Mineral Development Strategy Comments,
Sept. 08, 2020

In the bigger picture, the rationale for being active participants in conserving the Boreal Forest which some refer to as the "Last Great Forest" is well explained in the following: International Boreal Conservation Science Panel. 2013: *Conserving the World's Last Great Forest Is Possible: Here's How* (see: https://d1wqtxts1xzle7.cloudfront.net/39560399/Conserving_the_Worlds_Last_Great_Forest20151030-22650-1s6366y.pdf?1446233346=&response-content-disposition=inline%3B+filename%3DConserving_the_worlds_last_great_forest.pdf&Expires=1599502768&Signature=F7mZoN7. It points out that although there has been rapid escalation in interest from extractive industrial development, rules and regulations to manage it have not kept pace. The effect is that we are rapidly losing the opportunity for the long-term protection of the ecosystem: clean air, water and the critical natural features of the landscape. This opportunity has already been lost to much of the planet. And here in the Yukon, we already face severe public costs to remediate the practices of past delinquent mining operators and practices. We do, however, have a chance to change this.

Existing and outdated free entry staking practices have led to serious conflicts locally, nationally and internationally. Expert forums have attempted to devise solutions. For examples, see Canadian Boreal Initiative report entitled: *"Mineral Exploration Conflicts in Canada's Boreal Forest"* (http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Wilderness_protection/MiningExplorationConflicts-Report-May2008.pdf). Changes to the free entry system are required to better address 21st century societal values for environmental, cultural and socio-economic sustainability, and rights of First Nations and a dedicated focus on Reconciliation. In the Yukon, there are ongoing conflicts and increasing public concerns even at the local level (e.g. Tombstone, Dawson City Dome, Whitehorse X-C Ski Club, City of Whitehorse). The emphasis, however, has been on making the staking process even easier, for an industry that already does not cover its debts for environmental destruction.

The Free Entry Mining system dates back more than 150 years to before the Klondike gold rush. Generally, it includes: a) a right of free access to lands in which the minerals are publicly owned; b) a right to take possession of them by staking a claim; and c) a right to develop and mine the minerals discovered – exploration requires little consultation and opportunity for government and third party intervention. See (https://ocul-yor.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma991013493299705164&context=L&vid=01OCUL_YOR:YOR_DEFAULT&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,Free%20Entry%20Mining&off). In the Yukon, access excludes: First Nation Category "A" lands; lands withdrawn for settlement of land claims; parks and special management areas; graveyards and church property; actively cultivated farmland; the yard surrounding a dwelling; and lands removed from staking by Order in Council. However, these exceptions constitute a small fraction of the Yukon landscape.

Essentially, whenever a claim is staked, the land-use becomes decided. Mineral operators have high expectations of being able to proceed with little obstruction. Governments are fearful about expensive compensation claims if it is subsequently decided that mining should not be permitted. What then of other current and potential land uses? Where is the balance in ensuring other values are respected?

Examples for options for updating the free entry system are outlined in: (International Boreal Conservation Campaign. May 2008. *Mineral Exploration Conflicts in Canada's Boreal Forest.* *https://www.pewtrusts.org/-/media/legacy/uploadedfiles/peg/publications/report/mining20exploration20conflicts20in20borealpdf.pdf).* They include: replace the free entry system with a permitting system for prospecting and exploration; require exploration and mining activities to conform with Land Use Plans; require prior and informed consent from affected First Nations; improve environmental standards for exploration; require financial assurances at the exploration stage; have closer environmental monitoring including base line monitoring. I would add that transparency and public consultation should take precedence over any actual or perceived proprietary rights of those doing the exploration and development.

Adherence to the UFA and Land Use Planning are critical, and the recommendation of having exploration (including staking) and development conform with Land Use Plans requires that they be completed first! There should be no pre-empting long term planning for short term economic benefits - which are notoriously overstated with respect to local/territorial benefit. It is inevitable that interim plans will be jaded by short term vision and pressure tactics employed by industry including undisclosed benefit agreements that capitalize on issues of the day. The wisdom of elders can often expose the short-term motives. Long-term plans need to account for cumulative impacts as should environmental reviews of new projects. The current perspective of YESAB reviews has been myopic with refusal/reluctance to take cumulative impacts into account.

It is ironic that the many previous political emphases have been on "streamlining" environmental regulations? Little mention is made of revising century-old mining practices. Where is the balance here? Current and past practices have contributed to the public debt for the clean-up of contaminated sites, now reaching billions of dollars, many of which are attributed to mining (see the article on the 7+ billion dollar Faro cleanup: http://www.cbc.ca/news/politics/story/2012/05/07/pol-climate-change-enviro-commissioner.html?cmp=rss.

Royalties paid to the Government need to be reflect current values, both economic values of the resources being extracted as well as the costs of environmental remediation. Alternatively, industry could be forced to take on more responsibility for covering environmental costs of its members. If a mine goes bankrupt leaving an environmental mess, then industry should be forced to cover the bill of environmental clean-up through a special clean-up fund paid into by every mining operator. Perhaps this is an area where partnership with Yukon First Nations could excel. The fund could be managed by a third party with a board of directors including First Nation, and environmental NGO's. Precedent for a clean-up fund exists in the oil and gas industry in Alberta with respect to remediation of abandoned wells. However, take note that the funds have proven to be totally inadequate for the task at hand and a more realistic fund subscription price is required.

Regarding climate change and Yukon emission reduction targets, it is essential that emissions from the mining sector be included in plans to reach targets within timeframes given. If we are serious about addressing climate change and reaching emission targets, there is no point in encouraging citizens and other sectors to reduce carbon footprints only to have reductions ignored and obliterated by new industrial development. This is a difficult dilemma: should Yukon Energy develop the capacity to provide power to the mining sector, or, should the mining sector be required to create its own power? The advantage of the former is that there would be greater control over the origin of the power generation

(with emphasis on renewable energy) and adherence to broader guidelines with respect to emissions. There are huge disadvantages, though, such as: the lack of capacity; the development of a grid capacity which is excessive when mineral extraction is low; stranded assets when the mining is completed; the lack of acceptable renewable power capacity and plans to meet peaks; and, high public costs which arguably go to subsidizing boom scenarios. Advantages of industry-based power generation is that electrical power becomes a targeted responsibility of the operator where power generation is ramped up if the operator needs it. However, if this approach is adopted, there needs to be guidelines which ensure that emissions from such electrical generation conform to overall Territorial targets. The YG would require oversight on approving and regulating the type of power generated and insist on a high renewable energy component.

Have a look at *our* legacy; it will prevail for centuries. We need to ensure the number of contaminated sites will not increase, and remediation costs will subside. We need to ensure we embark on a strategy which better protects the environment and addresses obligations to address climate change. A sustainable mining sector must fit into *that* strategy. In many respects, the development of a Mineral Development Strategy should await a clear environmental and climate change strategy since that should form the backdrop of any future non-renewable resource strategy. In Canada, we already have a mining record which we should not be proud of (see: The Narwhal. 2017. *Canada Has Second-Worst Mining Record in the World: UN.*) Perhaps the Yukon's Mineral Development Strategy will be a crucial step in turning this around so that the Yukon and Canada can be a leader in Environmental Protection and truly sustainable development that looks at least seven generations into the future.

Thank you for the opportunity to comment.

Respectfully submitted,

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