

# YUKON SALMON COMMITTEE

## Meeting #49

November 22-26, 2004

Whitehorse, Yukon

### MEETING DATES 2004-2005

#### Meetings to Date (2004-2005)

Yukon River Working Group	February 4, 2004	Carmacks
YSC Meeting #46	February 24-26, 2004	Whitehorse
Yukon River Panel	March 8-11, 2004	Whitehorse
Yukon River Working Group	March 11, 2004	Whitehorse
Dawson Public Meeting	March 24, 2004	Dawson City
Yukon Placer Committee	March 30, 2004	Whitehorse
Porcupine Working Group & Old Crow Public Meeting	April 21-22, 2004	Old Crow
Alsek Working Group and Haines Junction Public Meeting	April 26, 2004	Haines Junction
YSC Meeting #47	May 11-13, 2004	Whitehorse
Whitehorse Public Meeting	May 12, 2004	Whitehorse
YSC Meeting #48	August 24-26, 2004	Klukshu
YSC Meeting #49	November 22-25, 2004	Whitehorse

#### Upcoming Meeting Dates (tentative)

Yukon River Working Grp.	December 10, 2004	Whitehorse
Alsek River Working Grp.	Week of Jan. 24 (date TBA)	Haines Junction
Yukon River Working Grp.	February 8 <sup>th</sup> , 2005	Whitehorse
YSC Aquaculture Workshop	February 9-10, 2005	Whitehorse
Porcupine River Working Grp.	Week of February 14, 2005	Old Crow
YSC Meeting #50	February 22-24, 2005	Whitehorse
Whitehorse Public Meeting	February 23, 2005	Whitehorse
Old Crow Public Meeting	April 4, 2005 (tentative)	Old Crow
YSC Meeting #51	April 5-7, 2005	Dawson City
Dawson Public Meeting	April 6, 2005 (tentative)	Dawson City
YSC Meeting #52	June 14-16, 2005	Whitehorse

### MEETING SUMMARY

#### 1. Announcements

2. **Review Agenda**
3. **Nominations for Chair and Vice chair**
4. **Review Action Items**
5. **Review Minutes from August 2004 Meeting**
6. **Salmon Management Handbook** - Sebastian Jones (9:00am)
7. **Update from Executive Secretary**
  - Consultation Overviews
  - Salmon Net Cage Farming
  - Yukon River Commercial Salmon Fishery Agent Authorization
  - New Members' Package
  - YSC Performance Questionnaire
8. **Outstanding Business**
  - \* Yukon Queen II
  - \* Yukon College Student – Job Shadowing
  - \* Other Strategic plan obligations
9. **Members' Updates:**
  - \* Ta'an Workshop (Carl Sidney)
  - \* Yukon River Exchange
10. **Coal bed methane presentation** (Albert Genier)
11. **2004-2005 Budget**
12. **Review Calendar**
13. **Briefing: Fisheries Case Law** - Hugh MacAulay
14. **Creative Salmon** – Craig McKinnon
15. **Other Business:**
16. **Yukon Conservation Society – Placer Issues** (Dave Jones)
17. **Habitat Update** – Bob Van Dijken
18. **Other Business cont.**
19. **YSC Elections** (Chair and Vice Chair)

## **MEETING MINUTES**

**Monday**                      **November 22<sup>nd</sup>, 2004 – 9 a.m.**

**Location:**                      **Large Board Room, 419 Range Road**

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## **TRAINING:**

**9:00 am:** Cross Cultural Training (Betsy Jackson).

YSC members along with a number of members from the Yukon Fish and Wildlife Management Board attended a workshop facilitated by Betsy Jackson. Items covered within the workshop were: Introduction to Culture; First Nation History, Culture and Impacts of Contact; Talking Circle; Community Analysis and Understanding scenario #1 within small group discussions; Introduction to Values Based Communication; Community Structure and Dynamics; and Community Orientation and Relationship Building – Walk the Talk – Ideas in Action.

## **REGULAR YSC MEETING:** (1:30pm)

### Present:

Gerry Couture, Hardy Ruf, Joe Johnson, Stanley Njootli, Chuck Hume, Lorelei Smith, Vicky Josie

### DFO Staff:

Andrea Wilson

### Absent:

Craig McKinnon, Carl Sidney, Steve Taylor

**Meeting was called to order at 1:37pm.**

## **Opening Prayer**

### **1. Announcements**

- Steve Taylor was not available to attending meetings this week.
- Craig McKinnon will be in attendance as of Tuesday.
- 3-Party briefing will be delayed until the February YSC meeting.
- Note for future meetings and agendas – Do not revise times, try to stick with original times once distributed, as it causes confusion for the public.
- re: CYFN participation in 3-Party briefing – it is essential that people involved in the original negotiations be involved i.e. Victor Mitander or David Joe for CYFN
- Request was made to have some Yukon River Exchange participants to attend the Yukon River Panel meeting and have YSC pay for their travel costs.

### **2. Review Agenda**

- Recommendation was made to moving nominations for Chair and Vice Chair to Tuesday, when Carl and Craig were in attendance.
- #9 – include Mine Reclamation and Closure Policy Workshop under Habitat Update
- Gerry Couture moved to accept the Agenda. Approved by all.

### **3. Nominations for Chair and Vice chair**

Monday

- Lorelei suggested that the YSC consider adopting the Co-Chair model, rather than Chair and Vice Chair
- The floor was opened for nominations. Gerry Couture nominated Lorelei Smith for Chair. Gerry Couture nominated Carl Sidney for Chair and Vice Chair. Hardy Ruf seconded these nominations.
- Carl Sidney and Craig McKinnon will both have the opportunity to make nominations on Tuesday.

#### Tuesday

- Carl Sidney accepted his nomination on Tuesday.
- The idea of co-chair was discussed, not all members were in agreement of a switch to co-chair.
- Craig McKinnon nominated Hardy Ruf for Vice Chair. He declined.
- Craig McKinnon nominated Chuck Hume for Vice Chair. He accepted.

#### **4. Review Action Items**

The following items were discussed at the meeting, but do not require any further follow-up. All action items that are ongoing are included under the “Summary of Action Items”.

##### **ACTION ITEM #45-9: Secretariat to explore possibility of legal briefing for YSC re: case law related to fisheries management and land claims agreements.**

*DFO Justice contacted, and has indicated that they would be willing to do a briefing. YSC to consider questions and topics that they would like to have covered if a briefing does occur. Also consider if they are willing to expend \$\$ for this type of briefing. DOJ have suggested video conferencing as best approach.*

*Mtg. #46: Andrea met with Kelly Hayes of the Board to discuss training options. The Fish & Wildlife Board is planning to conduct three days of training at the Annual RRC AGM (November 2004). It was suggested that this type of briefing would be well received at this type of forum.*

*Mtg. #47: YSC determined that they will conduct the legal briefing as part of a YSC meeting. Invite RRC’s and Board. Look into the possibility of also inviting directors of Lands and Resources from FNs. (November meeting). DFO Justice has been contacted and invitations will be sent out in September.*

*Mtg. #48: Conference call briefing was arranged for November 24<sup>th</sup>.*

##### **ACTION ITEM #45-11: Secretariat to look into providing a jointly funded Boards and Committees Cross-Cultural Training session.**

*Steve advised that he took some time getting in touch with Betsy Jackson and is now quite busy. Betsy has been heavily involved in cross-cultural training. Committee members will be taking part in the hands on cross cultural during the August meeting but would still like to have a formal training session. Need to clarify timing, content, budget, duration.*

*Mtg. #48: Steve Taylor to arrange half day training session for November 22<sup>nd</sup>.*

*Mtg. #49: It was recommended that additional cross-cultural training be provided.*

*Possibly involve more than one facilitator and a longer time frame. Also suggested that visits to the community are a more valuable form of cross-cultural training than sitting in a classroom.*

**ACTION ITEM #45-24: Contact Yukon First Nations to determine when Elders' Councils will be meeting and to determine if YSC members may attend.**

*All FN's were contacted Dec 15<sup>th</sup>; Majority of FN's do not have a meeting date confirmed yet and have requested we get back to them on a later date. Ones that have a meeting date will get back to us, and let us know if the YSC can attend their next meeting. FN elder's coordinators requested a formal written request by email or letter explaining why the members want to attend with agenda. Need to be discussed at next meeting with YSC to determine what they are presenting to Elder's and who is to attend, summary of dates attached.*

*Mtg. #47: Secretariat to respond to Elders Councils indicating that they would like to talk about the YSC's mandate and activities, aquaculture and also get input from elders on salmon. Two members to attend; should be Chair or Vice Chair and a Committee member who lives in or near the area.*

**ACTION ITEM #46-10: Gerry, Craig and Andrea to draft an outline for a new members' package, for presentation to the YSC in fall 2004.**

*Mtg. #48: Andrea to coordinate with Gerry and Craig to meet face to face to begin work. Andrea, Carl and Gerry met Oct. 8<sup>th</sup> and Andrea drafted outline for presentation at November meeting.*

**ACTION ITEM #46-17: YSC members to review the 'Invitation to Comment on Regulatory Amendments to Expand the Use of Ticketing, Pacific Region' document, and bring comments to next meeting for discussion, need to advise DFO what is expected in regards to consultation given the impacts of this document.**

*Mtg. #47: 16.6.10.9 – DFO will need to consult with individual RRCs on this issue. YSC would also like a briefing on this proposed regulatory change. e-mailed Steve Smith Aug. 4<sup>th</sup> requesting update on status of consultations and briefing for YSC November meeting.*

*Mtg. #48: Steve Smith is on a course November 22-26 but will provide a full briefing at February YSC meeting.*

**ACTION ITEM #46-21: BVD to develop an intervention for the water licence hearing for Brewery Creek.**

*The Salmon Committee did not participate in the Water Board hearing.*

**ACTION ITEM #46-25: Secretariat and BVD to work cooperatively to explore options for job shadowing the Habitat Contractor position.**

*Mtg. #47: Bob to provide a one-page proposal, in the format of an R&E application, on a job-shadowing position for review at the August meeting.*

*Mtg. #48 Carl made a presentation to renewable resource students in September. Students were asked to submit applications to the Yukon Salmon Committee for consideration. An R&E proposal was submitted to fund this project.*

**ACTION ITEM #46-26: Secretariat to look into the cost and availability of a legal expert on the UFA to provide interpretation and a briefing.**

*Law offices of David Joe contacted in Vancouver, as he was involved in the initial negotiations of the UFA. He will provide cost estimate of a briefing. Information was not received as of May 25<sup>th</sup>.*

*Steve Taylor has attempted to contact Lee Francouer and will provide an update at the August meeting.*

*Steve to arrange a presentation for the November meeting, by the three Parties explaining the intent of Chapter 16 of the UFA and its links to Self Government Agreements etc. Topics to cover include Chapter 16 and related chapters, links to self-government agreements, voting within the YSC. Many specific questions i.e. how voting by watershed is to occur, how Kaska and KDFN are to fit into the YSC mandate, given that they are not a part of CYFN. This is an obligation of the Parties as per the Implementation Plan. AW sent e-mail to YTG and INAC October 5<sup>th</sup> confirming Steve's conversation and requesting confirmation of their attendance.*

*Mtg. #49: Steve Taylor did not confirm arrangements with the Parties.*

**ACTION ITEM #47-22: Letter to be drafted to the Minister outlining the problems with the process for nominations to the Yukon Salmon Committee, and requesting that the Minister's office provide detailed information to all nominating bodies.**

*Mtg. #48: Steve is having some difficulty drafting this letter and sought clarification.*

*Issues to note that nominees need to be knowledgeable about salmon, Chapter 16 etc. (details in body of minutes from mtg#47). Staggering of appointments needs to be raised again. Andrea drafted letter for review and sent October 5<sup>th</sup>.*

**ACTION ITEM #47-24: YSC to develop a questionnaire/report card to distribute to stakeholders and working groups, which asks for input into how the YSC is doing. Gerry, Craig and Carl to develop a draft for the August meeting.**

*Reminder sent to Gerry, Craig and Carl August 4<sup>th</sup>.*

*Gerry, Craig, Carl and Andrea to meet prior to November meeting to coordinate this item.*

*Mtg. #48: Andrea circulated Gerry's draft questions September 13<sup>th</sup> for comment. Andrea, Carl and Gerry met October 8<sup>th</sup> to review. Andrea drafted questionnaire for review and item is included on November agenda.*

**ACTION ITEM #47-30: Bob to develop a one page outline on job sharing and integration into the school curriculum by the August meeting.**

*Completed.*

**ACTION ITEM #48-1: All YSC members to be given signing authority on YSC account. Chair to approve all expenditures, or to designate this responsibility to the Vice Chair. Cheques to be signed by any two YSC members, once expenditure is approved. No YSC member to sign a cheque for themselves. Operating Procedures to be amended to reflect this and bank to be notified.**

*Operating procedures amended, revised copy provided at November meeting. Chair has approved expenditure payments by email, record of emails being kept on file, but signed*

*authorization not available on file. Letter submitted to bank advising that all members are to have signing authority on account.*

**ACTION ITEM #48-2: All YSC members to contact Louise to arrange to complete the necessary paperwork to be added as signatories to the YSC account. Members must also provide a photocopy of two pieces of ID (1 photo ID + additional piece of ID i.e. drivers licence and health card).**

*Only 5 members have provided signatures and copy of ID to date. Banking administration and signing authorities to be reviewed during November meeting.*

**ACTION ITEM #48-3: Steve Taylor to draft a letter to First Nations outlining the issues of concern to the YSC (aquaculture, 8 commercial licences, IFMPs, collection of harvest data) and ask their assistance in getting on the Leadership agenda. Letter to indicate that the YSC is willing to address one issue at a time to Leadership. (see action item 45-21).**

*Andrea drafted letter for review November 15<sup>th</sup>. Letter sent November 19<sup>th</sup>.*

**ACTION ITEM #48-4: Monday November 22 will be a training day for the YSC. Steve Taylor to organize either a 3-Party briefing on the intent of Chapter 16 of the UFA, or a cross-cultural training (see 45-11) session, depending upon availability of parties.**

*Cross-cultural training organized, but 3-Party briefing not completed.*

**ACTION ITEM #48-5: Secretariat to make changes to the financial arrangements of the YSC, as discussed during the August meeting. Items to be addressed are: signing authority, approval of expenditures, internet access to bank account, credit card, phone number, phone cards, general financial administration).**

*Items completed are internet access to bank account, phone number and phone cards. The credit card application still needs to be authorized by all members who have signing authority even though it is issued to one member. Approval on expenditures has been requested of Steve by email, email responses received, but no signed copies on record. Accounts are being requested at local businesses as needed.*

**ACTION ITEM #48-6: Secretariat to schedule presentation on coal bed methane for November or February YSC meeting.**

*Presentation arranged for November 23<sup>rd</sup>.*

**ACTION ITEM #48-7: Secretariat to draft a letter in response to the IRG recommendation for the YSC to co-locate with the Board. Response to indicate that the YSC is in support of this recommendation provided that additional funding, to cover the increased costs associated with a change in location, was provided. Letter to be sent to full committee for review and approval.**

*Andrea drafted letter and sent to Committee for review October 27<sup>th</sup>. Letter sent to IRG Nov. 2nd.*

**ACTION ITEM #48-8: Secretariat to prepare submission every second month to CYFN Boards and Committees newsletter.**

*First edition of the newsletter was received and is in read file. Deadline for next edition is December/January.*

**ACTION ITEM #48-9: Secretariat to organize YSC attendance (Carl Sidney) at Teslin RRC meeting this fall to provide an update on YSC activities and to hear any concerns from the RRC.**

*Carl Sidney to attend TRRC meeting December 13<sup>th</sup>.*

**ACTION ITEM #48-10: Secretariat to renew for one year office insurance and review options for pro-rating, in the event that the YSC do not keep the lease on the office.**

*Insurance was renewed for one year. The insurance is liability insurance and the company recommended that the YSC take the insurance with them if they move offices as it is for the organization. If the YSC chose to give up the insurance the company would keep a minimum of \$350 unless more has been utilized. The remainder would be credited.*

**ACTION ITEM #48-11: Secretariat to contact YCS and arrange for them to attend the next YSC meeting to discuss concerns about the placer regime. Ask for additional details on their concerns. Maximum 1.5 hours.**

*Dave Jones, A/Executive Director was contacted and presentation arranged. YCS to provide detailed info for inclusion in YSC members' packages.*

**ACTION ITEM #48-12: Vicky Josie and Carl Sidney to attend the Ta'an Salmon Workshop. Carl to coordinate with Pat Tobler on the content of the YSC presentation for this workshop.**

*Carl and Vicky attended the Workshop September 9<sup>th</sup> and 11<sup>th</sup> and will provide an update at the November YSC meeting.*

**ACTION ITEM #48-13: Secretariat to send out a reminder to groups about the request for comments on aquaculture and extend deadline to October 31<sup>st</sup>.**

*Reminder sent via e-mail Oct. 26<sup>th</sup>, with deadline of Nov. 5<sup>th</sup>. Response to e-mail request for input was much better than mail out.*

**ACTION ITEM #48-14: Secretariat to post YSC Strategic Plan on website once Chair and Vice Chair have reviewed and approved.**

*Plan reviewed by Chair and Vice Chair and submitted for posting November 16<sup>th</sup>.*

**ACTION ITEM #48-15: Carl to provide directions to BVD on the development of an R&E proposal for job shadowing of the Habitat Contractor position.**

*Carl, Andrea and Bob met September 2<sup>nd</sup> to discuss options. Carl and Bob made a presentation to the Yukon College class Sept. 9<sup>th</sup>. R&E proposal submitted Oct. 8<sup>th</sup> and item included on November agenda.*

## **5. Review Minutes from August 2004 Meeting**

Chuck Hume moved to approve the minutes as written. Minutes approved.

**ACTION ITEM #49-1: Secretariat to provide details to YSC members on insurance coverage of individual members i.e. for travel to YSC meetings, inside offices etc.**

**Meeting was adjourned at 3:00 pm.**

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**Tuesday November 23, 2004 – 9:00 a.m.**

**Location: Large Board Room, 419 Range Road**

**Meeting was called to order at 9:15am**

**All present with the exception of Steve Taylor, Joe Johnson (arrived 9:55), Craig McKinnon (arrived 9:30)**

## **6. Salmon Management Handbook - Sebastian Jones (9:00am)**

Sebastian was recently hired by the F&WMB as the new Steward for Dawson.

- Based on Dawson RRC handbook, the idea of creating a similar handbook for salmon management was developed.
- Salmon management principles are not well understood, even by many people who are involved in Renewable Resources management.
- Some things that could be included: lifecycle of salmon, people involved in fisheries, community involvement, overview of UFA relation to salmon management, co-management, allocation of salmon, sustainability, history of fishing in the Yukon, YRSA, etc.
- Cost of DDRRC book was about \$20k including production and distribution of book, honoraria and all other costs
- Book could be produced in cooperation with other Boards and Committees, DFO, First Nations etc.
- Also proposed that a Steering Committee be formed to develop a manual
- DDRRC project was funded through the Walter and Gordon Duncan Fund; DFO might also be approached and R&E Fund could also be used. Possibly DIAND could also be approached for funding;
- Manual would need to incorporate details from each FN Final Agreement
- Lorelei noted that a handbook is coming out through the Yukon River Panel, which will cover many of these topics (lifecycle, history of salmon fishing in Yukon, management); Communications Committee is also talking about developing an interactive DVD;
- Proposed that this idea be discussed at upcoming Working Group meetings;
- Panel handbook is in layman's terms, but is not illustrated like the RRC handbook; it will be released in the coming year;
- Earlier idea to have a map of the drainage showing where the run was on the river and what was happening with the fisheries;

- A poster explaining the basic concept of meeting the escapement figure and then fishing; there are still many people who don't understand this;
- A poster might be more effective than a book, as it is simple, visual and to the point
- Weekly updates are available for those who want more detailed info
- Suggested that this issue could also be brought to the Alsek Working Group, as this is a much smaller Working Group.

## 7. Update from Executive Secretary

### Consultation Overviews:

A copy of the document 'Consultation Overviews' provides details on the issues being considered, consultations conducted to date and recommended next steps, and is included in the YSC Read File.

- De-linking of Commercial and Domestic Fisheries – this issue has been before the YSC for some time now;
- YSC all in agreement of recommending to the Minister of Fisheries and Oceans the De-linking of Commercial and Domestic Fisheries, as long as the existing rules remain the same until further consultation has occurred on the details of sites etc.
- Face-to-face meetings with individual First Nations have not occurred regarding the de-linking of the commercial and domestic fisheries;
- It was suggested that prior to making the formal recommendation, the YSC should send a letter to individual First Nations advising them of the our plans, explaining the proposed changes and offering to meet with them further if they like. If FN wants to meet, the YSC will do so.

**ACTION ITEM #49-2: Secretariat to draft a letter to Yukon River First Nations laying out the YSC's plans to propose the de-linking of the commercial and domestic fisheries. Advise First Nations that the YSC will meet with them if they have additional concerns. If the FNs have no objections or do not reply back, the YSC will proceed with a recommendation to the Minister. Allow First Nations until January 30<sup>th</sup>, 2005 to provide comments.**

*Drafted and reviewed at Meeting #49.*

### Salmon Net Cage Farming:

- Reviewed history of this issue: YSC and DFO have met with Creative Salmon in 2004; Craig McKinnon had a tour of their net cage sites; Posted a summary report and letter/survey on the YSC webpage; raised issue at all of the public meeting the YSC held along with the meetings with some of RRC's and at some of the working groups; posted in the YSC Newsletter and minutes;
- The YSC had put money aside in their budget to hold a Aquaculture workshop to allow people to ask specific questions and get a better understanding of the issue;
- A facilitated workshop was recommended during Feb or March of 2005, with experts from both sides;
- The YSC had stated that they would hold off making any recommendations to the minister on this issue until the workshop had taken place;

- DFO and Creative Salmon have both indicated that they would both like to present their position to the public;
- Need to ensure that someone of equal stature from the opposed side be brought in to present the other side, Otto Langer of the Suzuki Foundation was suggested;
- The concern of having Creative Salmon present, was raised? Since this issue could impact their business, it would be reasonable to have them make a presentation;
- Need to ensure that balanced views are presented;
- Should also allow commercial fishers to present their views, as they could be effected as well;
- Invite FN's to present their views i.e. B.C. First Nations who are directly affected by aquaculture (for and against);
- Documentary produced recently (Net Loss: The Salmon Netcage Industry in B.C.) by Suzuki Foundation;
- YSC does not want to tell people how to think about this – just wants to present the information in an unbiased way, workshop needs to be balanced;
- YRCFA would likely do a presentation, if invited;
- YRDFA (from Alaska) would want to do a presentation;
- Possibility of having a speaker from a BC FN opposed and one in favour of this practice;
- Aquaculture representative from DFO.
- Having the workshop will add strength to the final recommendation from the YSC, because the YSC provided information from both sides to the public.

Tentative Date of Workshop Timing: Feb. 9-10

Presenters: DFO, Creative Salmon, YRCFA and YRDFA, Suzuki Foundation (Otto Langer), BC FN Opposed (BC Aboriginal Fisheries Commission, [news@bcafc.org](mailto:news@bcafc.org) Arnie Narcisse) BC FN who are for, to ensure that there is a balance in the pro and cons.

Length: 1-2 days, length to be determined by working group.

Approved YSC Funding: Facilitator, travel for presenters, facility

Agenda Structure: Presentations first day and Panel discussion/questions next day?

Working Group: Carl, Gerry and Lorelei to provide guidance to facilitator, and determine terms of reference.

**ACTION ITEM #49-3: Aquaculture Workshop to be organized for February 9-10, 2005. Presenters from DFO, Creative Salmon, BC FNs (for and against), YRCFA, YRDFA, Suzuki Foundation. Working Group comprised of Carl, Gerry and Lorelei. Wide range of invitations to be sent. Working Group to develop Terms of Reference. Contractor to be hired to organize this workshop. Facilitator to also be hired.**

#### Yukon River Commercial Salmon Fishery Agent Authorization

- Memo from Steve Smith regarding the Agent Authorization in the committees package;
- Concern raised with the present process, where the agent authorization is at the discretion of C&P, no guidelines in place stating how the discretion will be exercised,

- no consistency. If a new Chief is hired there is no certainty that it will remain in place;
- Steve Smith will speak further to this issue during the February meeting

**Meeting was adjourned for lunch at 11:50**

**Meeting was re-convened at 1:35.**

#### New Members' Package

- Working group members were Gerry, Carl and Executive Secretary;
- Package was reviewed by all members at meeting, one suggested change to include full copy of UFA, not just a summary of the UFA. **Approved by YSC members.**
- YSC members will need to commit some time and funding to new members to explain the processes so new members are not overwhelmed with all the information that is supplied in Binder. This is to take place with more experienced member and possibly the member whose place they will fill, and prior to members attending their first meeting.

**ACTION ITEM #49-4: New Members package to be added as an appendix to operating procedures and Chair responsibilities amended etc. to reflect the content of the package.**

#### YSC Performance Questionnaire

- Working group members were Gerry, Carl and Executive Secretary;
- Questionnaire was reviewed by members of the committee
  - \* Audience is anyone in the Yukon (FN, RRC, Non-government, general public..)
  - \* Will show what people know about the YSC and also public perceptions of what we do
  - \* Should also be sent to prospective new members of the YSC to determine what they know
  - \* Possibly an email template should be sent, easier for the general public to reply
- How would review work? Should be an initial send-out requesting feedback and analysis of response
- After that, Questionnaire would be out constantly and results would be reviewed annually as part of Strategic Planning

**Air North return flight to Vancouver draw prize for submission of complete Performance Questionnaire depending upon cost (if too expensive make it \$500 cash)**

**ACTION ITEM #49-5: YSC Performance Questionnaire should be distributed and responses requested by June 15. Secretariat to perform analysis of results for presentation at meeting 'on the land'. Everyone who completes the questionnaire to be entered into a draw for either a round trip to Vancouver (if possible through Air North flight credits) or \$500.**

**ACTION ITEM #49-6: CYFN newsletter submission to be drafted about YSC performance questionnaire.**

**8. Outstanding Business**

Yukon Queen II (Sept. 30 deadline for resolution of issue)

- Working Group is no longer meeting
- Project that the Panel funded has been expanded by approx. \$45K, of additional funding from YTG and Holland America;
- Fisheries expert and geomorphologist expert have been hired;
- As well as consulting company has been hired to design a project that will find a mitigation strategy for the boat;
- Newsletter was put out recently, but because the working group is not meeting any more the process seems to be back to the beginning;
- Both new experts have reviewed the studies that have already been conducted and have said that the science is good;
- Deputy Minister of Environment for YTG challenged the briefing of what the Working Group was doing; Minister was interested in how the boat could legally operate but didn't seem to mind what was happening to the fish;
- Study design was supposed to be available by September 6<sup>th</sup>, 2004;
- Mike Miles (geomorphologist) reviewed all literature, studied the river, flew behind the boat, looked at areas where the boat did not go, studied the existing reports etc.
- Gordon Haus (Fisheries Scientist) has reviewed the literature, the science. The science information done to date is good.
- Access Consulting have designed a newsletter, which appears to have moved the process backwards
- YSC still has responsibility to follow up this issue
- YTG Minister of Environment approached DFO in Ottawa, asking for assurances that nothing would occur, as long as the issue was being studied
- Does the YSC want to make a formal recommendation to the Minister that DFO resolve this issue?
- All YSC members in favour of making a formal recommendation; Gerry wanted to abstain from voting on this issue, as he felt he had been too involved with the issue and did not wish to be in conflict.

**ACTION ITEM #49-7: Secretariat to draft a letter to the Minister of Fisheries & Oceans Canada indicating that YSC is formally recommending that they would like DFO to partner up with the YSC to resolve the issue of the Yukon Queen II in a timely way. Yukon Queen II is killing fish, the process is dragging on, and this issue needs to be resolved.**

**ACTION ITEM #49-8: Secretariat to draft a letter to the DDRRC thanking them for all their work in trying to resolve the issue of the Yukon Queen II.**

Yukon College Student

- Only one applicant so far for the Job Shadowing proposal;

- We do not have any First Nations applicants, which was part of the objective of this proposal;
- YSC should proceed with the current applicant, and continue to seek additional applicants;

**ACTION ITEM #49-9: Secretariat to contact Yukon College student for job shadowing with Bob Van Dijken. Coordinate with BVD and Yukon College instructor re: time spent timing and content.**

**ACTION ITEM #49-10: YSC to recognize Bob Van Dijken for his efforts. YSC Jacket to be presented to him at next YSC meeting.**

*Jacket presented to Bob at the end of Meeting #49.*

Other Strategic plan obligations

- Management Planning – there will be no action on this, this year. R&E work needs to be completed first.
- Training – some of the \$ for training to be used to send YSC members to the Panel meeting in December.
- Gaffing workshop – need to seek a formal agreement with CAFN on what the workshop will entail, timing, budget etc.

**ACTION ITEM #49-11: Secretariat to contact CAFN to ask for an outline of the gaffing workshop including budget. The YSC will provide a max of \$5k towards this, dependent upon the budget for the whole project. This project needs to be completed by March 31, 2005.**

**9. Members' Updates:**

Ta'an Workshop (Carl Sidney)

- Vicky and Carl attended this 2 day workshop, put on by Ta'an
- Number of different groups made presentations relating to Ta'an Traditional Territory, topics ranged from Environment, Mining, Fish, Forestry etc.
- Discussed most of the streams and creeks flow into Lake Laberge – discussed history of the streams and land within their Traditional Territory.
- Talked about Traditional Knowledge Seeking – how this might happen in the future, sharing of knowledge, and creating a vision of the future.
- Second day there was limited attendance due to poor weather
- Oral history from the area is incomplete, as there have been a number of elders that stayed with Kwanlin Dün First Nation
- TKC was seeking ideas for management projects, values and goals for the Traditional Territory, etc.

Yukon River Exchange

- One of the Members of this years Yukon River Exchange was Esau Schafer. YSC recommended that they pay travel costs for him from Old Crow to Whitehorse, to attend the panel meeting and share his experiences during the Exchange.

**ACTION ITEM #49-12: YSC will pay half the travel costs for Esau Schafer to attend the upcoming Panel meeting. Secretariat to contact Esau to coordinate.**

**10. Coal bed methane presentation (Albert Genier)**

Albert Genier made a presentation to the committee on the impacts of coal bed methane extraction. In the Wind River portion of the Peel River, there has been pressure to develop Coal Bed methane along with coal. Usually where there is coal there is Coal Bed Methane. Coal bed methane areas from the south were viewed in the presentation and their impacts on habitat and economy.

Coal bed methane is a natural gas found in coal beds, the extraction is similar to oil and gas but with larger impacts.

Reviewed the project that was proposed for the Peel Watershed area and the possible effects it could have on local wildlife, using examples of other Coal bed Methane sites in the US.

**ACTION ITEM #49-13: Secretariat to obtain a copy of the resolution from the YRITWC re: coal bed methane. YSC will write a letter supporting this resolution, and forward to the YTG who has responsibility for Oil and Gas in the Yukon.**

*Faxed copy of the resolution was received from YRITWC November 25<sup>th</sup> and reviewed with YSC members at meeting #49.*

**ACTION ITEM #49-14: Secretariat to contact Albert Genier to see if the YSC can pay his travel expenses for making the presentation on coal bed methane.**

**Meeting was adjourned at 4:10.**

**Wednesday November 24, 2004 – 9:00 a.m.**

**Location: Large Board Room, 419 Range Road**

**Meeting was called to order at 9:05**

**All present with the exception of Steve Taylor**

**11. 2004-2005 Budget – Louise Naylor**

**Expenditures and Forecasts 2004/2005**

- Louise reviewed current projections and advised that the YSC has a surplus balance with current projections
- There are a number of projects that are uncertain and need to be confirmed
  - Aquaculture workshop, support of gaffing workshop and job shadowing will take place
- YSC could also purchase items for draw prizes
- Promotional item for completion of YSC questionnaire (fly rod, fish net (4.5), throw bag)

**ACTION ITEM #49-15: Secretariat will purchase prize items, similar to last year for Indian bingo (\$1k). I.e. Rope, First Aid kit, gas container, Axe, tarps, and fire extinguisher.**

- Link DFO Salmon in the classroom info to YSC website
- Hire contractor to conduct Youth Contest est. \$2K.
- Youth Contest advertising 2K.

**ACTION ITEM #49-16: Secretariat to contract coordinator for the Youth Contest. Youth Contest Working Group to be comprised of Hardy and Craig. Working Group to develop terms of reference for Youth Contest contract and supervise contractor.**

- Andrea and Louise to provide background information to Hardy and Craig for development of Terms of Reference for the Youth Contest.

**ACTION ITEM #49-17: Secretariat to coordinate attendance of YR Panel members to the next JTC Meeting in Whitehorse, as observers.**

#### Funding

- At present there is approximately \$50K in YSC bank account. Approximately \$12K came from a company to cover expenses related to the change of the YSC toll free salmon number.

#### Banking

- Only six members have completed the required paperwork for signing authority;
- TD bank is allowing the YSC to conduct business, but only out of good will;
- If all YSC members have signing authority, any changes to the account will require the signature of all members;
- Suggested that we keep a few members with signing authority; those that live near Whitehorse and are available to sign regularly;
- Only Lorelei and Carl have been advising Louise when they are in town for signing;
- Suggested that Lorelei, Carl, Chuck, Hardy, Craig and Gerry be kept as signatories.

**ACTION ITEM #49-18: Secretariat to change banking arrangements so that Lorelei, Carl, Chuck, Hardy, Gerry and Craig are signatories. Members are to contact Louise prior to any trips to Whitehorse to determine if there are any items requiring signatures.**

- YSC Credit card can not be issued just to the committee; it must be issued to a specified member. Card to be limited to \$2.5K.

**ACTION ITEM #49-19: YSC credit card to be requested in the name of Lorelei Smith.**

- New NWtel calling cards have been obtained and were issued to YSC members.

#### Travel rates

- Use existing rates from Apr/04 or change as Treasury Board guidelines changes?
- Treasury Board guidelines tend to change every January, October, April
- YSC can go with these regular rate changes, or set rates annually
- **Committee opted to follow the Treasury Board guidelines for travel rates.**

Yukon River Panel (Dec 6-9) – non panel members attending

- Joe Johnson, Stan Njootli, Hardy Ruf

**ACTION ITEM #49-20: Secretariat to make travel arrangements for Hardy Ruf, Joe Johnson, Stanley Njootli for the Yukon River Panel meeting December 8-9, 2004.**

Other Suggestions

- Proposal writing to raise funds – it was suggested that UFA Boards and Councils should try to access funds to re-establish the Elders' Council at CYFN. Suggestion that this would be an item that the Heritage Board could take the lead on.
- Lorelei asked the YSC if they were OK with her developing a 'straw dog' of a Salmon Management Plan for communities.

**ACTION ITEM #49-21: Lorelei Smith to develop a 'straw dog' of a Salmon Management Plan for communities, for presentation at February meeting.**

**12. Review Calendar**

- Yukon River Working Group – December 10; Feb. 8<sup>th</sup>
- Aquaculture Workshop – February 9-10 (tentative to confirm)
- Alsek River Working Group – during week of Jan. 24 (or Feb. 21 in Whitehorse)
- Porcupine River Working Group – during week of Feb. 14
- 2005 YSC Meetings
  - April 5-7 (Dawson)
  - June 14-16
- Public Meetings:
  - Dawson – April 5-7 (half day, during day)
  - Whitehorse – February 23 (evening)
  - Haines Junction – to be determined at AWG
  - Old Crow – April 4
- RRC Meetings:
  - Teslin (Dec 13, Carl)
  - Alsek – Hardy and Chuck (Dec.?)
  - Dawson (Dec 30, or Jan 11) – Gerry (tentative)
- 2005 State of the Salmon Conference (April 17-20, Anchorage, Early bird registration November 30, 2004 (150 US\$)) - Carl, Lorelei, Vicky, Joe, Craig, Chuck,

**ACTION ITEM #49-22: Secretariat to make arrangements for Carl, Joe, Vicky, Lorelei, Chuck and Craig to attend the 2005 State of the Salmon Conference in Anchorage, April 17-20. Secretariat to cost out travel options (flying v. car pooling in a van) and arrange the least expensive option for members' travel.**

If additional members wish to register, they must pay the difference between the early bird registration and the late registration out of pocket.

**Meeting adjourned for lunch at 12:00**

**Meeting re-convened at 1:30. All present with the exception of Carl Sidney, Steve Taylor, Chuck Hume (arrived 1:45)**

**13. Briefing: Fisheries Case Law** - Hugh MacAulay, Legal Counsel (via conference phone)

Hugh MacAulay gave an overview of Fisheries case law. Presentation available in the Read File.

- Hugh will follow up on any specific questions that arise
- Copies of decisions can be provided, if members are interested

Discussion:

**What is the legal basis for issuing communal licences?**

The Fisheries Act and regulations provide authority for the Minister of Fisheries to issue licences with respect to Aboriginal fisheries - and provide that it is an offence to fish without a licence. In R.v. Nikal, the Supreme Court of Canada held that the issuance of a communal licence is not an infringement of an aboriginal right (in that case) but that the conditions included in the communal licence may infringe rights.

The Yukon Final Agreements do not set out whether communal licences will, or won't, continue to be issued after the Final Agreements take effect. It is the view of the federal government - in keeping with the reasoning of the Supreme Court of Canada in R.v. Nikal - that the Minister of Fisheries can continue to issue communal licences in Yukon provided that the conditions of those licences are not inconsistent with the provisions in the applicable Final Agreement. The federal government appreciates that not all Yukon First Nations share this view. There are some First Nations that do not accept communal licences.

**Q – Those FNs in BC that do not accept communal licences, do they still fish?** Yes. An example is the Nisga'a, which sends back their communal fishing licence each year, but does fish basically within the constraints of the fishing licence and their own management plan. There can still be great cooperation between a FN and Government, even without a communal licence.

**Who can be designated to fish under a communal licence?**

Generally speaking, it is up to the First Nation to whom the communal licence is issued who can be designated to fish under the communal licence. In BC, some First Nations choose to designate only members of the First Nation while others choose to designate non-members such as visiting relatives. In Yukon, participation in a First Nation's fishery will be determined by the provisions of the applicable Final Agreement and the communal licence issued to that First Nation must be consistent with those provisions.

**Who can enforce the conditions in a communal licence?**

Fishery Officers designated under the Fisheries Act have the authority to enforce the conditions in a communal licence. DFO does enter into arrangements with, e.g., RCMP officers and provincial conservation officers to designate them as Fishery Officers. It is possible that, if a First Nation has qualified enforcement staff, those staff could be

designated as Fishery Officers, or Fishery Guardians, under the Fisheries Act - this has been discussed with the Nisga'a Nation. I'm not familiar enough with the Administration of Justice provisions in the Yukon Self-Government Agreements but I understand that the possibility of entering into agreements with other levels of governments regarding administration of justice issues is contemplated.

### **What have courts said about what constitutes adequate consultation?**

The most important guidance regarding what amount of consultation is adequate - in circumstances where Aboriginal rights have not yet been established - was provided by the Supreme Court of Canada in its decisions in Haida and Taku.... etc.

Where modern treaties and land claims agreements have been entered into, the parties have usually defined what constitutes adequate consultation - and that is the case with the Yukon Final Agreements - "consult" and "consultation" are defined. Therefore, what constitutes adequate consultation under the Final Agreements is described in those definitions.

If there was a situation where the federal government infringed any of the rights in the Yukon Final Agreements, a court would require that the federal government justify that infringement and, we can expect, consultation and accommodation along the lines of what the Supreme Court of Canada described in Haida and Taku would be required.

### **Can treaties be amended to reflect new guidance from courts?**

Yes. All modern treaties and land claims agreements, including the Yukon Final Agreements, contain provisions describing how they can be amended. If the parties to a Yukon Final Agreement all agreed, the Final Agreement could be amended to reflect new guidance from a court.

Final Agreements could also be interpreted by the courts, if the meaning of a particular item was unclear and could not be resolved by the dispute resolution process.

### **How are uncertainties regarding interpretation of the Yukon Final Agreements to be resolved? How are uncertainties regarding the relationship between First Nations' laws and federal or territorial laws to be resolved?**

The Yukon Final Agreements all contain dispute resolution provisions (see chapter 26) that apply in the case of any disputes regarding interpretation of the Final Agreements - the process may involve mediation, arbitration and even judicial review.

The Yukon Self Government Agreements describe various law making authorities and set out the relationships between laws made under those authorities and federal and territorial laws - i.e. which laws prevail in the event of a "conflict". The Self Government also include dispute resolution provisions - and that process may also involve mediation, arbitration and even judicial review.

### **ACTION ITEM #49-23: Hugh MacAulay to provide follow-up to the YSC on the questions of Basic Needs Allocation and commercial licensing on the Alesk system.**

#### 14. **Creative Salmon** – Craig McKinnon

Craig McKinnon made a presentation of his site visit to the Creative Salmon net cage site, in Tofino. Presentation included pictures and explanation.

- Creative Salmon facilities are quite extensive
- Only ever use four sites at any one time for aquaculture
- Creative Salmon is required to take samples from below pens weekly, to assess sediment.
- Fish pens are anchored to large concrete blocks and require an environmental assessment.
- The Fish feed that is used is organic
- Craig reported that the company makes huge efforts to run their operation as cleanly and safely as possible i.e. not using pesticides or dyes, high quality food etc.
- Fish remains after processing is mixed with topsoil for use in gardening etc.
- They have a permit to shoot seals, when there are problems with seals breaking into net cages – they try to avoid this as much as possible, using other technologies to discourage seals;
- Craig also visited ‘Friends of Clayoquat Sound’, an environmental Non Government Organization, and spoke with a staff member who dealt with fish farming etc.
- This organization thought that Creative Salmon was a very well-run operation, which made many efforts to adopt best practices; their objection to Creative Salmon was that they use open net cages, a technology that environmental groups do not support;
- Would prefer if they moved to a closed system, but the cost of using this type of technology is prohibitive
- Creative Salmon also tries to work with the local First Nation
- The sites are kept very clean – strict rules to prevent contamination etc
- The method they use to clean the pens is more expensive and labor intensive, but it is more environmentally friendly than using anti-fungal treatments, which release toxins;
- Each pen has a camera at the bottom of the net and they are fed based on their activity within the pens fish are only fed when they are hungry. This reduces wastage and also pollution from extra food dropping to the bottom;
- To date, Creative Salmon have not sold any Yukon fish. They are trying to get them to a particular quality;
- Size of fish varied greatly, even though they were all the same age and raised under the same conditions;
- They have not yet been able to achieve the necessary quality;
- Suggested that the water temperature at Tofino might also be too warm for Yukon fish, which are reared in much colder waters;
- Question to ask Creative Salmon is if they would transfer their genetic materials to other areas where they might be more successful?
- Fish are transferred to different sites at different life stages;
- Creative Salmon has more than 50 employees;
- Nets are dried out and then cleaned;

- Creative Salmon have indicated that they are happy to provide additional info or answer any questions.

## **15. Other Business:**

- Handed out briefing materials from Yukon Conservation Society on their placer issues
- YSC were hand an updated Calendar with all new YSC meetings included.

**Meeting was adjourned at 3:35.**

**Thursday November 25, 2004 – 9:00 a.m.**

**Location: Large Board Room, 419 Range Road**

**Meeting was called to order at 9:10**

**All present with the exception of Steve Taylor, Carl Sidney (arrived 10:40), Gerry Couture.**

## **16. Yukon Conservation Society – Placer Issues (Dave Jones)**

Dave Jones is the current A/Executive Director for the Yukon Conservation Society, a New Executive Director for the YCS should be in place by early January.

- YCS wrote to Yukon Fish and Wildlife Board and YSC in July, requesting a meeting to discuss the regulator regime that is being established for the Yukon placer authorization process;
- Distributed a report ‘Fish are worth their weight in Gold’ for discussion
- Purpose of this meeting was to reintroduce YCS to the YSC and present concerns re: water quality, fish and fish habitat, what YCS does with respect to these issues and to speak to the report given to the Minster this year re: the new Placer Regime. Wanted to share YCS’s concerns re: the new regime;
- The report which was done independently contains a introduction of who YCS is, provides a short history of the placer authorization as well as the new approach based on the announcement from the Minister of Fisheries to bring the regulatory process for water way requirements in the Yukon in line with the rest of Canada and to increase the consistency within the fisheries act and the environmental assessment act.
- YCS Briefing document included in the Read File was broken into two major sections; most of the language in the report is directed towards DFO who is mandated with developing the new placer regime.
- Summarized below are some of the issues the YCS see.

### Decision Making Process:

- Should include a clear requirement for Fisheries Act Authorizations for each project that will affect fish habitat
  - YESAA assessment that is concluded by DFO issuing a Decision Document
  - Fisheries Act Authorization that implements the mitigation specified in the Decision Document

- YCS has many concerns with the decision making process that is currently outlined in the new regime.

#### Decision Making Tools:

- Watershed Atlas – will compile scientific and Traditional Knowledge that is available – this will require significant resources as there are a lot of incomplete areas of study.
- Best Management Practices – to avoid or mitigate potential adverse effects of placer mining. This could be very effective, if used correctly

#### Risk Assessment Framework:

- A Fisheries Act Authorization is still essential and cannot be replaced by a risk assessment.

#### Pathways of Effects:

- Useful tool for describing things, but not a replacement for the decision making process

#### Standards

- Still to be determined

#### Measurements

- YCS proposes the development of appropriate indicators and measures for evaluating the performance of placer mining.

#### Summary

- YCS is hoping that the new regime will be designed to ensure that Activities lead to adverse effects on fish or fish habitat are subject to regulation under the Fisheries Act.
- Regulation of placer mining activities under the Fisheries Act leads to requirements for assessment under the YESAA.
- DFO reaches a YESAA decision after considering the recommendations of the YESAA assessment agency.
- DFO ensures implementation of its assessment decision through the Fisheries Act, and then enforces the requirements.
- DFO has been introducing ‘Smart Regs’ or ‘modernization’ measures, which could impact the Environmental Assessment process and the impacts of industry.
- YCS recommended that YSC look into getting a briefing on these new initiatives – YSC will contact YCS if they arrange such a briefing and invite them to attend.
- YCS has been working hard in the name of protecting the environment, and has received a lot of criticism for this; they would like to continue to work for strong environmental assessments and also get the support of Yukoners.

#### Discussion

- Have the YCS looked into other impacts from placer i.e. equipment abandoned etc.? The industry has changed a lot over the last eighty years and there is uncertainty over who is responsible for clean up, depending on how long the project has been in place.
- YSC asked Dave about YCS’s view on aquaculture, in light of current consultations being conducted: YCS does not have issues with pot-hole operations, but open net cage farming is a serious issue. YCS concerns regarding aquaculture relate to changes to aquatic ecosystem, use of pesticides etc.,
- What has YCS heard about coal bed methane? Mac Hyslop at CPAWS has been providing briefings. YCS has been working with CPAWS on this issue to identify

- potential threats etc. YCS is monitoring the issue locally. The YCS Energy Committee has limited resources, so relies on other organizations for information sharing etc.
- The general position of YCS is that they would like to see the use of fossil fuels pursued; would prefer to see more sustainable fuel sources used.
  - An issue with industry is that they don't want government to define where there is and is not gold;
  - The last person on the creek often has the responsibility for cleaning up potentially 150 years of mining mess; the argument to that, is that miners know what they're getting into – they shouldn't enter into an area where there are existing environmental clean up issues.
  - Issue is do we want to allow miners to operate in fish bearing streams and critical habitat; there has to be a point where government says 'no', because you can't always restore the habitat.
  - It is anticipated that there will be a huge number of water licence applications in the next six months, before YESAA regulations come into place.
  - Gord noted that the YCS comments were fair and that he had raised a number of issues that needed to be tracked
    - Major issue that still needs to be resolved is “what are the standards”
    - Looking at the dilution model, there were a number of surprises that they weren't anticipating, which were to the advantage of the environment.
    - 'measurement' refers to how things will be measured not the standards, ie in suspended solids or ?
    - DFO had originally hoped to have a meeting in mid-December, but there are schedule conflicts so will likely occur later
    - Are hoping to have a new and more detailed package in January for review
    - It is likely that the new placer regime, will be one of the main standards that will be applied nationally, so it needs to be carefully reviewed and scrutinized
    - There are a number of outstanding classifications that need to be resolved under the current YPA; Gord Zealand asked if YCS or YSC would have any objections to George Mackenzie-Grieve acting as Chair of the Yukon Placer Committee in December.
    - YCS could not comment at this points; YSC raised no concerns.
    - It is likely that the December meeting will be the last meeting of the Yukon Placer Committee under the old regime.

## **17. Habitat Update – Bob Van Dijken**

Bob reviewed his outstanding action items. See Summary of Action Items and Review of Action items for follow up details.

### **Yukon Mine Reclamation and Closure Policy:**

In early October, the Yukon government circulated a discussion paper on Objectives and Principles for the Yukon Mine Reclamation and Closure Policy. Energy Mines and Resources has been talking to First Nations about this document. There is a public meeting on the document being held on Saturday, November 20<sup>th</sup> and I have been asked to

attend on behalf of the Committee. I will report on the meeting at the Salmon Committee meeting on November 25<sup>th</sup>.

In general, the report is poorly written with no overall structure. It is largely cut and paste from earlier documents. There has been an attempt to produce reclamation regulations for at least the last ten years. The federal Commissioner of the Environment and Sustainable Development recommended regulations in their 2002 report. Despite the recommendations for regulations, the discussion paper only talks about policy and guidelines; this is the most obvious flaw. The agenda for the Nov. 20<sup>th</sup> meeting talks about discussing draft security guidelines and draft technical guidelines, we have not yet been provided with any information on these guidelines.

- A discussion paper has been released on holding of security – this was released on Saturday the 20<sup>th</sup>, and there was an admission that people couldn't be expected to comment on a document that no one had seen yet
- Other document is technical guidelines for reclamation and closure
- Hoping to receive all comments before Christmas
- Overall principle is that industry will be responsible for 100% of clean up costs
- These documents have not been reviewed by legal experts, so there are a lot of questions on them
- They will be holding workshops at the Cordilleran Roundup in January, to discuss with Industry
- Each document has the disclaimer that the documents released are just for discussion, and are not necessarily the position of YTG
- Copies of the two new documents are in the Read File
- Stan added that there was no prioritization of the issues
- These papers apply specifically to reclamation and closure of hard rock mining operations

**ACTION ITEM #49-24: Bob's comments on the Yukon Mine Reclamation and Closure Policy will be circulated to YSC members with copies of documents and a request for further comments.**

#### **Changes to Thresholds, Mining Activity, YESAA:**

The Territorial government and the mining industry are proposing changes to the activity thresholds under the Quartz Mining Land Use Regulations. These changes would allow more work to be done on mining claims without environmental assessment. Currently, Class One activities can take place without notification or environmental review, Class Two activities require notification to the Territorial Government and an internal government review while Class Three and Four activities require public review and an open environmental assessment. The proposed changes would allow more work to be done under Class One. Currently, the Territorial Government and the mining industry are negotiating with CYFN on these changes. YTG hopes to have the changes in place by April 1<sup>st</sup>. These changes, if accepted, would be reflected in YESA.

- YTG and industry have set up a Committee with CYFN
- There does not appear to be any consultation with RRCs, Board or YSC
- CYFN does not have the power to negotiate on behalf of other First Nations

- It appears that Industry and Government are the only ones having input into these processes
- Possibility of including this item in the CYFN Boards and Committees newsletter

**ACTION ITEM #49-25: Secretariat to draft a letter to CYFN and YTG re: the process for developing Thresholds, Mining Activity and the concern that Boards and Committees are not being not included. C.c. to RRCs, DFO, DIAND, First Nations. Ask for clarification on the initiative, process and timelines.**

**2004 Report Commissioner of Environment and Sustainable Development, Chapter Five, Salmon Stocks, Habitat and Aquaculture:**

The 2004 report by the Commissioner of Environment and Sustainable Development has just been released. It contains a chapter on salmon stocks, habitat and aquaculture. Between 1997 and 2000, the Auditor General of Canada conducted three audits that focused on Pacific Salmon and this year it completed a follow-up of these audits. The report makes a number of recommendations, one of the key recommendations is that DFO finalize the Wild Salmon Policy to define conservation objectives and provide direction for the management of fisheries, protection of habitat, and salmon enhancement. Another is that DFO should collect and analyze information to provide up-to-date assessments on habitat conditions and Pacific salmon stocks that are below department's targets and declining.

**Possible Meeting, Fisheries Act Streamlining, B.C.:**

Last week, I received this email outlining the possibility of a workshop. I haven't been able to find out any more details.

The Mining Association of Canada and other industry associations have been attempting to work with DFO on regulatory efficiency levels at a national level. In BC, NRCan officials have been working with DFO, the mining industry, the province of BC and Env. Canada to create a discussion on these issues.

“SUPPORT FROM DFO AND THE MINING INDUSTRY FOR A NATIONAL AND A PROVINCIAL "SMART REGULATIONS" WORKSHOP (PROPOSED FOR THE END OF JANUARY 2005) ON HABITAT MANAGEMENT AND RELATED REGULATORY/POLICY ISSUES IS CURRENTLY BEING OBTAINED.”

The objective of this workshop is to improve understanding and regulatory efficiencies associated with mining, with a particular focus on the Fisheries Act. If support from key agencies and companies/associations can be obtained, the workshop would be held on January 27/28, 2005, immediately following the Cordilleran Round-Up mining conference in Vancouver.

**ACTION ITEM #49-26: Secretariat to obtain details of the Fisheries Act Streamlining, B.C. Workshop, January 27-28 in Vancouver. (see Bob's e-mail). Chair or Vice Chair to attend, if possible.**

**Minto Resources, License Amendment:**

Minto Resources currently has a water licence which expires in 2006. They began development of a mine but have not completed the project. They are applying for a ten year extension on their water licence as well as their production licence and a class B water licence for their road. If the application is granted, there should be a review of the proposal. It is now 10 years old and best practices and technology may have changed. There should also be a review of their water balance assumptions based on the experience with the BYG Mt. Nansen operation in the same area.

- Selkirk First Nation has many concerns with this site, which have been raised at the Placer Committee.
- If the mine is not active, why do they want a 10-year licence? If the water licence expires and they want to re-start activity, they will have to begin the whole process again, which requires a lot of additional studies, assessments and paper work. It is less onerous to renew a licence than to get a new one

**ACTION ITEM #49-27: BVD to write a letter to the Water Board indicating that the YSC is recommending that no new or amended water licence be issued to Minto Resources until a thorough evaluation is done of the site and outstanding issues regarding care, maintenance and clean up of the site are addressed.**

**Ketza, Water License Amendment:**

After being without a water licence for a number of years, the company that controls this site is applying for a care and maintenance water licence for this site. They are promising to do some repairs to dams and diversion channels, treat water and build a seepage dam downstream of the current tailings facility. They also say they will conduct a study into arsenic mobilization.

**Dawson Sewage, Water License Amendment:**

Dawson's current water licence required that they have a sewage treatment facility operational by September 1<sup>st</sup>, 2004. This has not happened. The City twice applied for an emergency licence amendment to postpone the requirement for a new system, both these requests were denied. A further amendment has been submitted.

- Amendment request has not gone out for gazetting yet
- There is an implication that YTG has committed to providing funding for this project
- In theory, Dawson is in contravention of their water licence and could face \$100k fine (enforceable by Environment Yukon), although this has never been done
- Dawson continues to plead poverty as the reason for their non-compliance
- UFA Chpt. 14 re: Water Use – 14.11.1.4 – this refers to impacts to First Nations and the need for compensation; it would be the responsibility of THFN to pursue this
- Court order for Section 36 Fisheries Act violation has been changed to September 2008. (current water licence still has September 2004 as a deadline for completion of the facility)
- YRITWC sent a letter to Premier Fentie asking that water licence conditions be met by September 2004 deadline or they would involve an International Group to assess as the Yukon River is transnational

**Faro:**

Not much has happened since the June workshop. This week the following message was received:

At the June Workshop we had indicated that we would be contacting all Stakeholders to further discuss Closure Objectives.

We (Type II Mines office) would like to meet with you and/or other representatives of the Yukon Salmon Committee to discuss Closure objectives for the Faro Closure Plan. I know you have meetings next week, but how would some time on Friday November 26 work?

- Meeting could be re-scheduled to coincide with February meeting.

**ACTION ITEM #49-28: BVD to follow up with DIAND Type II Mines Office about scheduling a meeting with DIAND and YSC re: Faro, to coincide with the February YSC meeting.**

- There is a concern that there is not enough monitoring at the Faro site
- They are considering moving all the tailings into the Faro pit, putting a cap on the tailings or removing a portion
- Density of contaminated water might lead to its settling, which would allow fresh water to flow over top although there are concerns with movement of the water, particularly in spring and fall
- There will be a process involving stakeholders to try to develop priorities for clean up and how to spend a finite amount of money
- There are also concerns about mineral licks developing on top of tailings; re-vegetation is sometimes considered, but there is the concern that the vegetation will take up too much aluminum and will be harmful
- Signage around mine sites warning of possible contamination of water, vegetation and wildlife is not sufficient and often doesn't exist at all

**UKHM:**

The federal government developed a marketing strategy for the UKHM property. That strategy has been approved by the Bankruptcy Court and information will be circulated to interested companies within the next few weeks. Companies will be asked to bid for the property. Bids will be judged by the amount the company is willing to pay for the site (asking price about \$500,000. dollars) and what they are willing to pay to help reclaim the site.

**Viceroy:**

The latest Water Board hearing was held in Dawson and lasted five days before it was adjourned. It has yet to be reconvened. Apparently the sale of the Brewery Creek property to AMT is not proceeding and negotiations between Viceroy and the Territorial government regarding security have ceased.

**Expatriate Resources, Wolverine, Environmental Assessment:**

Expatriate Resources has submitted a project description to the Territorial government for an environmental assessment. There were rumours that a number of projects would be

submitted for environmental assessment before the changeover from YEAA to YESA (Nov.13<sup>th</sup>) but Expatriate was the only project submitted. It is in the Watson Lake area.

- The Yukon Salmon Committee presented Bob with a gift for all of his hard work and willingness to take on a student from Yukon College for job shadowing.

**Meeting was adjourned for lunch at 12:15.**

**Meeting was re-convened at 1:30**

**All present with the exception of Steve Taylor and Chuck Hume (arrived 1:45)**

## **18. Other Business cont.**

### **State of the Salmon Conference**

Does the YSC want to submit a poster to the state of the Salmon Conference?

**ACTION ITEM #49-29: Lorelei to confirm if posters are still being accepted for State of the Salmon Conference and, if so, to develop a poster for presentation.**

### **Community Updates**

#### Teslin

- Juanita Sydney and Howard Smith caught chum salmon this fall in Teslin lake
- TTC has a proposal before the R&E fund for research into chum utilization in the Teslin area.

#### Old Crow

- Asked about the possibility of fishing coho in late September; DFO have been of the opinion that should let every chum possible go by and can't fish coho without incidental chum catch
- VGFN closed the chum fishery in 2004 on a voluntary basis
- This should be discussed during post and pre season discussion at next YSC meeting

### **Agenda Items for next YSC meeting**

- Smart Regs and Modernization
- C&P Update (Steve Smith)
- Sport Fishery Issues (Lorelei)
- 3-Party Briefing (16.7.17.6)
- Habitat Update
- Post and pre-season updates
- Legal Briefing – update on outstanding questions, hierarchy of regulations/Final Agreements etc.
- CYFN briefing (their position on 8 commercial licences, aquaculture etc.)
- Devon Oil (working in Eagle Plains, based out of Calgary) – plans for operation, consultation etc.
- Update on Transboundary Panel (Linaya or Gord)

- DFO report on Yukon Queen II

#### **YRITWC Resolution**

- this resolution was requested by the YSC as a follow up to Albert Genier's coal bed methane presentation.

**ACTION ITEM #49-30: Letter to be drafted to YTG Oil and Gas Department fully supporting the YRITWC resolution re: CBM. (check first with Council re: previous distribution).**

- Could possibly also seek a resolution from the YRITWC regarding Dawson Sewage.

#### **New Executive Secretary**

There is a possibility that the staffing for the Regional Negotiator/Executive Secretary to the YSC will be completed in December. If this is the case, there will be a new Executive Secretary to the YSC in place prior to the February meeting. It is also a possibility that Andrea Wilson will continue to act as Executive Secretary until the BNA negotiations are completed, as these will be a high priority for the new staff. YSC will be kept informed.

#### **Other**

- Hardy was looking for direction from the YSC regarding the Youth Contest contract
- Andrea to send contact info to Hardy and Craig for potential contractor
- If contractor does not work out, Hardy and Craig will look within the YSC for assistance.

### **19. YSC Elections (Chair and Vice Chair)**

There was some contention that vote should not be held until all members present

- Steve Taylor was aware that the elections were taking place and was provided the opportunity to make his voice heard

**RESOLUTION: Gerry Couture moved that the election be held, but that the vote not be counted until Steve Taylor has cast his ballot. Steve Taylor to be allowed one week to respond. (Dec. 2<sup>nd</sup>). Carl Sidney seconded.**

- Hardy Ruf stated for the record that he does not agree with the voting process, as in his view it does not conform with the UFA guidelines. He will not, however, interfere with the voting process
- Carl Sidney – would like to be Chair to re-establish the consistency and credibility of the Chair.
- Lorelei Smith – Lorelei has worked hard and done a good job, and will try to continue her efforts.

- Chuck Hume – was hesitant to put his name forth as he has a very busy schedule, but would do an excellent job.

**Meeting was adjourned at 2:55**