment.
- The information provided for the purposes of this engagement was not descriptive or detailed enough to allow for meaningful feedback.
- To ensure that possible amendments are well informed, the Yukon government should engage with stakeholders before proposing act amendments.

Respondents asked the Yukon government to:

- share drafts of the proposed amendments before tabling them in the legislature;
- reengage with Yukoners for a minimum of 60 days once the Yukon government has shared the draft amendment; and
- extend or postpone this engagement until after the summer field season.