

YESAA Oversight Group Meeting
September 29, 2020 8:30 – 10:00am
Virtual Zoom Meeting

Record of Decision

Participants

Jasmina Randhawa, Oversight Group Chair - YG
Emmie Fairclough, Oversight Group Member - CYFN
Dionne Savill, Oversight Group Member - CIRNAC
Martin Guilbeault, CIRNAC Yukon Region
Shane Kilpatrick, CIRNAC Yukon Region
Michael Lemmon, CIRNAC Yukon Region
Ed Schultz, Council of Yukon First Nations
Keith Maguire, Government of Yukon
Sevn Bohnet, Government of Yukon

Guests: Government of Yukon - Lyle Dinn, John Fox, Todd Powell, Stephen Mead, Lauren Haney
CIRNAC Ottawa - Gilles Binda
Yukon Mineral Advisory Board - Roger Souckey, Brad Thrall
PricewaterhouseCoopers, LLP - Gemma Stanton-Hagan, Michael Dobner

1. Introductions (08:45 – due to technical difficulties)

- Jasmina - welcomed everyone, and thanked the guests for joining the meeting to discuss the YMAB/PwC report.
- Roundtable introductions.

2. Meeting with YMAB (PWC report)

- Roger S. - provided an overview of the mandate and key tasks of the YMAB and their approach to engaging PwC to conduct a review of the mining regulatory process and identify items that could be achieved in the near term (12-16 months) although there are some ideas for long term changes.
- Michael D. - provided an overview the context and approach taken to conducting the review – to simplify the permitting process to achieve the objectives of YMAB. Review did not include consideration of legislative or regulatory changes. Stakeholder engagement was limited and did not include regulatory bodies (ie: YESAB) or First Nations.
- Gemma S. - summarized each of the 10 recommendations presented in the report.

Group discussion

- Dionne – some good ideas, did you speak to First Nations, YESAB, YWB or Canada?
- Gemma S. – consultation focused on proponents who recently went through the process. They identified various degrees of problems and solutions. Mandate did not include engagement with First Nations directly, but we did meet with the MDS, nothing with Canada.
- Dionne – did you consider treaty obligations?
- Gemma S. – we only consulted the YESAA.
- John F. – clarified that YMAB makes recommendations to the Minister. The Minister then engages on any next steps, he has met with the Mining MOU Chiefs and this conversation is part of sharing the report. Will consult further with First Nations on implementation of any changes.
- Ed- Some of us within First Nations have seen this report and the Gowling report. We have been challenged since 1993 to implement our land claims. We are equal Governments to YG, so are surprised not to be engaged directly, surprised to see the MDS has supported these recommendations. First Nations are now engaged where possible, have not had time to review, council will review and provide a position.
- Roger S. – Thanks.
- Lauren H. – what are YMAB plans for engaging with YESAB and the Water Board on your recommendations?
- Roger S. – YMAB advises the Minister and he has been having conversations and will determine how any follow up will occur.
- Jasmina – Are there any plans to consider how EMR will deal with the various recommendations?
- John F. – similar to the release of the approach taken with the Gowling report, YESAA issues could go to the Oversight Group, where it overlaps with the MDS that could also be a venue.
- Jasmina – there are some that overlap with the Gowling work and falls within this groups tasks, we will review and follow up. Thanks all for the presentation and good discussions.

YMAB and PwC Guests were excused from the meeting at 09:35

The group reflected on the presentation and subsequent discussion.

- Ed - indicated that the lack of First Nations engagement in the PwC review process is concerning. It is clear the mineral industry has a loud voice, but there are other industries and it has to be recognized that First Nations are Decision Bodies.
- Dionne – this group (OG) exists to reconcile issues – bill C-17 surrounding the need to engage with First Nations on these matters.
- Jasmina – there are some items in the PwC report that this group may be able to tackle.

- Lyle – the Minister will be engaging with the Boards and First nations, the report will be tabled in the legislature.
- Jasmina – there is no expectation that this group needs to respond to YMAB on the report, this is an opportunity to be aware of the work they are doing.

3. Approval of August 26, 2020 meeting record

- The August 26 meeting notes were circulated to group prior to the meeting by Sevn. A typographical error was noted by Martin, correction to be made. The group agreed the August 26 meeting record as approved subject to the correction being made.

4. YESAA Forum

- Sevn provided an update on YESAA forum planning. A scope of work has been developed and now reaching out to prospective facilitators for the forum proceedings.

5. Technical working group

- The group recognized that the draft terms of reference and workplan as presented at this time are a work in progress. There are several comments on the draft materials that the TWG has not yet been able to reconcile.
- The group discussed and clarified that the direction is to have a TWG that has a broad mandate to support the Oversight Group and that the initial task is to pursue options for a focused review of YESAA to address the issue of amendments and renewals.
- Ed clarified that this issue is not a priority for First Nations, however they recognize the interest of others to address the issue through the Oversight Group. He further re-iterated that support for a focused review would need to be based on recognition that any decisions on the assessment of amendments and renewals would require the agreement of the affected First Nations.

Tasks

1. The TWG will revise the terms of reference to reflect a broad mandate to support the Oversight Group on assigned tasks.
2. The TWG develop a specific workplan for the assigned task of exploring options to pursue a focused review of YESAA to address the issues of assessments of amendments and renewals.

6. Other Items - None

7. Next Meeting - Scheduled for October 28, 2020

Meeting Adjourned at 10:10am