



**YUKON MINERAL
DEVELOPMENT
STRATEGY**

WHAT WE HEARD

Summary of Key Findings

About the Summary of Key Findings

The Summary of Key Findings is a greatly condensed summary of themes heard by the Yukon Mineral Development Strategy Independent Panel.

For additional context into what the Independent Panel heard, please consult the full *What We Heard Report*. The full *What We Heard Report* attempts to capture the wide range of perspectives the YMDS Panel heard related to mineral development in the Yukon from over 90 interviews and meetings with individuals and groups, 63 written submissions, three days of focus groups, eight online open houses, an Elder's panel, and nearly 3,000 survey comments.

To make it easier for readers to find the topics that interest them, we have categorized the input we received into themes – but because many of the topics are interconnected, readers may find it necessary to refer to several sections.

Everyone's voice matters and the YMDS Panel is grateful to all who participated in the YMDS Engagement Phase.

Summary of Key Findings

Throughout the Yukon Mineral Development Strategy engagement process, the Independent Panel learned that there is a general sense of frustration with the current state of affairs when it comes to mineral development in the Yukon. Participants asked for change in a wide variety of areas, ranging from the need for a more harmonized and efficient regulatory and assessment process to the requirement to modernize mining legislation, overhaul the mineral royalty system, and the need to complete regional land use plans.

Contained within this section is a summary of key findings based on what the Independent Panel heard from participants in the process. **It is important to note that this summary reflects the views of the participants and should not be interpreted as Panel recommendations.**

Each section in this summary has a corresponding chapter in the full *What We Heard* report. If you would like more detail on what participants had to say, please refer to the corresponding section in that document.

1.1 Mining Legacies

- 1) The legacy of poor mining practices in the past looms large in people's consciousness, as do more recent incidents. While this has led to a loss of trust that affects the sector, positive changes in mineral development practices and the benefits that come from the sector were also noted.
- 2) To support mineral development, Yukoners need to be certain that the benefits of mineral development activities will outweigh the associated costs and risks.
- 3) Current and future mines need to have closure plans backed up with realistic, adequate and accessible financial security bonds.
- 4) The Yukon has the potential to be a "best in class" ethical mining jurisdiction, which will protect local interests and provide local benefits, while also creating a competitive advantage for attracting mineral development investment capital from global venture capital markets.

1.2 First Nations

- 1) Unresolved land claims create uncertainty for everyone.
- 2) Industry is especially concerned about the alienation of land for exploration due to land claims-related staking moratoriums. Unresolved land claims also complicate industry's consultation with First Nations and negatively influence investor confidence.
- 3) There is a need for governments and First Nations without land claims agreements, including trans-boundary First Nations, to negotiate and implement contractual arrangements for the management of lands and permitting of resource development activities.
- 4) Significant economic and capacity gaps exist between First Nations with Final Agreements and those without.
- 5) Existing mineral legislation is not in compliance with obligations under the Final Agreements. The development of modernized mining legislation must be a key outcome of the YMDS, and Yukon government and Yukon First Nations must work collaboratively and expeditiously toward new, "made in the Yukon" legislation that is rooted in collaborative management, sustainability and respect for the spirit and intent of the treaties.
- 6) The free entry system needs to be replaced or have numerous constraints placed upon it to be consistent with the Final Agreements.
- 7) Traditional knowledge must be given a much greater role in the assessment and regulatory approval processes.
- 8) Free, Prior, and Informed Consent and local decision-making should be incorporated into assessment and decision-making processes.
- 9) Industry understands the importance of early engagement with First Nations, but confusion exists around how to do consultation and engagement with First Nations properly (i.e. when the process should begin, who to engage with, how the process should operate, what the end results should be, etc.)

1.3 Environment

- 1) Environmental stewardship and protection are fundamentally important.
- 2) A lack of consistent and high-quality monitoring and enforcement is undermining the effectiveness of the regulatory regime and its ability to protect the environment.
- 3) While there are systems in place to assess environmental impacts, there are important traditional and scientific knowledge gaps that need to be filled.
- 4) Mechanisms need to be developed to address cumulative effects.
- 5) Climate change implications are numerous, and a climate change lens must be applied to all aspects of mineral development.

1.4 Communities

- 1) Mineral development activities can positively affect communities but also have significant adverse effects on the health and safety of communities. (Ex. substance abuse, violence against women and girls, impacts on families, etc.). Implementing the recommendations in the *Yukon Strategy on MMIWG2s+: Changing the Story* can assist with addressing these issues.
- 2) Municipalities and First Nations need to be resourced adequately to plan for, accommodate, and benefit from mineral development activities.
- 3) Community concerns need to be given greater weight in the YESAA process.
- 4) Alternative and community-based metrics should be developed to assess the impacts and benefits of mineral development activities on communities.
- 5) Governments and First Nations need to complete socio-economic and socio-cultural impact assessments on affected communities before (i.e. baseline), during, and after mineral development activities.
- 6) Agreements such as Participation Agreements, Exploration Agreements, Impact and Benefits Agreements, and similar agreements between mineral developers and communities form relationships that could lead to mutually beneficial outcomes.

1.5 Heritage

- 1) Heritage is not limited to historic sites, archaeology, or paleontology, but also includes living heritage like language, culture, and relationship to the land.
- 2) Land use approvals for advanced exploration and mining usually require heritage studies and the study areas sometimes wholly or partially overlap areas that have previously been studied by other operators. Duplication of studies is costly and time-consuming, and should be avoided.
- 3) Quality heritage data is necessary to make good decisions about land uses, but this data needs to be presented in a fashion that does not compromise important heritage areas and reduces the duplication of effort for operators who are required to study overlapping areas.

- 4) The need for a central repository or cataloging system was expressed by many to make the heritage assessment process more efficient.
- 5) Legislation and regulations are needed for heritage protection, and these tools should transcend departmental boundaries.

1.6 Consultation and Public Engagement

- 1) There is a difference between Consultation as a duty under Section 35 of the Constitution Act and consultation as a form of public engagement. The Crown's Duty to Consult is often devolved to industry, which creates both opportunities and problems.
- 2) Consultation and public engagement are both valuable and essential but are not always easy.
- 3) Consultation and engagement are not always meaningful. This has reduced trust and participation in these processes.
- 4) Consultation and engagement processes can be made easier and more effective with proper systems, resources, and approaches in place.
- 5) Negotiated agreements can form the basis of a relationship between mineral developers, First Nations and communities.

1.7 Land Use Planning

- 1) There is a general consensus that land use plans need to be completed urgently.
- 2) Although the Final Agreements contain provisions for how Regional Land Use Plans should be developed, additional clarity is required. The development of these plans has not progressed quickly for a variety of reasons that must be addressed, such as:
 - a) The delineation of planning boundaries,
 - b) The availability of data/information,
 - c) Capacity,
 - d) Concurrent vs. sequential planning,
 - e) Concerns about timelines,
 - f) The lack of clarity regarding mineral staking withdrawals, and
 - g) Compensation for claim holders affected by land use planning.
- 3) There is a need to consider land withdrawals in some fashion prior to each regional land use planning process.
- 4) Land use planning processes need to be resourced adequately, including the collection and analysis of information (biology, mineral resources, traditional and local, knowledge, etc.)

1.8 Prospecting, Staking and Exploration

- 1) Mineral exploration is a high-risk enterprise. Most grassroots exploration is carried out by junior companies and prospectors with little cash flow. There is heavy reliance on venture capital to finance exploration projects.
- 2) Class 1 Notification requirements have added significant time and expense for prospectors and exploration companies. The costs and delays may force venture capital and exploration companies to operate in more “exploration friendly” jurisdictions. The system could do a better job of delineating between invasive and non-invasive practices.
- 3) The free entry system is inconsistent with the Final Agreements and does not consider other potential land uses. However, prospectors and other mineral explorers consider some form of free entry to be essential to their operations.
- 4) Online staking has advantages and disadvantages. New legislation must allow for the implementation of online staking, should the decision be made to use online staking in the future.
- 5) The land base available to staking has been radically reduced in recent years and currently represents about half of the Yukon.
- 6) Policies relating to staking and representation work for claim maintenance need to be reconsidered.
- 7) Mineral staking and tenure needs clarification in a variety of areas (ex. Settlement Lands, titled lands, municipalities, overlapping placer and quartz claims, etc.)
- 8) Legislation and regulations must continue to adapt to changes in prospecting and exploration practices.

1.9 Reclamation, Remediation, and Restoration

- 1) There is broad support for stronger financial requirements and incentives to ensure reclamation is undertaken by project proponents.
- 2) There is a need to ensure that bonding for mining projects is both adequate and accessible.
- 3) Reclamation for exploration and mining projects should be progressive and follow established work plans and best practice guidelines.
- 4) There are opportunities related to post-mining reclamation, and there are ways to ensure that these opportunities result in benefits to local communities.

1.10 Environmental Assessment and Regulatory Systems

- 1) An effective and timely regulatory system will give Yukon a competitive advantage and ensure mining’s social license.
- 2) Many industry participants perceive the assessment and regulatory processes as being overly complex, cumbersome and expensive. The recently completed Price Waterhouse report documents many of industry's specific concerns.

- 3) There are opportunities to improve the Yukon's assessment and regulatory systems to ensure that they are both effective and efficient without compromising environmental, heritage, or social values.
- 4) Permit classes and terms can be reconfigured in ways that reduce the investment risk for mineral developers, while also meeting the needs of First Nations and the environment.
- 5) There is a need for comprehensive socio-economic and socio-cultural impact assessments to make informed decisions regarding mineral development projects.

1.11 Legislation

- 1) There is a general desire for legislative modernization for a variety of reasons. Importantly, mining-related legislation must be consistent with First Nation Final Agreements and align more readily with other legislation such as YESAA and the *Yukon Waters Act*.
- 2) Yukon government and Yukon First Nations must work collaboratively and expeditiously toward new, "made in the Yukon" legislation that is rooted in collaborative management, sustainability and respect for the spirit and intent of the treaties.
- 3) The mineral development sector would like to provide input on new legislation.

1.12 Government Revenues

- 1) Fees, taxes, and royalties must be competitive in order to attract investment to the territory, but they must also be set at rates that capture benefits for the territory and recognize the value of resources that are transferred to the private sector.
- 2) The royalty and taxation systems require changes.
- 3) The establishment of an investment fund utilizing resource revenues can help to ensure that mineral development provides long-term benefits for Yukoners.
- 4) A payroll tax could be used to ensure the territory captures more financial benefit from workers who earn their incomes in the territory, but who do not reside in the Yukon.

1.13 Economy

- 1) Mineral development is the largest private sector employer in the Yukon, with many Yukoners and their families depending on incomes associated with mineral development, directly and indirectly.
- 2) Although mineral development activities employ many Yukoners, there are Yukoners who have difficulty accessing employment in the sector.
- 3) It is important that ongoing efforts be made to develop a Yukon workforce (careers vs. jobs) to ensure that benefits from the sector remain in the Yukon in both the short and long term.

- 4) A significant portion of the mineral industry workforce does not reside in the territory and this reduces the benefits accruing to Yukon in the form of federal transfers, tax revenues, induced employment, local business revenues and so forth.
- 5) The boom/bust nature of the sector is disruptive to the economy and to Yukoners.
- 6) Mineral development provides economic benefits, but care needs to be taken to ensure these benefits are captured in ways that benefit the Yukon now and in the future.
- 7) Investment in mineral development depends on a variety of factors. Maintaining a positive investment climate is essential to a sustainable mining industry, however creating the conditions where both investors and Yukoners benefit is key.
- 8) Yukon-based placer miners are under pressure from a variety of direction (ex. larger competitors from outside the territory, regulatory uncertainty, etc.)

1.14 Infrastructure

- 1) While infrastructure expansion and maintenance are essential to mineral development, roads and other infrastructure can have significant negative impacts on the environment and traditional activities.
- 2) There is disagreement over the decommissioning of access roads (i.e. should it happen, by whom, and when?)
- 3) There is disagreement about who should pay for infrastructure (energy, roads, etc.) related to mineral development, with many wanting industry to assume a greater role in paying for new and existing infrastructure.
- 4) There are demands for increased use of renewable energy by and for the mineral development sector.
- 5) Access to tidewater is necessary for the viability of many mineral development projects.
- 6) Telecommunications infrastructure is essential for competitive operations in remote areas.

1.15 Technology

- 1) The technological landscape offers opportunities to do things better, but it also means changes to the job market.
- 2) Yukoners must be prepared for a changing job market.
- 3) Changes to mineral legislation must attempt to anticipate the impact of new technologies and encourage innovation.

1.16 Looking Forward

- 1) Participants shared that the Yukon Mineral Development Strategy needs to contain a vision for the territory.
- 2) There is a broad desire that the YMDS will be bold and transformational, establishing a framework that will allow for sustainable mine development within a positive environmental and social context.
- 3) Because the Independent Panel's recommendations are non-binding, it will be up to the Yukon government and First Nations to work together to consider and implement the Panel's recommendations. In this regard, the Yukon Mineral Development Strategy is not the end of a process, but a beginning.