

# **TOTAL IMPACT**

**OUR COLLECTIVE  
FOOTPRINT**



KWANLIN DÜN  
CULTURAL CENTRE  
WHITEHORSE

**MARCH 12-13, 2019**



**YUKON LAND USE  
PLANNING COUNCIL**  
[www.planyukon.ca](http://www.planyukon.ca)

**PROCEEDINGS**

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## ACKNOWLEDGEMENTS

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The Yukon Land Use Planning Council would like to acknowledge that the *Total Impact: Our Collective Footprint Workshop* was held on the traditional lands of the Ta'an Kwäch'än Council and Kwanlin Dün First Nation

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## EXECUTIVE SUMMARY

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The workshop *Total Impact: Our Collective Footprint* brought together over 90 participants to discuss the challenges of addressing cumulative effects in the Yukon. Hosted by the Yukon Land Use Planning Council, the two-day workshop included representatives from Yukon First Nations, the Council of Yukon First Nations, Umbrella Final Agreement (UFA) Boards and Committees, Government of Yukon, Government of Canada, and land use planning and environmental assessment practitioners. The event included a mix of panel presentations and breakout groups discussions. Day one began with opening remarks from Ruth Massie, Joe Copper Jack, and Pearl Callaghan. Facilitator Lindsay Staples gave a keynote address, focussing on the need to shift our perspectives away from project-oriented assessments towards value-centric assessments.

The first panel brought together Yukon First Nation Elders to share their first-hand and multi-generational knowledge and experiences of change in the territory. They described the significance of changes sparked by events such as the Gold Rush and building of the Alaska Highway, as well as the rapid pace at which these changes are taking place. The panelists emphasized the importance of cultural traditions, language, values, and relationships with the land.

The second panel featured several Yukon Government regional biologists and representatives from the Porcupine Caribou Management Board and the Climate Change Secretariat. They discussed the challenges of determining cumulative impacts on caribou populations, such as the large size of certain herds, lack of data, poor monitoring, trans-boundary issues, and the overwhelming number of environmental assessments in caribou habitat. Impacts from climate change across the North were described, as well as existing efforts to address these impacts. The first day ended with breakout group discussions. Although the discussions covered a diversity of topics, many of them focussed on identifying or describing key cumulative effects issues. These included climate change, changes in ecosystems (e.g., wildlife populations, water temperatures, wetlands, berries), socio-economic and cultural impacts (e.g., well-being, Aboriginal rights, traditional responsibilities), legacy effects, and issues of access (e.g., roads and trails).

On day two, the first panel of the day focussed on governance issues related to cumulative effects. The panelists discussed issues related to legislation, political will, and the limitations of project-oriented assessment. They also pointed to tools and approaches within YESAA, the UFA, and traditional law as promising avenues for addressing the governance challenges of cumulative effects. The breakout session that followed these presentations similarly centered on barriers and challenges. These included numerous governance and decision-making issues, including poor understanding of land claims agreements, lack of authority and involvement in decision-making for First Nation

governments, transboundary issues, the need for a strategic vision, and better connections between different levels of planning. Other barriers included outdated mining acts and related regulations, poor enforcement, a reactive rather than proactive approach to decision-making, the rapid pace and large scale of development relative to the slow pace of decision-making, diversity in values and perspectives, limits to funding and capacity, a lack of information, poor communication of information, and uncertainty.

The final panel of the workshop looked at “remedies” for the challenges of cumulative effects. Panelists discussed previous approaches to addressing cumulative effects, within and outside the Yukon, and what might be learned from these efforts. They emphasized the importance of identifying values, indicators, and thresholds; communication between decision-making processes; community involvement; and the use of multiple knowledges. They also argued that while there is no “silver bullet” solution to cumulative effects, it can be done. For the subsequent breakout group discussions, groups were asked to come up with three main recommendations. Several of these suggestions overlapped. Final recommendations included the following: establish a monitoring network, establish benchmarks and thresholds, improve data sharing, prioritize effective regional land use planning and make it more user-friendly, update legislation, provide funding for implementing Chapter 11 and Chapter 12 of the UFA, provide funding for capacity-building to assess and understand cumulative effects, establish interim measures while waiting for land use planning to be completed, provide leadership and integrate management for cumulative effects, prioritize relationships, and focus on the future, not just immediate use. The event closed with a resolution to submit the recommendations of the gathering to the leaders of the Parties to the Agreements through the Yukon Forum.

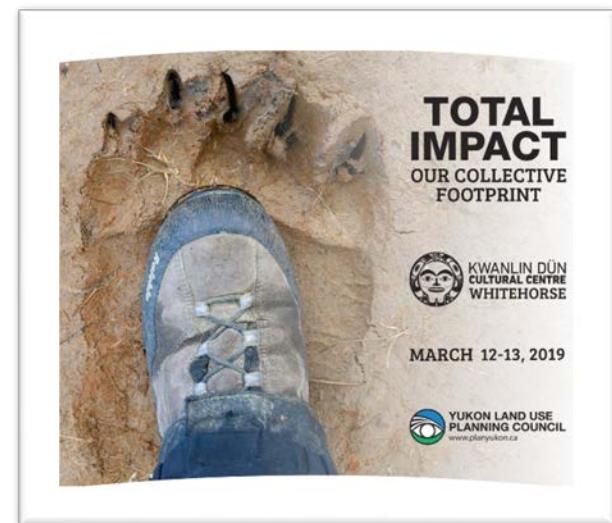
## INTRODUCTION

On March 12-13, 2019, the Yukon Land Use Planning Council hosted a workshop on managing cumulative effects titled *Total Impact: Our Collective Footprint*. It brought together over 90 participants from Yukon First Nations, Council of Yukon First Nations, UFA Boards and Committees, Government of Yukon, Government of Canada, and land use planning and environmental assessment practitioners to discuss the challenges of managing cumulative effects on Yukon communities and landscapes. The need for such a workshop is reflected in public concerns over the total impact of past, present, and future effects resulting from developments that combine and build on one another. These are not new concerns. Dating back several decades, Yukon First Nations and communities have expressed their fears and worries about how the negative impacts from a single development may combine with the impacts from other developments to affect land, water, fish and wildlife, and the people who depend on and use these resources, as well as local and economic conditions and culture.

Sometimes referred to as “death by a thousand cuts”, cumulative adverse effects highlight how the impacts from a single development may be insignificant, but when combined with other developments may contribute to a total impact that is significant and socially unacceptable.

At the heart of this concern is the longstanding challenge of how these types of impacts are assessed, permitted and regulated on a project-by-project basis and, on a regional basis, how they are managed and monitored.

The purpose of this gathering was to explore the nature and scope of the problem of cumulative effects, the barriers to addressing it, and the role that landscape and regional planning and other strategies could contribute to overcoming them. The format of the workshop was intended to promote dialogue. Several small panels of experienced observers shared their views to stimulate discussions in small break-out groups. The views from these small group discussions were then discussed in the larger conference session to contribute to recommended regional planning practices and strategies. The first day of the conference focussed on understanding the



problems and their consequences, focussing on the perspectives of Yukon First Nations Elders and land users and Yukon biologists. Panelists addressed the question of *how we understand cumulative effects and what the consequences are of failing to effectively address them*. The second day focussed first on challenges and then solutions. It asked, *what are the challenges in addressing cumulative effects from the perspective of environmental assessment, effects management, and effects monitoring?* In light of these challenges, it also asked, *what are the strategies and initiatives that can be used to address the challenges in establishing effective cumulative effects management?*

The following report provides a summary of the panel presentations and discussions that followed these presentations. The breakout group discussions facilitated the sharing of an incredibly rich set of knowledges, stories, and experiences. This report does not do justice to recapturing this depth, but does provide an overarching summary of the themes that came from the discussions. Although they are set out in separate sections here, many of these themes intersect and overlap.

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## SUMMARY OF DAY 1

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### OPENING REMARKS

An opening prayer was given by Joe Copper Jack.

*Lindsay Staples, Facilitator*

Many of the people in this room have been having conversations about cumulative effects, but they have been doing it separately. This event is important because perhaps for the first time, it's bringing people together on the issue of cumulative effects. People experience cumulative effects differently. Both First Nation and non-First Nation people in the room will bring a sense of what a territory means and how it is affected by change across the landscape. The outcome of this workshop will be a report. It is something tangible that people can take forward. There are enormous challenges with cumulative effects and the focus of today is understanding those challenges. Tomorrow we will look at what the next steps in addressing these challenges might be.

*Ruth Massie, Ta'an Kwäch'än Council*

On behalf of Ta'an Kwäch'än Council, welcome. Cumulative effects have particular impacts for Yukon First Nations. It's affecting economic, social, and political spheres as the North continues to grow. This is putting increasing pressure on communities and their traditional values and practices. Impacts range from changes to fish and wildlife populations to climate change, being able to afford to go on the land, and urbanization. We need to take a step back and look at the bigger picture. Yukon First Nation language and traditions have transformed over the years, but the foundation is the same.

Our values and practices have a lot to contribute. We need to learn to share to ensure that our lands are protected for future generations.

***Pearl Callaghan, Yukon Land Use Planning Council***

This two-day workshop will explore the challenges of managing cumulative effects on Yukon communities and landscapes. We purposely focused this workshop on the realities of the Yukon. We avoided inviting "outside" experts to tell us how manage cumulative effects as we are a unique jurisdiction with respect to our governance and we now have the collective brain trust here to manage our own affairs. One of the objectives of this workshop is to continue to improve the integration of Chapter 11 Land Use Planning with Chapter 12 Development Assessment through YESAA. It is natural to link the planning of land uses with the assessment and permitting of land uses. This will be discussed in our workshop.

We have one regional land use plan in place in the North Yukon and expect the Peel plan to be approved soon. As you know we had the Dawson Regional Land Use Plan underway and this was put on hold due to the Peel Land Use Plan going to the Supreme Court of Canada. There are four regions proposed by our Yukon Land Use Planning Council where planning commissions are yet to be established: Kluane, Teslin, Whitehorse and Northern Tutchone. Up until 2013, we hosted numerous workshops and meetings designed to determine the remaining planning region boundaries and to draft the terms of reference for the next planning region. While there is more work to be done, this work will speed the start of the next planning process now that regional planning is resuming in the Yukon. This work should include the Parties (YG/YFNs) agreeing on the planning regions that the Council has recommended.

It is important to recognize that the work we are doing in the two days is a result of years of relationship building between Yukon First Nations and Canada and the Territorial government. Here we are in 2019 – and “As keeper of the process” we are back now implementing Chapter 11. We are returning to Dawson and looking forward to the restart of the Commission there. One of the reasons we chose “cumulative effects” as the focus of this gathering was because we think some of the concepts used in the approved North Yukon plan may be worth considering as approaches to address the planning issues in the Dawson region.

Finally, when I look both at the agenda, the people speaking and the people in the audience, I think we have the potential for a great gathering.



## KEYNOTE ADDRESS

*Lindsay Staples, Facilitator*

In the cumulative effects world, there is a sense of what works, which is thin, and what doesn't work, which is a lot. Nonetheless, there's a lot that we *can* do, which is grounds for confidence. I'm hoping that we will come out of this workshop with positive and concrete steps for managing cumulative effects in the Yukon. I like the title of this conference, "Total Impact", because it encompasses the full slate of concerns about the present and future, and all of the effects on our live, our communities, and our institutions.

One effect that struck me as a particularly important indicator for how we are dealing with cumulative effects is climate. Climate is the ultimate cumulative effect. We know what the major sources are, we know what the thresholds and targets are for managing carbon output, we know what the tipping point is for irreversible effects, and we know that we may already be over that. We have a sound body of evidence to support decisions and have made commitments to address these issues. We also have monitoring. In light of all of this, where are we now? It's clear that political will and political leadership is central here.

There are a lot of factors that come to bear on a particular project. The question is, when it comes to doing project-level assessments, how fully considered are they? In project assessments, usually you take a project-centric view. A different mindset is required for considering cumulative effects. They have to be considered from the vantage point of what is being affected - values and the conditions that are valued. If we are talking about sustainability, this speaks to different mindset of moving away from project perspective towards looking at caribou, moose, salmon, way of life, wellbeing of families, etc. Those values become the lens through which we view cumulative effects.

With a cumulative effects mindset, it's about sustainability of values. YESAA recognizes social, cultural, and economic wellbeing, but I suspect we will hear about the limitations of that legislation. Even federal environmental assessment legislation is changing. Collaborative governance is going to be key. The ability of First Nation governments to work with one another and federal and territorial governments will be critical. We need to establish thresholds.



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In the absence of a threshold, what have you got to measure how much is too much or too little? The challenge with thresholds is that politically, it means drawing a line in the sand.

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Canada has been reluctant to develop thresholds because they're viewed as binding. Regardless of what they are called, surely they are useful for establishing a target that we are managing towards.

On this map of the western portion of Selkirk First Nation traditional territory, you see over four thousand features of traditional uses (e.g., hunting grounds, fish camps, birth sites, burial sites). In yellow, you see quartz permits and leases. There are also placer leases. The Northern Access route goes in to that area as well, in addition to other resource roads. This is opening up access to a territory where previously there were no activities. On this map of northern Alberta, you see how once you get into the NWT, there is much less activity (in terms of forestry, pipelines, etc.). This raises questions of how to manage things in the NWT given what lies to the South. The underlying theme across these examples is that our ability to manage pace and scale of development is limited.

The Yukon has no integrated legal framework to manage cumulative effects. We have land use planning, environmental assessment, regulators, and permittees, but how does that all hang together? There are references to other tools, but how binding are they? The core problem is: what are the tools in the toolbox that will help us address this problem? In BC they have tried to come up with coherent cumulative effects management framework, which is about being clear on values and getting beyond project-level assessment towards regional level perspective, as well as having decision supports (what goes, what doesn't, at what speed, etc.).

The main challenge is to shift our perspective away from projects towards values. This is challenging for assessment because proponents are looking to get a permit. The public at large might be interested in economic benefits, but there is whole other suite of other concerns you may have. The proponent's perspective and the public's may be quite different. This is the root of the issue at cumulative effects – proponent and the public are talking about two different things. There's a need to identify thresholds. Information and data are critical and this is a huge issue in the Yukon. There isn't good data on community conditions. If decisions are made on the basis of good information, we have a long way to go. With respect to governance, it's the most challenging task of all. We need to get all of those governments in the room.

## PANEL: BEARING WITNESS TO CHANGE



Ron Chambers

Norm Adamson

Joe Copper Jack

Jimmy Johnny

Carol Geddes

### *Ron Chambers, Champagne-Aishihik First Nation*

I want to give a historical perspective on what First Nations have dealt with since Gold Rush started. A newspaper in Sitka in 1897 stated, “The Dalton route to Klondike. It is a country unknown, save to the Indians and they have always been too lazy to thoroughly prospect. Often has the question been asked, if this be such a rich country, how does it happen that the Indians have never found it out. The answer is simple. They are too indolent and ignorant to go a days journey in quest of the uncertain and doubtful. But let them catch a glimpse of a deer track and they will know there’s a meal.” This is what the people of the time must have been thinking. We have come a long way since then.

“Finding Our Faces” is mainly to do with residential school in Whitehorse. It has photos of people who were in it. I was a part of what’s in it. We’re still trying to find our faces. We’re still trying to find out who we are. I see it again today when it comes to development. We haven’t found our faces enough to be welcoming to new faces. We aren’t against people coming to the Yukon, we just haven’t found our comfort zone.

I asked Jimmy Kane what it was like to be 100 years old. I asked him if he ever knew Jack Dalton. He said yeah, he saw them when they came to what they (then) called Dalton Post. He said the men were down on the river catching salmon and the women and children were in the village. Dalton tried to hire guides, but everyone ran in the bush because they had never seen white people before. A lot of recent elders are close to contact time. Now we’re trying to find our salmon again.

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I think it's important for us to realize we're not talking about a long time. It's a short time. We shouldn't have this many problems today.

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We're trying to get cultural traditions back. One of them is sheep horn spoons. We have our values, but how many people know about them? Not too many.

***Norm Adamson, Ta'an Kwäch'än Council***

I held language above everything. People told me when I went to school "I don't know why you're doing that, it's going to be gone in five years." I'm glad I did. I know things people don't, like the name of that river. I spent a lot of time with Elders all over the place. What the Elders mentioned, I have seen come to pass. A lot of people didn't notice it, they thought it was a natural thing. Elders were right. They used to say that the weather we have now, it's going to change. With climate change and everything, I can see that the Elders were right. Everything is changing. We never had cougars here before, we never had elk or bison. I don't hunt bison because it's not my culture. If the Creator wanted bison here, he would have put them here. I don't go beyond my culture. You see cougars come in, there's no First Nations name for them. They don't originate from here. Coyote doesn't have a native name here.

A lot of people don't know heritage and culture. Young people are trying to learn the language and I try to help them as much as I can because I want to see it come back.

***Jimmy Johnny, Na-Cho Nyak Dun First Nation***

We travel throughout this country. There's many hunting areas and trails. We have to look after that. The reason I'm saying this is because there's a wetland policy going on and we have to protect our traditional use in these wetland areas. There's lots of mining interests in these areas. I have problems sometimes with mining exploration companies. They don't let the First Nation know they're working in your traditional territory. I would like to see mining companies go through each First Nation and ask them to see if they can go on their traditional territory. Back in 2011 I was doing a caribou survey and there was a fuel barrel left right in the middle of Bonnet Plume Lake. I reported it to one of the officers in Mayo and a couple of days later they cleaned it up.

Lindsay mentioned values. When I think about my traditional value on the land, the number one value is the water. It's the number one medicine in the world for everybody.

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My value on the land is the traditional medicine, the berries that I pick, and the animals who feed us. We have to look after them. If you don't, our First Nations might have to buy canned meat instead of fishing.

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We have to teach the younger generation to respect the land the way we were taught. Lindsay mentioned the roads too. They want to put a road into the Beaver River area towards the headwaters of the Stewart River. To me, it's a no-no. If they put that road in, they're going to destroy it, our culture, our history, the campsites that were there, the trail. I don't want to see that destroyed.

*Carol Geddes, Teslin Tlingit Council*

I want to reiterate the message of that deep relationship with the land. In the past, our forebearers really understood that. For example, on the Coast, when Americans took over Alaska there was even more change than when the Russians were there. They instituted salmon canneries at the mouths of the salmon streams. This was upsetting for the Tlingit because it was the source of their life and it was a hinderance to them to use these cultural spots. The Tlingit went to the white people and said "we want to do something about this." The Americans said "oh you want to speak for the salmon." They said "no we don't speak on behalf of the salmon, we are the salmon". This is how I would encourage us to think about the land, as being in relationship to it, rather than thinking about it as a commodity. We need to shift our entire paradigm to a way where the land is another entity and being. For example, New Zealand has granted personhood status to parts of the land. We need to support that essential relationship. This is a new framework, but it is also so old. When the Tlingit said "we are the salmon", it's that kind of relationship that can be captured. We need to catch up to countries like New Zealand.

There was another famous Tlingit case where a leader was displaced from a piece of land that his clan owned. He was told "this is no longer yours". It went to court and the judge turned to the Tlingit leader and said, "I don't have your deed". He said, "wait here". He went home and put on his complete regalia. He said to the judge "here is my deed, here is my ownership, this is my land and here is the evidence of it". That's such a powerful story of what the Tlingit saw as ownership. It's not the same understanding in Western thought. It's a very different kind of thought.

How do we return to the past? Yes, progress is wonderful, but I believe our progress will be that return to a different paradigm and that understanding and relationship with the land.

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It can't be that every few years people speak about what the land means. We have to embrace the kind of framework that will see these ideas come to be.

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## COMMENTS AND QUESTIONS

*Joe Copper Jack:* You only take what you need. We take care of the land. You heard Norm's insistence of living that life. He is now one of the few that knows the area quite well in his language.

*Jimmy Johnny:* It's important that we start teaching the younger generation how to live off the land. We've got to teach them the law of the land. What to do, what not to do. It's very important that we start teaching them that.

*Shawn Francis:* Would you be able to comment on what you feel are some of the biggest events in Yukon history that have shaped this place? We often talk about the idea of meaningful time with cumulative effects management. Your stories and your words now speak to that meaningful time. Projects often focus on a couple of years, a very short period of time. You have spoken about generational change, but at the same time touched on the fact that a lot of change has happened in a short period of time. Do you have any comments or thoughts on some of those major events that have shaped change from that perspective of cumulative effects?

- *Ron Chambers:* The big picture is land claims. Nobody could have dreamed it before it happened. I don't think we give enough credit to what that really means. It's unique in the world. I think our own government needs to recognize it more as well. We're self-governing now, not band councils. Canada understands that something has happened, but the details still aren't there.
- *Jimmy Johnny:* My grandma always talked about changes. She said warm weather was going to be here. When that happened, you have to learn to live with it. You can't try to fix it, because it won't work. I've seen a lot of permafrost be exposed. You have to be aware of how dangerous it can be.
- *Norm Adamson:* Younger people don't realize the damage that has been done to our traditions because they are learning about it now. It's almost destroyed. It's up to people to work together to save what's left. First Nations and non-First Nations working side by side, not against each other. What's been lost can be brought back. Cooperation from both sides, it's the only way.
- *Carol Geddes:* I believe the big three are the Gold Rush, the construction of the Alaska Highway, and land claims. These three events have impacted the Yukon enormously. Every year we make some attempt to recover this situation. There are a lot of funds and people power that go into trying to recover. Let us not believe that because of a land claim these issues have been paved. We are still facing them. We cannot take any new pressures on the environment because we are still in a recovery stage. This needs to be emphasized in our land use. These are not things of the past, they are issues that are dynamic and we are still struggling with them today.

- **Lindsay Staples:** Cumulative effects are really about the convergence about the past, present, and future. One of the things that comes out of this panel is the weight of the past and how it comes out in the present. The other thing is the attachment to land. Today we really just glazed the tip of the surface about what those attachments to land are.

**Mark O'Donoghue:** What are your thoughts on where to go from here? Where do we go forward in terms of incorporating traditional values into addressing cumulative effects? How do you see us best using the processes in the UFA to incorporate those values in the face of cumulative impacts?

- **Joe Copper Jack:** Many of the First Nation communities are starting to undertake their own stewardship plan or are looking at Indigenous land use plans. On the Southern Lakes Caribou working group we came up with a collaborative process. We have adopted a basic framework for how TK and science can work together. The three main TK laws of share, care, and respect will be applied. You have to respect yourself and take care of your body in order to take care of others. It goes from the inside out and gets to your land. Keeping that same approach of “you take care of the land and the land takes care of you. You only take what you need”. We’ve also adopted the approach of speaking from the perspective of the animals. The caribou are a common language. In regards to cumulative effects and the UFA, we’re saying that for the caribou to do well, he would need Chapters 11 and 12 working together under the UFA. We’ve adopted an empty chair concept, so when we come to an issue we would say “what would a caribou say about this issue”. Acknowledging the realities of two worldviews in regards to the land, we look at it as walking on both sides of the stream. In places where the stream narrows, we can jump across. Those places are common interests or common ground. We are looking for those places now. We would gladly share this approach with people. Everything won’t happen at once, so let’s pick those places where we can work together and build a common language.
- **Lindsay Staples:** We talked about trying to move forward on a local basis and create models or approaches that can be leveraged or expanded to other areas. For example, there are First Nations in northwest BC who were doing their own resource mapping, TK-based wildlife studies, and landscape mapping. They would post it on the web and the word was anyone coming into the area would be warned about how they use the area. I’m a big believer of local initiatives on an individual First Nation basis. TK is a big part of that. We haven’t seen a lot of that in the Yukon as I would have expected. At the First Nation level, when it comes to the discussion we heard today, it’s not just a case of mapping traditional use, it’s also a case of explaining it. With the Selkirk map we showed this morning, Selkirk First Nation made it clear that it’s more than a set of activities. It’s a way of life and there is a whole social and economic environment behind it that people need to understand. We don’t all experience or explain cumulative effects in the same way and we need to be clear about that.

**Carl Sidney:** I want to address the question from this morning about what the major cumulative effects have been in the Yukon. I think it was the Alaska Highway. It affected us in terms of language loss and our laws. An Elder in my community said that's when things changed. We have a clan system in Teslin that used to be very strong. Today the only time that we use it is when there's a death. Other than that, mostly everything is thrown out the window, especially our laws. How do we deal with that? How do we deal with cumulative effects in regard to mining, especially now that they're talking about opening new roads?

- **Lindsay Staples:** When we look at cumulative effects assessment, it's not just the present, but also the past and what's reasonably foreseeable. How far back do we go? You're looking back to the construction of the Alaska Highway. For other people it might be the construction of the Klondike Highway. We also need to consider how far in the future we go. The reason why I think the past is so important is because there's a tendency with proponents to say, "oh it's all in the past, only the current baseline matters". But that doesn't get at what the relative state of social and economic conditions are. At the end of the day, are things improving? Are things declining? That's exactly the kind of thing you want to get into with land use planning, etc. When you're mapping, how far back do you want to go? You may have material that allow you to go back really far. In trying to anticipate what these new projects might bring, it's helpful to have that documentation of how you get to the present.
- **Jimmy Johnny:** Right now there's an Elders gathering about Northern Tutchone traditional law. In the past I wanted them to invite someone from Teslin to help us implement our traditional law like you guys do. I feel that we have to bring the past back to the present and then work it into the future, like our long time ago stories. Then we can show the other people how it used to be with our dances, our songs. It's very powerful that the white government outlawed our traditional law and singing. They took our traditional law. It was a very strict law, that's one of the reasons the white government outlawed it. I suggest that our First Nation governments start governing their people in a traditional way. Most of our self-governments are doing what the white government wants them to do. Governing the First Nation the white man way. To me that's not right. They need First Nation input, especially the Elders, to how to live out there.
- **Lindsay Staples:** There are projects out there that are working on bringing together legal traditions. The BC government is putting in place a framework at a local level, then there's the opportunity to apply that regionally.
- **Joe Copper Jack:** Being part of negotiating the land claims, we purposely used wording that was all-encompassing, rather than being interpreted too narrowly. Now that we're on the implementation side, it's been difficult with Chapter 11 because there are a lot of grey areas. The Supreme Court said the objectives of the treaty have to be taken as whole, with the underlying theme of reconciliation. Under Chapter 11 objectives, there's a few key clauses that

pertain to TK and knowledge of First Nations. You can use those concepts in land use planning or development assessment or cumulative effects. You can put them together. Your traditional knowledge is your hammer to hold back uncontrolled development or pace. You have to work closely with your modern treaties. If you create one-off agreements, you create uncertainty for the agreements that you've made. The treaties in the Yukon are constitutionally protected.

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## PANEL: THE CHANGING NATURE OF NATURE

### *Mark O'Donoghue, Yukon Government*

A lot of what we do is look at environmental assessments. Overwhelmingly YESAB assessments are placer and quartz. Each assessment is done on a project-by-project basis. Each section is supposed to deal with cumulative effects, but it's fairly cursory. There are several examples of cumulative impacts on caribou. The first example is the Clear Creek caribou herd. In 2013 there was a huge mining rush and most of the caribou herd's range was staked. There were also a whole series of roads in the area that attracted hunters. The herd then shifted north. The second example is the Klaza caribou herd. We did radio collar work with this herd and mapped their range. In winter, we see that they have shifted their range to the west. This is the second example of a herd shifting away from an area of higher activity.

The final example is an area where we can anticipate cumulative effects. In the Upper Stewart River there has been a massive increase in claims. There's a proposed road that would open up the Upper Stewart for the first time. It has the potential to have huge impacts in the watershed. These claims overlap with key winter range for moose. The biggest impact right now is from human activity, and possibly from predation. We need to start planning for cumulative impacts right now. There are many more species that are probably more vulnerable, but we don't have data on them. We very seldomly have definitive proof of impacts because we lack data and rarely have adequate monitoring.



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Project-by-project environmental assessments aren't the right tool and we need a land use plan for a guiding document. Another tool is range

assessments, which provide an interim tool when there is no land use plan.

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***Mike Suitar, Yukon Government***

Teasing out causes and effects on large migratory species of caribou is complex. They are huge populations that can amass effects that don't play out for 40 or 50 years. Big mobile herds move quickly and have to move into new habitats in order to continue to grow. When a herd gets to an area, they need to use the habitat that is there. This raises the question of what happens when 65,000 caribou walk into a mining project. We are mostly worried about quartz because they disturb ridges, which caribou need to get through an area. We are trying to deal with these things head-on, and it's a real challenge.

When it comes to migration, the leaders are key. Some projects just shouldn't happen on certain ridges because the caribou need them. Other projects, we are working on phased mitigation.

If a herd is spread over a major region it is really hard from an assessment perspective. We are working on an approach to addressing this, but it requires a lot of data. We are lucky with the Porcupine Caribou herd and Fortymile Herd that we have that. We need to start developing thresholds and basic building blocks to address these questions. Simply reducing harvest to offset impacts of a development is challenging because it ignores the value of harvest. It's complex. These are the types of things we need to think about as we move forward with land use planning.

- **Ron Chambers:** Back in the 1800s you could have drawn this very type of map for what the First Nations are dealing with. We were the caribou. We are the fish. We helped address some problems with the land claims for the First Nations, we might need a land claims for the wildlife. We're in a position to do that.

***Deana Lemke, Porcupine Caribou Management Board***

I will talk to you about the co-management perspective and what the board's challenges have been. The Porcupine Caribou Management Agreement was very forward-thinking. It was a very collaborative approach. It was established to coordinate co-management around the herd and its habitat. We have been flagging for years that we can't look at one individual project. The Board talked about who is responsible or accountable for doing the studies and the assessment, monitoring, enforcement. Everything works in silos, it seems. We think we share part of this responsibility, so we have been working on models to determine cumulative effects to try to figure out what effects are range-wide.

The challenge is that the herd is vast and its movement changes from year to year.

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There's an obvious lack of information that should feed into decision-making, but the question is who is responsible? We are feeding into the environmental assessment process, but we are just one piece of it.

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*Dylan Clark, Climate Change Secretariat*

The Climate Change Secretariat focuses on policy around climate change and some programming. We provide governments with information they need to look at impacts and adapt to climate change. Climate change one of those “narrower points in the river” where TK and Western science can come together to talk about impacts.

The higher parts of the Yukon and Alaska are experiencing the greatest temperature change projected in the future. Things are shifting annually, as well as within months and spatially. It gets challenging to figure out how that is going to impact communities, wildlife, ecosystems. There's only so much that models can address. We can also look at the rise in sea level. The Inuvialuit will experience this the most, especially around ice-travel. Hazards and disasters have lasting impacts, but the longer term, chronic impacts potentially have the most impact on society and ecosystems. They are the most challenging to identify.



We're working closely with different governments to develop a climate change, green energy, and economy strategy. Are focussing on building capacity, reducing risk, and ensuring thriving communities.

## BREAKOUT SESSION: WHAT ARE THE ISSUES?

### Climate change

- Snow and ice conditions are changing
- Temperature variation

### **Changes in ecosystems**

- Changes to wildlife populations, such as new species (deer, cougars), more bears and lynx coming into towns
- Changes in the type and quality of food available for animals (e.g., mineral licks being destroyed or impacted by road development)
- Changes to water temperatures and water quality
- Changes in wetlands (flooding or drying), causing vegetation change, which impacts availability of medicines and other resources
- Changes to berries (e.g., they are drier)

### **Socio-economic and cultural impacts**

- Changes and limits to hunting has meant loss of social well-being
- Ad hoc development has meant Aboriginal rights are being affected
- Feelings of failing traditional responsibilities
- People are being displaced from traditional areas, sometimes unknowingly

### **Legacy effects**

- We are still dealing with negative legacies (e.g., from unregulated activities prior to legislation, from abandoned projects, from the Alaska Highway Pipeline)

### **Access**

- Current impacts from roads and trails (e.g., impacts on wildlife)
- Historic impacts from roads (e.g., destroyed hunting trails, linked to residential school)

## **COMMENTS AND QUESTIONS**

*Jimmy Johnny:* I would like to ask Mike and Mark about caribou. When are you going to study what caribou eat? I think it's important to study the vegetation that caribou eat and the water.

*Chrystal Mantyka-Pringle:* My urge is a call for implementation.

*Lindsay Staples:* I think this gets into issues of governance. One of the groups talked about thinking small. If one First Nation or community can pool their resources to pilot a program, maybe that's a way to make some concrete progress on what seems like an overwhelming problem. Some people also mentioned monitoring at the community level. Information is valuable if it's the right information. Gillian also mentioned values, and it amazes me that in environmental assessments, values from a community are not validated by that community.

*Graham Van Tighem:* It's easy to get overwhelmed. One thing we have going for us in this territory is a system of environmental management that includes values of the Elders. It brings a lot of weight to the conversation.

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## SUMMARY OF DAY 2

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### PANEL: THE GOVERNANCE CHALLENGE

*Kiri Staples, PhD Student*

I am currently doing my PhD research on cumulative effects of mining in the Yukon. Based on the interviews I've done, there are generally two responses to the question of how the Yukon is doing when it comes to cumulative effects. The first is that we simply aren't dealing with these effects at all. The second is that we are doing it indirectly, though it isn't always called cumulative effects. What people do agree on is that there are a lot of challenges to addressing cumulative effects. There are generally three types of barriers people talk about when it comes to cumulative effects management in the Yukon. The first are technical barriers, which limit the data that we have and limit our ability to get the data we need. Quality baseline data is an important issue. We need good information to make good decisions. The challenge here is to recognize when the lack of data is the problem and when it's not. Sometimes a lack of data is used as an excuse to avoid asking hard questions.

The second group of barriers are around rules and practices. There are a lot of challenges here, such as lack of enforcement and gaps in monitoring. A big issue is related to legislation. This includes outdated legislation, as well as new legislation that we are still learning how to use. The outdated mining legislation comes up a lot in the conversations I have. People are concerned that when you compare the pace at which mineral staking happens relative to the pace of processes like land use planning, you are setting yourself up for conflict.

The third group of barriers are about values and worldviews. There are values written into the UFA, such as connection to the land and way of life. These are holistic values that are hard to fit into the boxes that we have. Some people have discussed their frustration in having to explain these values over and over again and feel like they aren't being heard. Big picture thinking that is required to capture these values is embodied in the UFA, but it is very challenging to address.

The number one thing that gets mentioned in terms of barriers, which doesn't fit into any of these categories neatly, is political will. I think there are reasons for hope. In cases where cumulative effects have been taken seriously, it is usually because people have really pushed for it. I also think there are interesting opportunities in the work that is being done to revitalize Indigenous law.



***Tim Smith, YESAB***

Assessment legislation in Canada is project-oriented. It provides a view of the world through a project lens, but to address cumulative effects we need to situate these projects in a larger context. Project level assessment does have a vital role, but it doesn't lend itself well to cumulative effects. Good cumulative effects assessment requires good baseline information, environmental and socio-economic thresholds, and follow-up monitoring. None of this falls squarely on YESAB.

Fortunately, we have a land claims agreement that envisions a relationship between land use planning and project assessment. Planning can provide a vision, objectives, describe condition of values, and propose thresholds. These are important benchmarks for considering cumulative effects when reviewing an individual project proposal. Verifying that a project conforms to a plan can give a proponent more certainty that a project is allowable. This would be helpful in ensuring that time and money isn't wasted on non-starter projects. Looking downstream, there needs to be adaptive management to learn about the effectiveness of mitigation measures. However, planning is long and arduous. We have been turning to project-level assessment to address cumulative effects concerns and are frustrated or disappointed with the results. There are also significant gaps in monitoring programs and baseline data.

Good project level practice should (and must, under YESAA) be informed by the consideration of cumulative impacts. Conventionally, cumulative effects are treated separately from project effects analysis. Duinker and Grieg conclude that it is wrong to isolate and look at the effects of an individual project separately because they do not occur in isolation of other stressors. In practice, however, YESAB assessors situate a project in the context of combined stresses on given values. We may be rethinking our current practice to align with recommendations of those such as Duinker and Grieg.

What are some potential remedies? The Canadian Council of Ministers of the Environment (CCME) Regional Strategic Environmental Assessment Framework is a tiered assessment framework. There are some parallels with planning, but it is an analytical framework, not a decision-making framework. Regional assessment is being built into assessment bills federally and provincially/territorially. The architects of YESAA recognized the value of regional assessment in its creation. These are underutilized tools in YESAA, such as section 112 on cumulative effects studies, section 110 on follow-up monitoring, and section 103 on the assessment of plans.

***John Pattimore, Kwanlin Dün First Nation***

Regional land use planning and environmental assessment are two sister governance processes. The power of these processes is in their engagement of all sectors of our society. Broader engagement means better decisions that flow from land use planning and assessment. There are many types of cumulative effects and we need to pay close attention to the activities that cause direct and cumulative effects. For example, this includes road building and clearing, which can cause wildlife habitat degradation. This happens in a contained area, but other projects conducting activities nearby can add to these effects. Repetitive actions over a longer period of time also have wider spatial contexts.

A good example of cumulative effects is on Yukon First Nations subsistence and harvesting rights, which includes fish and wildlife, berries, fibres, etc. Agriculture land applications in an area includes plans to clear land, use water, and build a residence. This affects subsistence harvesting rights because it reduces habitat including movement corridors, disturbs wildlife from noise and human presence, reduces available harvesting areas due to restrictions on discharging firearms near a residence, and increases hunting pressure on nearby category B settlement land.

The project by project assessment regime in the Yukon doesn't lend itself to understanding cumulative effects. Project assessments are sometimes quite narrow in spatial and temporal scoping, and recommendations on progressive reclamation plans are weak. There has also been a lack of use of YESAA sections 110 on audits and effects monitoring and section 112 on studies and research.

The YESAA Reset MOU signed by Canada, Yukon, and Yukon First Nations could lead to an examination of these governance matters to improve YESAA processes where warranted. The Oversight Group will discuss the need for and roles of the YESAA Forum and will re-establish the Forum. This means that the governance and policy and practice of environmental assessment and cumulative effects assessment will likely be monitored and improved going forward.

***Keith Maguire, Yukon Government***

Kiri told us about the two main perspectives that she has heard related to the Yukon's approach to cumulative effects - that there is nothing being done or that there is indirect work being done. I fall into the latter category. If you go to the Engage Yukon website, there are a number of policies and programs that are relevant to cumulative effects, such as the grizzly bear management plan, tourism development strategy, parks management plan, agricultural policy, etc. There are ways to engage and consult on cumulative effects issues in these round-about ways, outside of the YESAA process. They aren't explicitly cumulative effects, but they all contribute. Sometimes these policies are subject to a silo effect and perhaps they should be understood together within a cumulative effects framework.

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**It's challenging to be in a position where you are reactive rather than proactive.**

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Often the reporting of what is happening on the land is what will trigger a government response. We need to know what changes are occurring, how we evaluate it, and how we move forward. Sometimes the most acute concerns trump considerations for future issues. This is maybe where the political will, or lack thereof, comes into play.

Yesterday someone commented on three major impacts that have happened in the Yukon, including the Gold Rush, the Alaska Highway, and the treaties. The third one was perhaps the most interesting because it has been a positive impact, although there is still work to be done. It's important to look at the mechanisms that we have and look at how we can improve them. Are there tools within YESAA that are underutilized, for example? Can we improve the tools within it? It's also important to mention

that there are three First Nations without final agreements and we are still working with them on projects and pursue reconciliation.

## **BREAKOUT SESSION: WHAT ARE THE BARRIERS?**

### **Governance and decision-making**

- Land claims
  - Land claims agreements are poorly understood by the City of Whitehorse and Yukon Government
  - Working outside the UFA (e.g., the Beaver River planning exercise) is seen as either setting a dangerous precedent or as innovative
- Authority and decision-making
  - First Nations authority, especially off settlement land, is lacking – need shared stewardship, the ability to say no
  - First Nation involvement in decision-making has improved since pre-devolution days, but First Nations also need to be involved sooner (e.g., feeling that decisions have already been made by the time consultation has happened)
- Transboundary issues
  - Different jurisdictions face different issues
  - Working across jurisdictional legislation and government priorities is hard
  - Some issues are outside of local control (e.g., globalization)
- Needs to be a strategic vision for economic development, and the development of this vision needs to involve First Nations
- Needs to be better connections between regional, sub-regional, and local area planning

### **Outdated mining acts and related regulations**

- The mining acts are outdated
- Free-entry system means that First Nation governments aren't properly notified when exploration happens

### Poor enforcement

- Very little effort on compliance monitoring or assessment of proponent reporting

### Reactive versus proactive approach

- Current approach is reactive - waiting for trouble to happen in order to act means that it takes longer for governments to respond when major issues arise
- We need to be ahead of the curve to be in a position to take a step back
- Land use planning plays an important role – without it, development is ad hoc

### Pace and scale of development versus decision-making

- Management systems can't keep up with the pace and scale of mining
- This limits our ability to manage cumulative effects, especially in terms of impacts on traditional economies

### Diversity of values and perspectives

- Poor integration of First Nation values and perspectives into project assessments
- Need to recognize the diversity of values across the Yukon, as well as different perspectives on what positive/negative legacies are
- We need to know what we are sustaining and how to balance different values



### Limits to funding and capacity

- Sheer number of YESAB projects that First Nations are required to review and poor streamlining of processes create capacity issues
- Need funding to participate in and respond to assessments (e.g., funding for First Nations, funding for Renewable Resource Councils)
- Need funding to address legacy sites

### Lack of information and poor communication of information

- Need baseline studies before staking occurs
- Challenge of collecting meaningful data and getting it to the right people
- Large lack of socio-economic research in Yukon Government, in part because measuring indicators like well-being is challenging
- Poor information sharing within and between governments creates silos
- Technical language can be challenging

## Uncertainty

- We don't know how big projects will affect the future

## COMMENTS AND QUESTIONS

*Lindsay Staples:* There are some important guardian programs that are ongoing (at KDFN, CAFN, and KFN). It's not just about collecting data though. You need to be able to understand the data. There's also a problem of data dumping. It's nice to have data, but you need to use it properly. There are also cultural differences in how data is analyzed from different worldviews.

*Jimmy Johnny:* I would like to bring up the North Rackla mine. In their application they said there were no animals in that area, but I've guided there. They have to watch what they say because First Nations know the land better than they do.

*Lindsay Staples:* The courts have moved a long ways in terms of accepting oral evidence and verbal ways of communicating traditional knowledge. But when it comes to doing traditional knowledge studies, certain parties think you can do them easily and cheaply. A good one takes a lot of money to do it well. That should be recognized as a cost of doing business.

**Amy Ryder:** I wanted to highlight an example of good monitoring that's going on in the Southern Lakes. The six First Nations have started to develop a collaborative monitoring program there. They are helping each other in areas of overlap and we have focused on doing training and sharing stories and experiences. It's a good example of erasing boundaries and working together.

*Lindsay Staples:* That's similar to what Sam was saying about regional co-ordination, whether it's based on language or overlapping territories or overlapping concerns. Maybe regional coordination is something to think about this afternoon.

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## PANEL: REMEDIES FOR ALL THAT AILS US

*Shawn Francis, Former North Yukon Senior Planner*

I will be focussing on regional planning as a cumulative effects tool. All effects are cumulative effects. When we do things on the land, they have interactions with other things. Cumulative effects management is about social values and decision-making. A lot of work that has gone on in this area has been rooted in scientific rigour. As Kiri said earlier, it's sometimes used as a bit of a crutch. A statement like "maximize the good, minimize the bad" is something no one can refute, but the question is what we value as good and what we value as bad. Saying no is hard to do, especially to individual project decisions.

Yukon has a lot of talk and a little action. This conversation about cumulative effects management has been going on for at least 20 years. I think there are some good opportunities in range assessments

and sub-regional initiatives (e.g., Beaver River). I will focus on regional planning as an effective tool in the toolkit because it's an analytical framework. It gives us the ability to think about meaningful space and time. It isn't possible to think 20 or 30 years in the future with project assessment. That's how far we need to be thinking, especially related to sustainability decisions. We can also consider a suite of values in regional planning, where project assessment cannot. It's important to know what regional land use planning is going to look like and what questions it is going to answer. I would suggest it should be high level.

Land use planning also establishes landscape-level management objectives – the things we want to achieve. A results based framework is often useful. We identify values, we create a concern about that area, state our objective, identify an indicator, and then make a statement about what we consider to be "acceptable". That's where it gets challenging. Having triggers in land use plans are central. In the past, many land use plans have only been written to the "objective" stage. It doesn't give necessary direction and clarity to make project level decisions.

How did we incorporate these ideas into North Yukon land use plan? We had clear expectations on a central issue, which was oil and gas in Eagle Plains and the effects on the Porcupine Caribou herd. We wanted benefits of some oil and gas activity, but wanted to minimize impacts on the caribou. Many people felt it was a cumulative effects issue. We identified the objectives, identified cumulative effects indicators, and the levels that would represent balance between oil and gas activity and caribou population health.

There have been a lot of questions about what our approach was, so I would like to walk through that. It all comes down to goals and values, which were to maintain habitat in a condition required to sustain regional wildlife populations. The value was the caribou. We had to figure out what good habitat is, so we went to Old Crow land users and scientific studies. We needed to know what affects habitat. There are human disturbance and natural factors. Of those two things, what can we actually manage? We can't manage natural factors to a large degree but we can manage human disturbance. So what are indicators of human disturbance? Direct footprint is the thing we can see on the map, so we thought this was the way to go. We chose total surface disturbance and linear density because they are common to land use activities. We also considered socio-economic indicators, but didn't have horse-power to pull it off. How does human footprint affect habitat? To figure this out, we needed different scenarios for the future on oil and gas scenarios and caribou habitat quality. We worked closely with the Oil and Gas Secretariat on the technical assumptions. It's



important to work with the people who know the topic. We then used computer simulation models to determine levels of surface disturbance and linear density under different assumptions. We found that if you aggregate activities (for example, by putting multiple wells in one place rather than spreading them out) it minimized the footprint on the landscape and maintained the overall habitat quality.

You can use the planning exercise as a framework to get to some of these answers. An integrated landscape management framework requires a project assessment track and a cumulative effects management track that talk to each other.

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In Yukon you have something special that most other jurisdictions don't have – a land claims agreement. Chapter 11 and Chapter 12 should be working together. This is an opportunity that most other jurisdictions don't have.

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*Sam Skinner, Yukon Land Use Planning Council*

Planning commissions are asked to provide both certainty and flexibility, which is hard to provide. A cumulative effects framework can do that. Under the thresholds, there is a lot of leeway for land users to do stuff on the landscape. Certainty is more difficult, but you can get it if everyone knows the current amount of disturbance out there. The first step in the North Yukon was to break the regions down into land management units. They developed a zoning system, made up of protected areas and integrated management areas with different zones of acceptable change. There are two indicators, surface disturbance and linear density. Each indicator has a cautionary level and a critical level. If there is a little bit of surface disturbance in a “zone one” area that might be acceptable. If it was in a higher development area, more disturbance might be allowed. Same goes for linear density – higher development areas would allow for more things like seismic activities and roads.

How does this all fit into project assessment worlds? One of my other jobs is determining conformity to the plan. If a project is in the North Yukon planning area, the assessors will ask me if it conforms to the plan. I can determine whether the maximum disturbance levels (the thresholds) allows for new disturbances in light of the existing disturbances. If they exceed the thresholds the projects won’t conform. I have to know how much disturbance is already on the landscape and how much the project will disturb. The Parties at the time provided rough estimates of existing disturbances, so they didn’t want us to use them. It made my job difficult. This came to test when a project was proposed for Eagle Plains. There was some historical disturbance in the area, but after some discussion it did conform.

That was a wakeup call. YG wanted to figure out how much disturbance is out there and asked YLUPC to help with that. We got satellite images and hired a consultant to digitize the disturbances to map them out. We then tallied the disturbances and found that linear density was almost at the critical level

and surface disturbance was almost at the cautionary level. Once recovery levels are accounted for, the levels do come down.

In summary, this cumulative effects framework is doable. Indicators must be linked to land use and ecological values, but because they vary by region this process might be different in different regions.

***Chrystal Mantyka-Pringle, Wildlife Conservation Society***

It is clear that the Yukon is struggling with cumulative effects assessment tools, so I will show some examples from other jurisdictions. The overarching narrative of my work is to understand how stressors or cumulative effects affect ecological systems, including humans. The first example is in Alberta. We assessed cumulative effects through a spatial analysis by identifying land cover surrounding the site and focussing on climate of individual sites over time. The key message from this assessment was that there was a key mitigation strategy that was identified. We found that the vegetation that surrounds the wetland could ameliorate impacts of land use and climate.

In Australia we incorporated expert knowledge into an assessment. Also identified costs of mitigation strategies. In Alaska, a student is doing a project on freshwater fish. She is looking at change over time, but also how climate and land change interact to affect freshwater fish. She has found that climate change is the most dominant northern stressor. It can directly impact fish health as well as indirectly affect fish health. It gets complicated quickly. It's important to do these complicated analyses to understand both direct and indirect effects.

Another example in the Slave River and Delta. The idea for the program was to identify cumulative effects using a two-eyed seeing approach. Partnering with an NGO or an academic group is a good way to provide resources, funding, and students to get the job done. There was a lot of data collected through a community monitoring program. We identified a lot of different indicators for scientific monitoring, as well as indicators from traditional knowledge. Traditional knowledge provided key information – storytelling, animal ethics, economic indicators, etc. It was a way to weigh traditional knowledge and scientific knowledge equally.

The keys to success for these projects included: building community capacity to strengthen community involvement; developing/implementing a collaborative approach on research and monitoring programs; developing community-driven research questions; using multiple knowledges to inform all stages of the program.

- ***Lindsay Staples:*** Some of the discussion from this panel was technical, but we have also talked about the power of knowledge generally. When you're going into your breakout groups and looking at some of these ideas, taking up this idea of collaboration is important. I would also suggest thinking local as well as global. Community based monitoring is a really important element and it can be done on a small scale. Finally, I think I mentioned that there is a report coming out of this workshop. Having some recommendations for next steps would be helpful. I would like to ask each group to come up with three recommendations for what can be done to make progress on cumulative effects management, assessment, and monitoring. No matter

how small or big, they are important to have coming out of this event. Hopefully this is something that can get to people who are in positions to exercise political will. If nothing else, it will give them a better appreciation of the concerns around cumulative effects, the challenges they represent, and the steps we can take.

## BREAKOUT SESSION: WHAT CAN BE DONE?

### 1. Establish a monitoring network

- Monitoring should include what is happening on the land and proposed mitigations from project assessments
- Smaller jurisdictions that can provide monitoring information may already exist (e.g., trapping concessions)
- Include First Nations and community capacity-building component
- Needs to include traditional knowledge
- Involve youth
- Involve Yukon College
  - could develop a cumulative effects course
- Approaches to learn from do exist – e.g., Game Guardian model, citizen science approach

### 2. Establish benchmarks and thresholds

- Some thresholds have already been surpassed – thresholds need to be developed where they do not exist
- Should be determined collaboratively
- Traditional laws can be helpful



### 3. Improve data sharing

- Identify what information is needed
- Establish policies to facilitate data sharing
- Regional coordination or pooling of data for cumulative effects issues to ensure they feed into project assessments and regional plans

### 4. Prioritize strong, effective regional land use planning and make it more user-friendly

- Need a commitment from parties to stay engaged, even when challenges arise, and implement plans in good faith

- Take a critical look at the land use planning processes that have already happened to learn from these experiences
  - The length of time and amount of resources required to participate can be daunting for First Nations – YLUPC could convene a meeting with First Nations to find ways to get regional planning going
  - Need to streamline the process - YLUPC could develop a template to make plan development clearer
  - Governments need to determine how plans get implemented, as this is a grey area in Chapter 11
- 5. Update legislation**
- Rethink the free-entry system
  - Quartz Mining Act and Placer Mining Act need to include cumulative effects
- 6. Funding for implementing Chapter 11 and Chapter 12 of the UFA**
- 7. Provide funding for capacity to assess and understand cumulative effects**
- Meaningful community participation is essential
  - Resource companies should contribute to enabling community participation (e.g., training and employment opportunities, data gathering, monitoring programs)
- 8. Establish interim measures while waiting for regional land use planning to be completed**
- Moratoriums in certain areas or limiting the number of projects that can be reviewed in a certain area or timeframe
  - Regional and/or strategic environmental assessment could be piloted in an area and used to inform both assessments and land use plans
  - Identify key values in the Yukon and complete cumulative effects assessments of these values, including identifying impacts and thresholds) to serve as a bridge between Chapters 11 and 12
  - In absence of land use plans, can use sections 110 and 112 of YESAA as tools to address cumulative effects
- 9. Provide leadership and integrate management for cumulative effects across departments and governments**
- Clarify who in the Yukon Government is the champion for cumulative effects
  - Parties need to come together to consider how cumulative effects should best be addressed, both within and across governments – coordination of different parties could potentially be done by a governmental or non-governmental body
  - Planning initiatives, including First Nations-led planning, need to be integrated
  - There should be feedback between downstream decisions and assessment (back and forth)

## 10. Prioritize relationships

- Need a cultural shift towards a government-to-government approach, based on trust
- Relationships between proponents and governments could be further developed – e.g., proponents let First Nation lands departments know where staking is occurring and improving communication

## 11. Need to focus on the future, not just immediate use

- There's a need for “seven generations” thinking across laws, regulations, and policies
- Need to ask: What do we want for our future generations?

## COMMENTS AND QUESTIONS

*Blanche Warrington:* Given the seriousness of cumulative effects, our group suggested that the outcomes and recommendations of this workshop could go to the Yukon Forum. A resolution could be introduced based on what was discussed today.

*Lindsay Staples:* Can we have consensus from the group about this suggestion? There will also be a report drafted and circulated to the group.

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## NEXT STEPS

*Ron Cruikshank, Yukon Land Use Planning Council*

There are regional plans moving forward at the moment. The Peel plan will be approved soon and Dawson is being worked on. We are also working on a new workshop that focuses on First Nation planning. We are also working on increasing communications and engaging with everyone on Chapter 11 of the UFA.

*Lois Craig and Pearl Callaghan, Yukon Land Use Planning Council*

Thank you to the participants for taking the time to attend and contributing your knowledge. The amazing work and collaboration that's being done in the territory is hopeful. Thank you to Lindsay as well. We look forward to getting the resolution done.



## APPENDICES

## **APPENDIX 1: AGENDA**

Tuesday March 12, 2019

# Multi-purpose Room

# DAY ONE: THE PROBLEM AND CONSEQUENCE

8:00 – 8:30	Continental <b>BREAKFAST</b> and Registration
8:30 – 8:35	<b>WELCOME:</b> <i>Lindsay Staples</i>
8:35 – 8:45	<b>OPENING PRAYER:</b> <i>Joe Copper Jack</i> & <b>OVERVIEW:</b> <i>Lindsay Staples</i>
8:45 – 9:05	<b>WELCOMING REMARKS:</b> <i>Kwanlin Dün &amp; Ta'an Kwäch'än Council</i>
9:05 – 9:20	<b>OPENING REMARKS:</b> <i>Pearl Callaghan, Chair, YLUPC</i>
9:20 – 10:00	<b>KEYNOTE:</b> <i>Lindsay Staples</i>
10:00 – 10:15	<b>BREAK</b> (refreshments provided)
10:15 – 11:15	<b>PANEL ONE:</b> <i>Bearing Witness to Change.</i> Facilitated by <i>Joe Copper Jack</i> with Traditional Knowledge Holders: <i>Norm Adamson, Ron Chambers, Carol Geddes, Jimmy Johnny</i>
11:15 – 12:00	<b>BREAKOUT SESSION ONE</b> (Breakout groups are indicated by coloured dots on name badges: Classroom A, Classroom B, Elders Lounge and Multi-purpose Room)
12:00 – 1:00	<b>LUNCH</b> (provided): Music provided by Juno Award winner <i>Jerry Alfred</i>
1:00 – 1:30	<b>REPORT BACK</b> on <b>BREAKOUT SESSION ONE</b>
1:30 – 2:30	<b>PANEL TWO – The Changing Nature of Nature:</b> <i>Mark O'Donoghue</i> (Yukon Government), <i>Mike Suitor</i> (Yukon Government), <i>Dylan Clark</i> (Climate Change Secretariat), <i>Joe Tetlitchi</i> (Porcupine Caribou Management Board)
2:30 – 2:45	<b>BREAK</b>
2:45 – 3:45	<b>BREAKOUT SESSION TWO</b>
3:45 – 4:15	<b>REPORT BACK</b> on <b>BREAKOUT SESSION TWO</b>
4:15 – 4:35	Day One <b>WRAP UP</b>

Wednesday March 13, 2019

Multi-purpose Room

## DAY TWO: THE CHALLENGES AND SOLUTIONS

8:00 – 8:30	BREAKFAST
8:30 – 8:45	WELCOME BACK!
8:45 – 10:00	<b>PANEL THREE:</b> <i>The Governance Challenge:</i> John Pattimore (Kwanlin Dün FN), Tim Smith (YESAB), Kiri Staples (Researcher), Keith Maguire (Yukon Government)
10:00 – 10:15	BREAK
10:15 – 11:15	BREAKOUT SESSION THREE
11:15 – 12:00	REPORT BACK on BREAKOUT SESSION THREE
12:00 – 1:00	LUNCH (provided)
1:00 – 2:00	<b>PANEL FOUR:</b> <i>Remedies for All that Ails Us:</i> Shawn Francis (Former North Yukon Senior Planner), Sam Skinner (YLUPC), Chrystal Mantyka-Pringle (Wildlife Conservation Society)
2:00 – 2:15	BREAK
2:15 – 3:15	BREAKOUT SESSION FOUR
3:15 – 3:45	REPORT BACK on BREAKOUT SESSION FOUR
3:45 – 4:00	CLOSING OBSERVATIONS and NEXT STEPS: YLUPC
4:00 – 4:15	<b>CLOSING REMARKS:</b> Lindsay Staples

*All materials and workshop proceedings will be available on the YLUPC website after the workshop.*

## APPENDIX 2: BREAKOUT GROUP DISCUSSION QUESTIONS

### Panel 1: Bearing Witness to Change

- What resonated with you from the Elders talk? (i.e. what will you remember, what did you learn, what are your “take-aways”?);
- If you had more time to spend with the Elders, what questions might you ask them?
- How would you link the changes the Elders talked about to the concepts associated with Cumulative Effects that Lindsay introduced in his keynote?
- What changes have you noticed in your lifetime that are similar to the elder’s observations? Do you have other observations of change?
- Do you think change is happening faster? What aspects of our society/the land is changing?

### Panel 2: The Changing Nature of Nature

- Based on what you have heard from Panel 1 and Panel 2, how would you characterize the scope, nature and seriousness of cumulative effects in the Yukon? What is Indigenous knowledge telling us? What is scientific knowledge telling us?
- What are the environmental cumulative effects and their causes of greatest concern today?
- How serious is the problem of effectively managing cumulative effects in a trans-boundary context across jurisdictional boundaries and how is the Yukon vulnerable in this regard? What jurisdictional boundaries are relevant?
- What is the impact of Yukon’s “*Boom and Bust*” economy on the pace and scale of the impacts that occur in the territory?

### Panel 3: The Governance Challenge

- How effective is the treatment of cumulative effects in the following areas and why?
  - (a) assessment
  - (b) management
  - (c) monitoring
- Who is responsible for each of these components and what roles do they play?
  - a) Federal government
  - b) Yukon government
  - c) First Nations governments
  - d) Environmental assessment bodies
  - e) Regulators
  - f) Wildlife management boards and councils
  - g) Proponents of development and other undertakings
- Does your organization have a role in CE assessment or management? If so, what is it? What are the challenges you face?

## **APPENDIX 3: PEARL CALLAGHAN OPENING SPEECH, FULL TEXT**

Good Day everyone. First, I want to thank the Kwanlin Dun First Nation and the Ta'an Kwachan Council for allowing us to live and work on their traditional territory. I am Pearl Callaghan the current Chairperson for the Yukon Land Use Planning Council. Welcome to our workshop titled "Total Impact: Our Collective Footprint". This is our annual gathering. We have had three gatherings prior to this.

This two-day workshop will explore the challenges of managing cumulative effects on Yukon communities and landscapes. Sometimes referred to as "death by a thousand cuts", cumulative effects highlight how the impacts from a single development may be insignificant, but when combined with other developments may contribute to a total impact that is significant. At the heart of this concern, is the longstanding challenge of how these types of impacts are assessed, permitted and regulated on a project-by-project basis and, on a regional basis, how they are managed and monitored.

The purpose of this gathering is to build understanding about the nature and scope of the problem of cumulative effects, the barriers to addressing it, and the role that landscape and regional planning and other strategies could contribute to overcoming them.

I requested that we give this workshop a name that is colorful and has a punch to it besides the words "cumulative effects" – thus, "Total Impact: Our Collective Footprint." I want to thank Ron for dreaming that one up.

We purposely focused this workshop on the realities of the Yukon. We avoided inviting "outside" experts to tell us how manage cumulative effects as we are a unique jurisdiction with respect to our governance and we now have the collective brain trust here to manage our own affairs.

One of the objectives of this workshop is to continue to improve the integration of Chapter 11 Land Use Planning with Chapter 12 Development Assessment through YESAA. It is natural to link the planning of land uses with the assessment and permitting of land uses. This will be discussed in our workshop.

I'd like to now introduce the members of the YLUPC. Lois Craig was appointed in May 2017, she is the Yukon Government's nominee. We also have Dennis Zimmerman who was appointed in December of 2017 and he is the Federal appointee. Dennis is unable to be with us at this workshop due to prior commitments. Both Lois and Dennis bring a wealth of knowledge and experience to the Council. I am the Council of Yukon First Nations nominee. I was appointed to the Council in 2014. My term will be up at the end of August this year. I am also a citizen of the Teslin Tlingit Council.

I also want to introduce our staff. Ron Cruikshank is our Director and has worked for the Council for almost 20 years. We also have Sam Skinner who is our Senior Planner, Joe Copper Jack is our Senior Policy and Planning Advisor. Our Senior Financial Administrator person is Heidi Hanson. We also have Nicole Percival who is on contract with us and has been instrumental in coordinating this workshop.

We hired Tim Van Hinte last fall as the Senior Land Use Planner to assist the Dawson Regional Planning Commission. Tim brings a range of planning experience from across Canada and he is looking forward to assisting the Dawson Commission in developing their regional plan. We will also be hiring a Land Use Planner to work with Tim.

Land Use Planning is Chapter 11 of the Yukon's Land Claim Agreements.

As per Section 11.3.0 of this agreement we have the Yukon Land Use Planning Council and, as I mentioned, we only have three members on the Council. The Council is an independent body and is responsible for making recommendations to the governments on land related policy, planning boundaries for Regional Commissions and for developing a General Terms of Reference to be used by Regional Commissions in preparing a Land Use Plan for a particular region. The Council is responsible for overseeing the delivery of the regional planning program in the Yukon. As such it oversees the development of budgets and monitors regional commissions to ensure land use plans are prepared in a timely manner within allocated budgets and in accordance with their terms of reference, as set out in Chapter 11 of the Umbrella Final Agreement.

As per Section 11.4 which speaks to Regional Land Use Planning Commissions, the Government and any affected Yukon First Nation may agree to establish a Commission to develop a regional land use plan.

The Commission will have 1/3 representation by nominees of Yukon First Nations, 1/3 representation by nominees of Government and 1/3 representation based on the demographic ratio of Yukon Indian People to the total population in a planning region. They will be Yukon residents with a long term familiarity with the region being planned. The Commission will prepare and recommend to Government and the affected Yukon First Nation a regional land use plan within a timeframe established by Government and each affected Yukon First Nation.

We have one regional land use plan in place in the North Yukon and expect the Peel plan to be approved soon. As you know we had the Dawson Regional Land Use Plan underway and this was put on hold due to the Peel Land Use Plan going to the Supreme Court of Canada. I'll speak further on the Dawson and Peel Land Use Plans in my presentation here.

There are four regions proposed by our Yukon Land Use Planning Council where planning commissions are yet to be established: Kluane, Teslin, Whitehorse and Northern Tutchone. Up until 2013, we hosted numerous [workshops](#) and meetings designed to determine the remaining planning region boundaries and to draft the terms of reference for the next planning region. While there is more work to be done, this work will speed the start of the next planning process now that regional planning is resuming in the Yukon. This work should include the Parties (YG/YFNs) agreeing on the planning regions that the Council has recommended.

It is important to recognize that the work we are doing in the two days is a result of years of relationship building between Yukon First Nations and Canada and the territorial government. To

remind us all of this history I will do a quick review of the creation of the Land Claims and the road to Regional Planning: (All of this information is online) (show slide of this history)

In 1763 we had the Royal Proclamation – a document that set out guidelines for European settlement of Aboriginal territories in what is now North America. It set a foundation for the process of establishing treaties.

Since Canada was created in 1867, the federal government has been in charge of aboriginal affairs. The Indian Act enacted in 1876 clearly aimed to assimilate First Nations. It allowed the federal government to control most aspects of aboriginal life. It has since been amended.

Between 1879 and 1996, tens of thousands of First Nations children were taken from their lands to attend residential schools designed to make them forget their language and culture.

The Ta'an Kwach'an Council is one of the Yukon First Nations who possess proof of their long-standing land claim with the Federal Government. Chief Jim Boss with the aid of a lawyer, wrote a letter to the Superintendent General of Indian Affairs in Ottawa in 1902, claiming that Yukon First Nations were in need of a settlement because of the loss of lands and depletion of game with the gold rush and subsequent settlement by outsiders. At the time, the Ta'an were granted a small reserve in their traditional territory at Lake Leberge. Jim Boss' vision finally culminated in the beginning of negotiations many decades later in 1973.

In 1973 – There was a presentation called “Together Today for Our Children Tomorrow” to Prime Minister Pierre Trudeau in Ottawa by Elijah Smith and a delegation of the Yukon Chiefs.

In 1993 – the First Four Agreements were signed – TTC, CAFN, NND, VGFN.

On Feb.14<sup>th</sup>, 1995 the Final Agreement and Self-Government Agreements were given effect. The Yukon Land Use Planning Council was then appointed in 1995 after the passing of Settlement Legislation.

In 1998– the Tron'dek Hwech'in Final Agreement was signed off on July 16<sup>th</sup> in Dawson City. The Tron'dek Hwech'in then sent a Letter requesting that the regional land use planning commission be established.

In 2010 – The Dawson Regional Planning Commission was established

In 2014, Regional planning was put on hold while the Peel Case was being settled. This lasted for four years and a Supreme Court decision was made in December of 2017 whereby (Stantec)

*“The Court quashed the Government of Yukon Plan and directed the Parties to return to the final consultation and approval stage of the process. Further, the Court directed the Parties to host a final round of community consultations and consider any minor modifications to the Plan that might be required to reflect changing circumstances. In 2018, all five Parties signed a letter of understanding that confirms a commitment to work collaboratively to complete, approve and implement a Regional Land Use Plan for the Peel Watershed that reflects the objectives of the Final Agreements.”* This whole process should take place in the coming months.

Here we are in 2019 – and “As keeper of the process” we are back now implementing Chapter 11. We are returning to Dawson and looking forward to the restart of the Commission there. One of the reasons we chose “cumulative effects” as the focus of this gathering was because we think some of the concepts used in the approved North Yukon plan may be worth considering as approaches to address the planning issues in the Dawson region.

With that said, I want to introduce our new Dawson Regional Planning Commission members. Debbie Nagano, Angie Joseph-Rear, Alice McCulley, John Flynn, Dan Reynolds and Art Webster.

The Dawson Regional Planning Commission will also be guided by a Technical Working Group and a Senior Liaison Committee. We anticipate a Draft Plan in 2020. Our Council looks forward to working with the DRPC and the plan is to hold an orientation and training session with them on April 9<sup>th</sup> and 10<sup>th</sup>.

Over the past year and a half, we have had meetings with Grand Chief Peter Johnston and the Minister of Energy, Mines and Resources Ranj Pillai. We will also start having joint meetings with them. Our first meeting is scheduled for April 2<sup>nd</sup>. One of the topics will be the outcome of the recent work done related to regional planning that originated from Yukon Forum. We anticipate receiving that prior to our meeting.

Finally, when I look both at the agenda, the people speaking and the people in the audience, I think we have the potential for a great gathering.

I look forward to hearing from the Elders this morning and from the rest of the presenters and you throughout the next couple of days. I hope you enjoy the workshop and thank you all for coming.

Thank you.

## APPENDIX 4: PARTICIPANT LIST

### Registered participants

Jeanette Carney, YESAB	Alice McCulley, Dawson Region Land Use Planning Commission
Rox-Ann Duchesne, YESAB	Daniel Reynolds, Dawson Region Land Use Planning Commission
Brad Halt, YESAB	Duncan Martin, Kwanlin Dun First Nation
Deana Lemke, Porcupine Caribou Management Board	Steven Buyck, First Nation of Nacho Nyäk Dun
Don McPhee, YESAB	Josee Lemieux-Tremblay, First Nation of Nacho Nyäk Dun
Laura Melvin, YESAB	Shirlee Frost, Former Chair of North Yukon Planning Commission
Wendy Randall, YESAB	Jerry Alfred, Selkirk Renewable Resources Council
Carl Sidney, Yukon Water board	Joe Bruneau, Dän Keyi Renewable Resources Council
Russ Smoler, Yukon Water Board	Peter Mikolay, Mayo District Renewable Resources Council
Tecla Van Bussel, Yukon Fish and Wildlife Board	Ken Reeder, Carcross Renewable Resources Council
Graham Van Tighem, Yukon Fish and Wildlife Board	Bill Shanks, Selkirk Renewable Resources Council
Blanche Warrington, Yukon Fish and Wildlife Board	Allen Skookum, Carmacks Renewable Resources Council
Roger Ellis, Yukon Heritage Resources Board	Ellie Marcotte, Selkirk First Nation
Al Foster, Yukon Surface Rights Board	Kevin McGinty, Selkirk First Nation
Sharon Peter, Yukon Heritage Resources Board	Bill Kendrick, Tr'ondëk Hwéch'in First Nation
Meagan Grabowski, Champagne and Aishihik First Nations	Kirsten Scott, Tr'ondëk Hwéch'in First Nation
Jesse Hudson, Champagne and Aishihik First Nations	
Nathalie Lowry, Environment and Climate Change Canada - Canadian Wildlife Service	
James MacDonald, Council of Yukon First Nations	

- Ruth Massie, Ta'an Kwäch'än Council  
Coralee Johns, Ta'an Kwäch'än Council  
Natalie Leclerc, Ta'an Kwäch'än Council  
Dorothy Cooley, Teslin Tlingit Council  
Randy Keleher, Teslin Tlingit Council  
Lee Whalen, Tr'ondëk Hwéch'in First Nation  
Susan Antpoehler, Yukon Government - Lands Management Branch  
Colin Bearisto, Yukon Government - Lands Management Branch  
Karen Clyde, Yukon Government - Department of Environment  
Jenifer Davidson, Yukon Government - Lands Management Branch  
Paul Fairfield, Yukon Government  
Rachel Ford, Yukon Government - Department of Environment  
Nathaniel Hamlyn, Yukon Government - Compliance Monitoring and Inspection Branch  
Lawrence Ignace, Yukon Government EMR - Strategic Alliances Branch  
Larissa Lychenko, Yukon Government - Lands Management Branch  
Pierre Marchand, Yukon Government - Lands Management Branch  
Roy Neilson, Yukon Government - Land Planning Branch  
Jay Tilley, Yukon Government - Lands Management Branch
- Math'ieya Alatini, Yukon College First Nation Youth Leadership Workshop  
Debbie Nagano, Dawson Region Land Use Planning Commission  
Sheila Garvice, Carmacks Renewable Resources Council  
Shannon Clohosey, Yukon Government – Executive Council Office  
Sarah Newton, Liard First Nation  
Dan Beaudoin  
Elizabeth Moses  
Norm Adamson, Ta'an Kwäch'än Council  
Jennifer Eakins  
Presenters and facilitators  
Pearl Callaghan, Yukon Land Use Planning Council  
Ron Chambers , Champagne and Aishihik First Nations  
Dylan Clark, Yukon Government - Department of Environment  
Joe Copper Jack, Yukon Land Use Planning Council  
Lois Craig, Yukon Land Use Planning Council  
Ron Cruikshank, Yukon Land Use Planning Council  
Shawn Francis, Landscape Ecologist/Planner  
Carol Geddes, Teslin Tlingit Council  
Nick Grzybowski, Yukon Environmental and Socio-economic Assessment Board  
Heidi Hansen, Yukon Land Use Planning Council

Jimmy Johnny, First Nation of Nacho Nyäk  
Dun

Keith Maguire, Yukon Government –  
Executive Council Office

Chrystal Mantyka-Pringle, Wildlife  
Conservation Society Canada

Gillian McKee, Facilitator

Mark O'Donoghue, Yukon Government -  
Department of Environment

John Pattimore, Kwanlin Dun First Nation

Nicole Percival, Yukon Land Use Planning  
Council

Amy Ryder and Jennifer Eakins

Sam Skinner, Yukon Land Use Planning  
Council

Tim Smith, Yukon Environmental and Socio-  
economic Assessment Board

Kiri Staples, University of Waterloo

Lindsay Staples, Workshop Facilitator

Mike Suitor, Yukon Government -  
Department of Environment

Amanda Taylor, Yukon Government -  
Department of Energy Mines and Resources

Joe Tetlichi, Porcupine Caribou Management  
Board

Tim Van Hinte, Yukon Land Use Planning  
Council



Total Impact: Our Collective Footprint



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