

# YESAA Forum: Reconnecting November 5, 2019 Report and Recommendations

February 24, 2020

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## 1. Introduction

A YESAA Forum was held at the Yukon Inn on November 5, 2019. This was the first such event to take place since amendments to YESAA were passed in December 2017, and also the first Forum event since spring 2016. 63 individuals from YESAB, Government of Canada, Government of Yukon, Yukon First Nations governments, transboundary First Nations, the Yukon Water Board and industry organizations attended the meeting.

This document describes the recommendations at the outset, and provides further detail on what was considered in making the recommendations starting in section 5.

## 2. Purpose of the Forum

The purpose of the event was to bring together a wide-array of contributors and practitioners in the assessment process – from the assessment body to proponents to governments. The Forum event provided an opportunity to reconnect these individuals outside of project-specific complications or tension, have the group hear directly from the YESAA Oversight Group, and to help define the path forward on the 7 priority issues that have been assigned to the YESAA Forum by the Oversight Group.

## 3. Recommendations

### General

1. The Forum must deliver and implement concrete actions in order for it to be credible and respected. Any actions or recommendations to the Oversight Group must have paths for implementation.
2. The right people need to be in the room. This may be specific to each Forum topic, and should always be a consideration in Forum events. It may include the right officials from agencies that are already participating, or groups that are peripheral to the assessment process, but hold specific and relevant expertise.

### i. Cumulative Effects

3. That the YESAA Forum Steering Committee prioritize cumulative effects, and provide further Forum session on components of the issue, such as:
  - A review of existing work on cumulative effects assessment and management, including the previous YESAA Forum, the regional land use planning processes, and the work of other jurisdictions;
  - Having assessors and regulators fully explaining their cumulative effects assessment and management policies or frameworks;
  - Exploring mechanisms in the legislation, such as s. 112, whose processes are not fully developed; and/or
  - Identifying data gaps, data sources, and increasing the accessibility of that data.

### ii. Traditional Knowledge

4. Building a common understanding of what TK is and how it is expected to be used is a priority in assessment. Many other organizations are looking to CYFN for help on TK issues, and a single opportunity for that may be better than a standalone session on how it works in YESAA.

Existing work, such as the previous YESAA Forum and the ongoing YG TK policy should be reviewed and presented so that communities and practitioners know what has been done and what is being worked on.

### iii. Training

5. There are existing and ongoing training opportunities, whether within government or delivered by NGOs. There is a gap in awareness and access to those programs.

The Steering Committee and YESAA Oversight Group should determine if resources exist to consolidate, communicate and deliver existing training. Training should not be seen as a discrete Forum topic. There should be an ongoing commitment and mechanism to keeping practitioners and communities aware of opportunities.

### iv. Consultation and Engagement

6. That the Steering Committee request further guidance on what the needs and outcomes of this priority should be. Despite substantial interest in the topic, it needs to be more specific, and there is concern that this topic may not be appropriate for this group at all.

### v. Mitigative Measures

7. A future YESAA Forum event hold a special session where regulators can speak to how mitigation is inspected and measured, and where assessors and decision bodies articulate their view on proponent commitments and where they belong in order to be effective. New or more focussed questions may come out of that session to inform a future feature topic.

### vi. Economic Potential

8. The economic data needs of a proponent, a community, and an assessor are all different. A future YESAA Forum event hold a special session where proponents comment on their needs for economic data, and where assessors can discuss the process and logic of using economic data and its role in assessment outcomes, in an effort to align information needs, and find reasonable ground for information requirements that scales with a project. New or more focussed questions may come out of that session to inform a future feature topic.

### vii. Pre-Submission Consultation

9. That this topic be incorporated into any training sessions as a conversation on best practices and community needs. It is difficult to draw a hard link to the Act on smaller projects, so education and understanding is key to the thinking becoming part of the application process. There is a link to recommendation #5, but this focusses more on communities than the assessment practitioners. Community outreach and training should be explored.

## 4. Morning Session

The early part of the event was used to introduce or re-introduce the people in the room with each other and the YESAA Forum. A roundtable introduction took place where individuals introduced themselves and were encouraged to speak briefly on their role in the process and what they'd like to get out of the revitalized YESAA Forum.

To refocus the group and conversations the group went through a history of land claims and the goals of the development assessment chapter in the Final Agreements.

A description of the changes in relationships since the passing of Bill C-17<sup>1,2,3</sup> was followed by presentations from all of the YESAA Oversight Group members. The Oversight Group then took some questions from the attendees.

The final portion of the morning activities was to walk through the new YESAA Forum Terms of Reference<sup>4</sup>, and discuss how the new reporting relationships and accountabilities are intended work<sup>5</sup>. The floor was opened to discussion on the new terms of reference, acknowledging that the current document was designed without input from the larger group. No substantial changes were proposed, though members reserved the right to propose improvements as they became more familiar with the Forum.

## 5. Breakout Discussions

Following the noon break, the group was divided into seven tables and tasked with talking through their perspectives on the topics that the YESAA Forum has been assigned from the Oversight Group. The groups stayed together for discussion on the first 4 topics, and then after a short break the groups were shuffled and discussed the final three topics. What follows is summary of discussions and some of the key points that emerged in those sessions.

The Summary section has been drafted by the Steering Committee. All other points are based on direct feedback presented at the table groups.

In order to organize the input that was received, under "Specific Comments" several subcategories are identified:

- Planning and Project Design: includes any planning exercise (land use plans, etc.) and how input from the community, government, proponent or First Nation that can inform and improve the design of a specific project.
- Assessment: includes suggestions or questions on assessment methods, and opportunities for outreach explaining how assessments work.
- Regulator: includes suggestions on regulator and decision body processes and opportunities for decision bodies to provide value to the Forum and the processes.

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<sup>1</sup> [YESAA Reset MOU](#)

<sup>2</sup> [YESAA Oversight Group Terms of Reference](#)

<sup>3</sup> [YESAA Oversight Group Priorities Document](#)

<sup>4</sup> [YESAA Forum Terms of Reference](#)

<sup>5</sup> [November 5, 2019 YESAA Forum Slide Deck](#), pages 8-10

- Other

## i. Cumulative Effects

### Summary

This topic had a significant amount of engagement and conversation. It was recommended that the existing work (previous YESAA Forum, Land Use Planning workshop) be examined, as some guidance would exist in those places. Land Use Planning and its role in cumulative effects assessment and management was mentioned many times.

### How the Forum can advance this topic

- Land Use Planning can be used as a tool to address cumulative effects, though it may take more time.
- Sub-regional plans or strategic assessments may be helpful.
- There are difficulties in determining or evaluation cumulative effects when other management processes are not in place, or are underutilized.
- The new Forum accountabilities make it more likely that things will get pushed forward into concrete actions.
- The topic is very big. Forum needs to be strategic with what to talk about in order to have the most workable results.
- Putting the topic into smaller pieces may make it easier to come to conclusions.

### Specific Comments

#### *Planning and Project Design*

- Suggest that public consultation on cumulative effects occur in planning stages.
- FNs already know what their key areas are. Those wishes shouldn't be ignored.
- It is unclear that, should a cumulative effect emerge under or due to multiple projects, who is responsible for addressing it, especially if there is a significant temporal gap between projects?
- It is unfair to burden the last project that comes along, even more so if it is of commensurate size or smaller than projects that came before.
- Cumulative effects planning and traditional knowledge cannot be separate.
- First Nations should be contacted directly when project planning is happening to get their views on the changes that are occurring.
- Development has left many impacts already, lets get caught up on fixing those and then talk about what is sustainable for the future.

#### *Assessment*

- YESAB should attend and discuss their cumulative effects assessment approaches.
- Once practitioners have a clear understanding of the assessment lens, we can provide better inputs.
- Explain the logic flow of when a change to the landscape becomes an impact, and how time scale and reclamation techniques factor in to the impact determination.
- What is the process for calculating that an effect passes an acceptable threshold? Does the threshold change based on the existing or ongoing use of an area? How can interaction between projects be understood?

- Assessments are done project by project, that is a systemic barrier to assessing cumulative effects (encourages projects to get in early before effects accumulate in an area).
- There should be 'bigger picture' assessments.

#### *Regulatory*

- Regulators should attend and discuss their cumulative effects management approaches.
- Regulators should make sure that thresholds on projects are time-bound and specific.
- Early projects should not be subject to thresholds in others' cumulative impact.
- Effective reclamation a key to decreasing cumulative effects over time. This may mean a reconsideration of time scales in significance of an effect.
- Regulators need to collect sufficient security to hedge against negative cumulative effects.
- Permanent landscape change is inevitable, how are effects managed in a continuously changing environment?
- Regulators should be providing feedback into a new assessment based on what they know from existing projects.

#### *Other*

- Information from other jurisdictions should be reviewed, particularly Atlin/TRTFN area.
- There may be legal liability for governments if they start rejecting projects.
- Are there opportunities for more strategic or regional assessments?
- Is there a clear path or appetite to use YESAA section 112?
- The issue and conversation need not be just with the Forum, but may require community involvement.
- Effects are not just to environment, but may impact critical infrastructure.

## **ii. Traditional Knowledge**

### *Summary*

Traditional Knowledge was a previous Forum topic. The policies on TK since then have matured, and there is interest in hearing back from YG what their TK policy (which is currently being developed) will inform the assessment and decision-making process. There is still appetite to explore TK as a Forum subject.

There are a number of perspectives – from all players in the process - regarding the gathering and use of TK, and how it can be incorporated into applications or assessments, maintaining confidentiality, and still have the knowledge influence decision-makers.

### *How the Forum can advance this topic*

- Let's come to a common understanding of what TK means and how it should be used.
- The Forum should hear about the YG Traditional Knowledge policy and how that may apply to assessment and decision-making.
- Having assessors speak to how TK is used in assessment would be enlightening.
- Is perceived that there is no meaningful integration for TK into a project. It may be offered to a project, but there may not be a place for its use.
- There should be a full day session on TK.

## Specific Comments

### *Planning and Project Design*

- Setting FNs up for success would be to make sure funding was available to compensate those delivering the knowledge, and give those gathering the knowledge access to the right tools to do so.
- Collection of TK needs community feedback and participation.
- The timelines usually present a challenge in being able to gather knowledge before a deadline.
- Timelines are also challenging if the proposal information is deficient, and knowledge holders don't know what to comment on.
- Projects will be in planning long before assessment, TK could be sought in planning instead of waiting until assessment.
- FNs have different levels of planning (including land use planning) and documented knowledge. Those who have existing documents to share may lead to fewer issues later on in a specific assessment.
- TK is used as a reason why some lands can't be used, but a proponent isn't entitled to an explanation or opportunity to adjust a project.
- Traditional place names should start to be more prominent.

### *Assessment*

- First Nations are pretty proactive in engaging on projects, but they don't always have the capacity to actively provide TK.
- Providing better information on the assessment process (flow charts, process navigation, timelines) would encourage more community knowledge.
- There is still a gap in that TK can be submitted orally (or presented as audio recording), but then it is difficult to get that information to decision makers. Are the confidentiality issues in YESAA figured out?
- A package of the TK can be produced for each project after SV&I in order for it to be accessible. Redaction of sensitive information should be allowed.
- Maps and symbols in a general (not specific or confidential) area should be acceptable.
- Gathering TK should follow cultural norms in the community.
- There is still a view that proponents and assessors can only use TK if it is translated into the quantitative. Is it possible to square the concepts? Similarly, the TK and a cash-value system may not be compatible.
- Having 'references' to back up TK is very difficult.
- Cumulative effects and TK need specific attention together in assessment.
- Translation services are lacking, there may also be deficiencies in language to accurately translate an idea or description.
- Dena have an alternative way of assessing things, is there an opportunity to bridge this with the YESAA process?
- Should all FN contributions be treated the same is TK?



#### *Regulatory*

- Is there a disconnect between receiving the TK in assessment, how it is supplied in the recommendation, and how regulators use the TK in that form? Is it too blended in with other information by that point to have lost some importance?
- Successor resource legislation is required, and should accommodate TK.
- The regulations are colonial in their views, need to be brought into the modern governance context.

#### *Other*

- In some communities, it's common for people to go to elders' homes to get traditional knowledge.
- The capacity to collect the knowledge is a burden on First Nations.
- There are major confidentiality concerns.
- New legislation such as the federal Fisheries Act require TK.
- Software called Trailmark exists and is being piloted by TRTFN for archives, multimedia, data, and spatial information.
- It is important for FNs to make sure their knowledge gets to assessors.
- This type of knowledge and information needs to be in accessible format. It is important for many planning and review processes.
- While Elders are not the only ones who hold TK, there is some urgency in being able to collect TK before Elders who hold it are lost.

### iii. Training

#### *Summary*

There is a significant appetite for training amongst the group. Many possible sessions and themes were suggested. Training should not be limited to individual organizations, since we all have to interact with each other, we need to know how and why organizations think like they do.

Training need not be delivered at a Forum event, but is more appropriately a standalone or recurring session that gets people in one place to focus on a subject and exchange new information and perspectives. Existing training groups could be utilized, and it was suggested that some more formal help in delivering the training be sought.

#### *How the Forum can advance this topic*

- Training specific to each government or agency is limiting our common understanding. There should be more intergovernmental/interorganizational training sessions.
- Specific courses suggested:
  - YESAA 101
  - First Nations Cultural Awareness
  - Mining (possibly similar to Yukon Chamber of Mines Course)
  - Reclamation
  - Agriculture
  - Socio-economics and local values
  - Writing a Project Proposal

- Writing Assessment Input
- Writing a Decision
- There should be annual updates from FNs, YESAB, Water Board and regulators to describe changes in legislation, regulation and policy.
- Engaging young people as part of internship and stewardship programs.
- Training should be financially and geographically accessible.
- Yukon College collaboration.

### Specific Comments

#### *Planning and Project Design*

- Training to help proponents and their agents should be held.
- Proponents hire those who are trained in assessment to help with applications.
- Helping communities understand assessment would be broadly helpful.

#### *Assessment*

- Assessors should have training to become familiar with the industries and projects they are tasked with reviewing.
- Understanding the assessment methodology would be helpful, as well as how to best write assessment comments.
- There may be an opportunity for some education from the International Association for Impact Assessment (IAIA).
- Assessors should be encouraged to develop relationships and rapport with others in the process.

#### *Regulatory*

- FNs should know how they can supply their input on a project in a way that their input has a chance to make it into the regulatory conditions.
- YG has regular practitioner meetings, can those be expanded or more inclusive?
- Understanding how monitoring works and how acts are applied after the project starts would be helpful.

#### *Other*

- Running a scenario of best practices with all parties present would be a good session. Step through the process and have each responsible party explain what they do.
- Training should come with guidance material or forms to use in real assessments.
- Understanding of other languages.

## iv. Consultation and Engagement

### Summary

This is to be interpreted as Crown consultation with First Nations. There was some reticence to having this as a Forum topic, and more development was needed to focus the conversation. Overall, participants are looking for clarity in what is required of them, and desire to be able to close the loop on consultation by having meaningful accommodation that acknowledges rights. There is a disconnect in the process in that the FN and the Crown are required to consult, but the consultation is not as much of

a factor in the assessment, with assessors and proponents not reliably knowing what is happening between decision bodies and FNs at certain stages. FNs and governments are looking for methods that reduce duplication of information or engagement, either in a single project's process or where multiple projects may share similar characteristics and concerns.

#### How the Forum can advance this topic

- Clarity on how the information is used, if it is stored, and how to avoid having to resubmit the same information at different levels of review or for different projects.
- Clarity on what consultation is required for projects that do not occur on Settlement Land.
- Are we agreed that consultation with the elected First Nation government is the appropriate avenue in Yukon?
- When this topic is addressed, the right people have to be in the room.
- Would be helpful to look at previous Forum notes and compare that to where we are today.
- Topic has to be more focussed, will Oversight Group give some guidance?
- Using the Forum as a place to remain connected to the consultation group is beneficial to keep up to date.
- There may be perspectives that are so different, there may be no way of finding consensus in the Forum format.
- Find ways to define what is to be achieved by consultation, and how do we make it meaningful?
- Consultation reciprocity could mean that a report back after the consultation would show what the other party heard, and how they adjusted their work to meet the needs that emerged.
- There are obvious problems with the efficiency of consultation.
- Would be extremely helpful to have agreement by all parties on pre-engagement methods, and what constitutes complete consultation.

#### Specific Comments

##### *Planning and Project Design*

- Balance the power dynamic. Cooperate and compensate.

##### *Assessment*

- What is the best way to input into assessment to help satisfy consultation requirements?
- How can the assessment bring in consultation outcomes and install those into the recommendations in a way that reduces decision-making consultation requirements?
- Consult on draft evaluation reports.

##### *Regulatory*

- Can decision-bodies provide examples of consultation redundancy and opportunities for efficiency?
- Decision-makers rely on assessment information for decisions, making post-assessment consultation difficult to integrate. Procedural fairness concerns emerge when decisions are made based on new information.
- Decision making timelines are difficult to meet, from both sides.
- Consult on draft decisions.
- Decision-makers always wonder if they have met the duty. How can they have that certainty?

- YG has a good standard and a flexible process, and each department can undertake their own version of it. The downside is that the processes are inconsistent between decision bodies.
- Can the decision-body letters be written in more straightforward plain language?
- How do decision-bodies take the final step and make accommodations?

#### *Other*

No comments.

## **v. Mitigative Measures**

### *Summary*

The crux of this issue is having confidence in the mitigations that are proposed, and confidence that they are implemented and effective. Making sure there is a straight line from the information presented to the assessment all the way to the inspectors on a project will lend confidence. Multiple comments came in on how project design elements were being used, given recent policy change at YESAB. Guidance on how the monitoring system works and how it can be accessed would be welcome.

### *How the Forum can advance this topic*

- Can the joint training help with this understanding?
- This topic may not be developed enough for the Forum yet.
- There is a need for better understanding on mitigation measures, how they are proven or supposed to work, who monitors, and what happens if they fail.
- Having Compliance Monitoring and Inspections come present would be helpful.
- What are the limits of YESAA and YESAB on this?
- Where do proponent commitments come in since a new policy has come out?

### *Specific Comments*

#### *Planning and Project Design*

- For projects with a long-term scope, how can we ensure that monitoring continues?
- Are there better ways to share data and promote accountability?

#### *Assessment*

- The new YESAB guidance addresses proponent commitments, but there are still concerns on scoping of the project.
- Recommendations need to be accurate and precise for what they are trying to achieve, and also be written in a way that regulators can work with.
- Repeating regulatory requirements as terms and conditions is an unnecessary burden on the process. Recommendations need to be specific to the project, and be proven that they are required in the assessment.
- It is hard to see the follow through from a proponent design mitigation or a YESAB mitigation to regulatory and monitoring.

#### *Regulatory*

- Simple: if it can't be put in a permit, there is no way to enforce it.

- Inspection, compliance and enforcement does happen, but how can that help inform the ‘effectiveness’ and provide more to the body of assessment knowledge?
- Simple monitoring or reporting might not give the information that is being asked for here.
- YG Environment would like work done on this topic.
- Helpful to understand the regulatory and enforcement processes.
- Ensuring the enforcement bodies are empowered to do their jobs.
- Inspectors may be overwhelmed with the number of projects and individual enforcement terms.
- Decision documents or authorizations should account for the proponent commitments on mitigation.

#### *Other*

No comments.

## vi. Economic Potential

### *Summary*

The understanding of how socio-economic data is used in assessment, and the calculus on impacts versus benefits is not clear. There were concerns that the information and scenarios could grow to be burdensome. Land use planning and calculating community values also factored in to the conversation.

### *How the Forum can advance this topic*

- Proving economic potential may not be possible, and if it is described, it is only a point in time analysis that may not hold the same for the future.
- What can we legally use as the measure of completeness. Do we account for alternate scenarios?
- In assessment, all parties try to ‘get to yes’, if this is accounted for, there would need to be much better inputs.

### *Specific Concerns*

#### *Planning and Project Design*

- Who would be specialist that is validating the viability?
- Would the project have to propose alternate scenarios, however unlikely, in order to have complete analysis?
- How are ecosystem services factored into the economic conversation? Relate this concept back to the Final Agreement.
- Do we treat it differently if it is a Yukon company or a company from outside?
- How do we reconcile a case where the Council is in support, but individual members are not?

#### *Assessment*

- This could be more generally looked at as the socioeconomic assessment of a project.
- The economic benefit should be examined as a positive in assessment and should be looked at in depth.
- Assessors may not be in receipt of some economic information like impact benefit agreements.

### *Regulatory*

No comments.

### *Other*

- Who would be the overall responsibility for this?
- Without a land use plan, it is hard to define what accounting for economic value/community value of a project would be.

## **vii. Pre-submission Consultation**

### *Summary*

This is to be considered consultation by a proponent, or a decision-maker prior to submission to YESAB. Outside of Executive Committee Screenings, there is no legislative requirement for community consultation by a proponent, and governments duty to consult is not triggered until they know they will have to make a decision. However, if it is possible, engagement would lend significant knowledge to a project and possibly lead to a better application. On the other hand, discussions were had that spoke to the need for communities and the public to understand the process and why we have it.

### *How the Forum can advance this topic*

- Help proponents and the public understand the YESAA process and not fear it.
- Make sure proponents go to regulators before YESAB, make sure regulators assist by equipping proponents with complete regulatory requirements.
- YESAB should help proponents come up with good/complete applications.
- Some kind of uniform 'proof of consultation' should accompany an application, a process to follow, not just a check box.

### *Specific Comments*

#### *Planning and Project Design*

- First Nations appreciate when the proponent goes to the FN first to discuss the project, at least so that the FN is aware it is coming.
- The lack of legislative obligation for the proponent to do consultation (short of YESAA s. 50(3)) means that it simply isn't required.

### *Assessment*

No comments.

### *Regulatory*

- There are some projects that have occurred where it is clear the project design was done in order to avoid YESAA assessment. That may be fear of the process or a desire to avoid the frustration.
- Some regulatory submissions require information on if and how the proponent has consulted with the local First Nation.
- Proponents need to be informed, equipped and empowered to know what their regulatory and assessment requirements are, and to be aware of what the recommended or best practices around a project are.

### Other

No comments.

## 6. Interest and Capacity

A 'dot-mocracy' exercise was undertaken where each participant was allowed eight stickers, and could use up to three to mark their interest and/or capacity on each subject. Results show that the top three topics of interest are:

1. Cumulative Effects
2. Consultation and Engagement
3. Mitigative Measures

And the top three areas where there is capacity are:

1. Cumulative Effects
2. Consultation and Engagement
3. Training

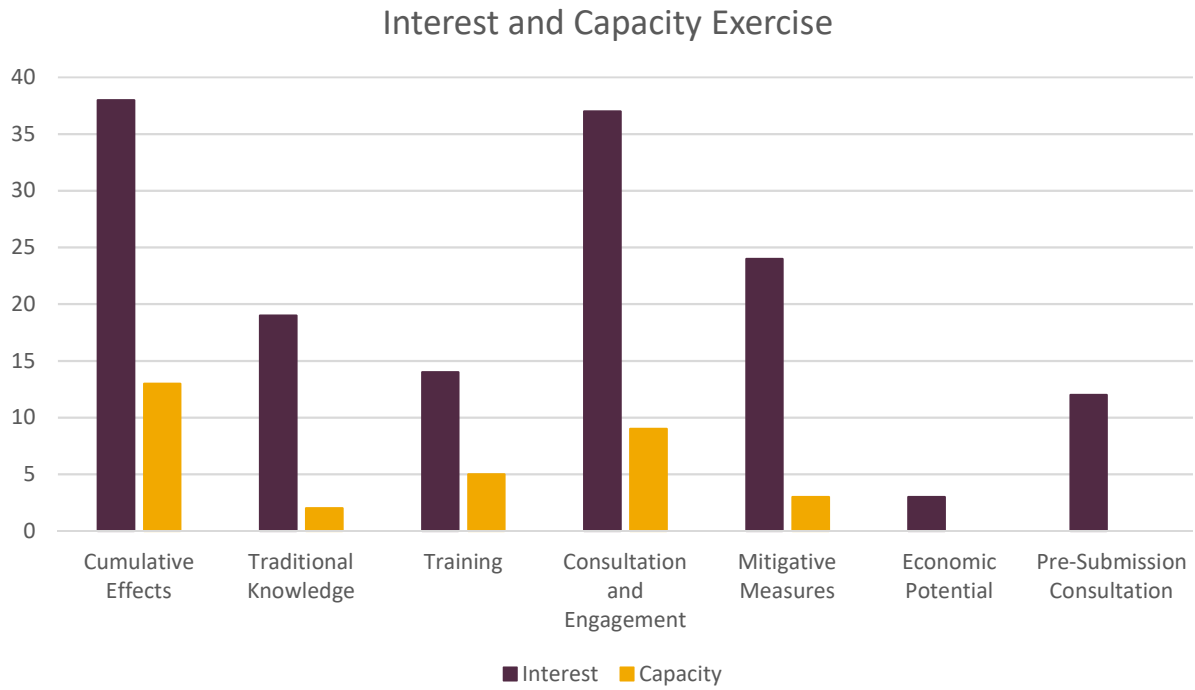
Participants were encouraged to identify themselves and their interest/capacity on a subject. Six topics saw organizations attached to the results:

1. Cumulative Effects
  - Interest: First Nation of Na-Cho Nyak Dun, Fisheries and Oceans Canada, Ross River Dena Council, EMR Assessment and Abandoned Mines
  - Capacity: YESAB, Ross River Dena Council
2. Traditional Knowledge
  - Interest: First Nation of Na-Cho Nyak Dun, Fisheries and Oceans Canada, Tr'ondëk Hwëch'in
  - Capacity: Fisheries and Oceans Canada, Tr'ondëk Hwëch'in
3. Training
  - Interest: First Nation of Na-Cho Nyak Dun, Fisheries and Oceans Canada, Tr'ondëk Hwëch'in, Major Projects Yukon
  - Capacity: Tr'ondëk Hwëch'in, Major Projects Yukon
4. Consultation and Engagement
  - Interest: Tr'ondëk Hwëch'in, EMR Land Management Branch, Fisheries and Oceans Canada, Ross River Dena Council
  - Capacity: Ross River Dena Council
5. Mitigative Measures
  - Interest: First Nation of Na-Cho Nyak Dun, Tr'ondëk Hwëch'in, EMR Assessment and Abandoned Mines
  - Capacity: Tr'ondëk Hwëch'in
6. Economic Potential
  - Interest: Tr'ondëk Hwëch'in
  - Capacity: none

## 7. Pre-Submission Consultation

- Interest: none
- Capacity: none

See appendix 3 for complete results.





## 7. Appendix

### 1. Attendees

No.	Name	Organization	Email
1	Andrew Smith	YG ECO, Forum Steering Committee	<a href="mailto:Andrew.smith@gov.yk.ca">Andrew.smith@gov.yk.ca</a>
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7	John Bowan	Yukon Water Board	<a href="mailto:jonbowen58@gmail.com">jonbowen58@gmail.com</a>
8	Roger Lockwood	Yukon Water Board Secretariat	<a href="mailto:Roger.lockwood@gov.yk.ca">Roger.lockwood@gov.yk.ca</a>
9	Heidi Rumscheidt	YESAB	<a href="mailto:Heidi.rumscheidt@yesab.ca">Heidi.rumscheidt@yesab.ca</a>
10	Laura Cabott	YESAB, Chair	
11	Jasmina Randhawa	YG ECO, YESAA Oversight Group	<a href="mailto:Jasmina.randhawa@gov.yk.ca">Jasmina.randhawa@gov.yk.ca</a>
12	Keith Maguire	YG ECO MPY	<a href="mailto:Keith.maguire@gov.yk.ca">Keith.maguire@gov.yk.ca</a>
13	Tyler Williams	YG ENV WRB	<a href="mailto:Tyler.williams@gov.yk.ca">Tyler.williams@gov.yk.ca</a>
14	Vanesa Lutz	CAFN	
15	A. Tesco??		
16	T. Kilpatrick		
17	Felicia Gordon	CYFN	
18	Thaidra Sloane	YG EMR AAM	<a href="mailto:Thaidra.sloane@gov.yk.ca">Thaidra.sloane@gov.yk.ca</a>
19	Sevn Bohnet	YG ECO MPY	<a href="mailto:Sevn.bohnet@gov.yk.ca">Sevn.bohnet@gov.yk.ca</a>
20	Todd Powell	YG EMR MRB	<a href="mailto:Todd.powell@gov.yk.ca">Todd.powell@gov.yk.ca</a>
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31	Nick Howitt	TKC	
32	Natalie Leclerc	TKC	
33	John Pattimore	KDFN	
34	Mark Connor	TRTFN	
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## 2. Agenda

Time	Content
8:30 – 9:00	Arrival
9:00 – 9:05	Introduction for the day – Agenda, Format
9:05 – 9:50	Roundtable Introductions and Comments
9:50 – 10:30	Where We Are Coming From: The YESAA Reset MOU and Oversight Group
10:30 – 10:45	Break
10:45 – 12:00	Where We Are Now: YESAA Forum Terms of Reference – Purpose, Governance, Reporting and Advising
12:00 – 1:00	Lunch (not provided)
1:00 – 1:30	YESAA Forum Terms of Reference, continued
1:30 – 3:30	Where We Are Going: Forum Priorities -Cumulative Effects -Traditional Knowledge -Training -Consultation and Engagement -Mitigative Measures -Providing Economic Benefits -Improving Communication of Pre-submission Requirements -Other suggestions
3:30 – 4:00	Topic Interests and Capacity Exercise
4:00 – 4:30	Closing and Reporting Accountabilities

### 3. Dot-mocracy Results

No.	Topic	Interest	Name	Capacity	Name
1	Cumulative Effects	38	NND, DFO, RRDC, AAM	13	YESAB, RRDC
2	Traditional Knowledge	19	NND, DFO, TH	2	DFO, TH
3	Training	14	NND, DFO, TH, MPY	5	MPY, TH
4	Consultation and Engagement	37	TH, LMB, DFO, RRDC	9	RRDC
5	Mitigative Measures	24	NND, TH, AAM	3	TH
6	Economic Potential	3	TH	0	
7	Pre-Submission Consultation	12		0	

#### 4. Oral Table Summaries

These are summaries of the end-of-session discussions from the late afternoon. After all tables had gone through their subject matter, a check-in with the tables was done. This could be taken as the 'hot take' on the day, and may better reflect the feeling of the room more so than the substance of conversations.

##### **Table Lead: Rachelle Hawthorne**

- The topics for discussion were very broad and participants felt the topics needed to be better scoped, defined and focused to have a better discussion around them. For example, carving out sub-topics within each topic.
- It would have been useful to have YESAB assessors from Designated Offices in attendance to discuss more practical elements of the YESAA process.
- There was a large focus on the need and use of strategic assessments (using section 112) and land use planning, and recognizing that these priority areas are very inter-related. Specifically, cumulative effects and traditional knowledge.
- Training is important as there has been quite a bit of turn-over in recent years. Members would like to see training for practitioners, as well as First Nations citizens and youth. They also expressed the importance of cross-government and cross-organization dialogue and collaboration on training. Participants were interested in further training and understanding section 112 requests, and saw a role for the Forum to recommend to the Oversight Group how to best provide this information.
- Questions were raised as to whether consultation and engagement is an appropriate topic for the Forum as there are very nuanced roles and responsibilities already in place for governments on this topic.
- Participants recognized these priorities are very similar to those discussed at previous Forum events and felt it would be useful to review the previous discussions in comparison to the discussions we are having now, and use this information to better scope out the topics and path to achieving outcomes in this renewed context. Participants want to see clear actions and development of outcomes on these issues.
- Capacity and accessibility of Traditional Knowledge were two key issues raised on that topic. Additionally, the use of Traditional Knowledge in a meaningful way.
- Enforceability was the key issue raised regarding Mitigative Measures.

##### **Table Lead: Ed Schultz**

- There's a direct correlation between Cumulative Effects and Traditional Knowledge, and there needs to be an integration between them. In the absence of regional elements like LUPs, there are some dilemmas occurring.
- We need dialogue and discussion documents on training.
- At the community level, people need to be engaged and understand what's going on.
- Benefits in collective training, as well as party-specific training. There's also significant value in proponent training.
- Are decision bodies meeting the needs of FNs? No. Are FNs meeting the needs of decision bodies? No. There's a mutual incomprehension
- There's a difference between decision documents and authorizations, and the information is not always the same in both (lack of consistency)
- There's a LOT of information for just one inspector

- The oversight group should reach out to compliance monitoring group. This is another area where collective training would be useful

**Table Lead: Kirsten Scott**

- There's a concern from the FNs perspective that cultural values aren't considered (i.e. reciprocity and respect for the land)
- How can cultural values inform land management decisions? How can they inform cumulative effects thresholds?
- Do we have a shared understanding of what TK is?
- How can all TK be incorporated in the process and be relevant if it's not TK on the land?
- Is there training that can be done around TK? A framework/workshop/101 on what TK is?
- Community-based solutions can help consultation processes
- Bonds/security can be used for Indigenous guardianship programs on the land. This would allow for cultural values to be monitored on the ground

**Table Lead: Tim Smith**

- There's an absence of baseline monitoring, robust mechanisms, identification of thresholds, and challenges of knowing when we've reached these thresholds
- There are linkages between LUP and the assessment processes. Are there interim tools we can use in the absence of a LUP?
- How do we define TK?
  - o Focus on confidentiality and protecting it
  - o Forum could look at measures and laws that would help protect this confidentiality
- Use forum to build stronger common understanding of YESAA process

**Table Lead: Keith Maguire**

- How is existing infrastructure being used?
  - o i.e. there's an increase in traffic on roads because of an increase in equipment brought to mines
- It's important to get FN perspectives
- Use audio recordings in assessment and traditional place names (traditional knowledge) and have translation available
- Review TRC calls to action and UNDRIP
- Would be beneficial to do section 1.10 and 1.12 training

**Table Lead: Roger Brown**

- TK is integral to the final agreements and assessment process
- Learning from other examples elsewhere
- Oral testimonials brought to the table can be impactful (TK)