

YESAA Oversight Group Meeting
Thursday, June 25, 2020 9:00 – 11:00am
Teleconference

Record of Decision

Participants

Dionne Savill, Oversight Group Chair - CIRNAC
Daryn Leas, Oversight Group Member - CYFN
Emmie Fairclough, Oversight Group Member - CYFN
Jasmina Randhawa, Oversight Group Member - YG
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

Guest: Ed Van Randen, ADM, EMR, Government of Yukon

Discussion of Gowling Report

- Jasmina lead a discussion of the report produced by Gowling WLG, commissioned by Government of Yukon (EMR) to identify possible strategies to consider reassessment concerns under YESAA.
 - o YESAA lacks a statutory provisions which would exclude the need for reassessments. Timelines were also addressed as part of the report.
 - o The report includes 5 policy recommendations to refine the process, but the report determines that legislative amendment would be the only option to address these issues in a finite, reliable way.
 - o Jasmina noted that the report intended to focus on reassessment considerations, and the scope expanded as part of background research. Reassessment will be the goal for Government of Yukon to address through the findings of the report.
 - o Ed Van Randen noted that the Yukon Mineral Advisory Board received funding from EMR to do a regulatory report independently of Government of Yukon, which is due shortly. Government of Yukon wants to see the YMAB report as well, to evaluate consistency between the two reports, in an effort to address issues more comprehensively.
 - o Government of Yukon will not make public comments on either the Gowling or YMAB reports until both have been released, and they have had time to digest. Gowling report has been shared with the YESAA

Oversight Group, YESAB, Water Board and Chamber of Mines. First Nations, aside from Oversight Group members, had not yet been provided the report, though were engaged as part of Gowling's background research.

- There should be a timely strategy in place to engage First Nations and present the report, prior to public release and comment. It is proposed that the Minister of EMR will attend the next CYFN/Yukon First Nations Leadership Meeting to present the report and discuss findings. Canada proposes to have a CIRNAC representative attend the meeting for trilateral participation, particularly if the topic of a review is raised.
 - All Oversight Group members agree that legislative amendment is the only clear solution. All members agreed that several recommendations in the report are inconsistent with Chapter 12 of the Final Agreements, and may not be easy to implementation.
 - Dionne acknowledged that Canada would have a bigger role if a review of YESAA were to be undertaken, with the intention of addressing timelines and reassessment through legislative amendment. If the other parties are wanting to undertake a review of YESAA, Canada likely would be as well – thought this is partly an HQ decision, but we need to ensure that the same mistakes made at the end of the 5-year review and through Bill S-6 are not repeated.
 - Daryn is willing to start exploring the idea of a review, however, both Daryn and Emmie cautioned the other members that First Nations may not be interested in supporting a review of YESAA at this time.
 - Finally, Dionne reminded the Oversight Group that the Chamber of Mines had indicated that they would send timeline concerns data/information, but had not yet done so.
- Next Steps:
- CYFN and Government of Yukon to confirm Minister of EMR's attendance at the upcoming CYFN/Yukon First Nations Leadership meeting to present findings of the Gowling report.
 - Government of Yukon to circulate Yukon Mining Assessment Board regulatory report to the Oversight Group members, when available.
 - Government of Canada to send a letter to Yukon Chamber of Mines to remind them that they committed to sending information, and once they have done so, we can set up a follow-up meeting **(complete but meeting to be confirmed)**.

YESAA Forums

- Sevn lead a discussion of the proposed path forward made by the YESAA Forum Steering Committee to host further Forum events, during the pandemic.
- The Steering Committee proposes that the Forum be moved to virtual format (Zoom, etc.), and that

- a preliminary Forum event on background information be held as a pilot to determine efficacy and to identify challenges and gaps in using a virtual forum for such a large group, and
- a series of meetings be set up following the initial event to fully address the topic.
- Shane noted that the public health restrictions in place have left us with virtual meetings at the only realistic way forward. Piloting the initial meeting will be helpful in establishing the agenda(s) to address the topic fully.
- Ed Schultz noted that we will still need some kind of budget to hire a facilitator.
- Oversight Group members agreed to the approach. A date will be set in the fall.
- Next Steps:
 - Sevn will contact the Government of Yukon Aboriginal Relations office to get advice on how they held the Yukon Forum virtually.
 - Steering Committee will determine a date and set an agenda for the pilot forum event.

Oversight Group Chairmanship

- Dionne raised that the Oversight Group should consider rotating the role of Chair, to stay consistent with the Reset MOU and the Oversight Group Terms of Reference.
- Jasmina agreed for Government of Yukon to take the Chair and secretariat role
- The parties agreed to meet more regularly, once per month for now.

YESAB

- CIRNAC carried out a financial evaluation of YESAB. On a cyclical basis, we need to undertake such a review to support future Treasury Board submissions to renew YESAB's funding. The evaluation is for financial efficacy, not a review of their assessment process.
- The evaluation is complete, and found that YESAB was consistently working in as cost-effective a way as possible, under the current funding level.
- The report was accepted and approved by YESAB.

Other

- CIRNAC noted delays in getting nominations to YESAB from Government of Yukon and CYFN. There is a risk that in the fall, there may be no First Nation representation on the Board. Having nominations well in advance supports CIRNAC's work in getting appointments processed.
- Ed noted that CIRNAC would need to raise the issue with Jillian Fraser, who works on Boards/Committees files with CYFN. The Chiefs will be looking at Board and Committee appointments, and how best to deal with nominations

under the pandemic situation, on July 8th. Meetings of the Chiefs have not occurred during the pandemic.

The next Oversight Group meeting will be scheduled by Government of Yukon, for end of July.