

YUKON SALMON COMMITTEE

Meeting #44 October 7-9, 2003, Whitehorse, Yukon

MEETING DATES 2003-2004

Meetings to Date (2003-2004)

Meeting #41	January 21 - 23, 2003	Whitehorse
Yukon Panel	March 10 - 14, 2003	Whitehorse
Meeting #42	March 17-18, 2003	Whitehorse
Public Meeting	March 17, 2003	Whitehorse
Public Meeting	April 8, 2003	Dawson
Public Meeting	April 9, 2003	Old Crow
Public Meeting	April 16, 2003	Haines Junction
Meeting #43	June 25 - 26, 2003	Whitehorse
Conference Call	August 27, 2003	
Meeting # 44	October 7-9, 2003	Whitehorse

Upcoming Meeting Dates (tentative)

Alsek Working Group – November 24, 2003	Whitehorse
Meeting #45 November 25-27, 2003	Whitehorse
Porcupine Working Group – December 16, 2003	Old Crow
Yukon River Working Group – week of February 2-6, 2004	
Meeting #46 February 24-26, 2004	Whitehorse

MEETING SUMMARY

1. **Announcements**
2. **Review Agenda**
3. **Review Minutes from June Meeting**
4. **Review Action Items**
5. **Review Calendar**
 - *Forestry Policy Workshop.*
 - *Working Group meeting dates*
 - *Porcupine/Old Crow*
 - *Alsek Working Group*
 - *Yukon River Working Group*
 - *Ross River*
 - *Youth Contest*
 - *Implementation Review Presentation*

6. **Members' Updates:**
 - *Yukon Queen II Working Group (Stan/Steve)*
 - *Faro TAC (Carl Sidney)*
 - *Ministers Visit (Whitehorse/Dawson)*
 - *Aboriginal Fisheries Commission Aquaculture and the Environment Summit II (Carl)*
 - *Klukshu Community meeting.*
7. **2003 – 2004 Budget Review – Louise Naylor**
8. **Test Fishing & Commercial Licensing**
9. **SARA Update – Sandy Johnston**
10. **Regulatory amendment to the domestic fishery**
11. **Domestic Fishery – D McDiarmid.**
12. **Implementation Review Presentation**
13. **Placer Brief/Update – Gerry Cormick**
14. **Other Business**
 - *Workshop for salmon gaffing in the Klukshu/Shawshe area*
 - *Creative Salmon product*
 - *RRC 8th Annual Meeting October 20-22, 2003*
 - *YPC Meeting – November 13-14 – Whitehorse (tentative)*
 - *Staffing*
 - *Elections (November)*
15. **Habitat Issues Briefing - Bob Van Dijken**
16. **Oil and gas management update – Angela Walkley**
17. **Energy and Mines Update - Jessie Duke**
18. **Fishery Management (Sandy/Pat/Mary Ellen)**
 - *Post Season Review*
 - *FN Response to in-season harvest reporting - MEJ*
 - *Yukon River Working Group - MEJ*
19. **Strategic Planning**
20. **Yukon Queen II cont.**

Tuesday **October 7, 2003 – 9:00 a.m.**
Location: **Water Board Board Room**

Present:

Gerry Couture	Lorelei Smith	Carl Sidney	Joe Johnson
Stan Njootli	Hardy Ruf	Steve Smith	Chuck Hume

Staff:

Andrea Wilson Louise Naylor

Absent

Craig McKinnon (paternity leave) Vicky Josie

Meeting was called to order at 9:15am.

Opening Prayer

Gerry said an opening prayer.

1. Announcements

- Announced that Frank Paterson had resigned from the YSC and Fish and Wildlife Board. He is replaced by Joe Johnson of Burwash Landing, representing the Yukon Fish & Wildlife Management Board on the YSC.
- Bob Van Dijken was re-hired as Habitat Consultant.

2. Review Agenda

No changes. Accepted as written.

3. Review Minutes from June Meeting (Item moved to Thursday - 4 p.m.)

- Amend the creative salmon portion to indicate that we did not ask for the salmon, they offered it to us.
- Minutes moved by Chuck – All in favour. Passed.

4. Review Action Items

Please note that only Action Items that are no longer being considered by the YSC are included here.

ACTION ITEM 37-30: Secretariat to gather information and proposal for an Operational Audit of the Yukon Salmon Committee, to be conducted by an independent consultant.

Mtg. #39: Committee moved to discuss this item at the November meeting, with information that Secretariat had collected to date. Information compiled to date has been sent to members, and strategic planning session is on agenda.

Mtg. #40. YSC started the Strategic Planning process on November 27, 2002. Time was set aside during the January meeting to continue with the process.

Mtg. #43: Do we want to actually conduct an operational audit? This could be part of the work done for the Implementation Working Group. There are costs associated with conducting that. Is the YSC in a financial position to do this? No. The report for the Implementation Working Group could be an interim step towards an Operational Audit. Could request that the IWG provide the YSC with comments on how the YSC is doing. This would show some of the gaps.

For the October 2003 meeting:

- *What has the YSC done in the last 9 years, where possible, aim for at least the last 5 years. What has been successful; what has been unsuccessful.*
- *Report on recommendations made, and what has been done?*

Attach list of Annual budgets and comparison of how \$ spent; where have there been shortfalls? If possible breakdown \$ by Negotiation of YR Agreement, Habitat, Consultation.

Request a letter from the IWG clarifying what feedback they will provide us and what was done with the recommendations done in the 5-year review.

E-mail was sent September 24th to Lori Leduc and Catherine Constable (Implementation Review Group) asking:

- *What feedback will the IWG/IRG provide to the YSC based on their written submission and verbal presentation? The YSC is very keen to hear your comments on their progress to date, and suggestions for improvements in the future. The YSC would like to ensure that this critical feedback mechanism is in place.*
- *What actions were taken based on the recommendations from the five-year review?*
- *What will be done to ensure that the nine-year review is more meaningful, and yields measurable results?*

ACTION ITEM 38-4: Secretariat to contact Jennifer Ellis to establish the date of the next Training Policy Committee meeting (TCP).

TPC contacted on April 18 and advised of the next meeting dates – April 18 and May 15. Jennifer Ellis asked for a calendar of meetings and advised of the specific training requested by YSC. No calendar received to date. Follow up again on May 13 and June 4. TPC office closed until September 3rd

Mtg. #39: The TPC was contacted and are in the process of planning another meeting for the Boards and Committees and will contact us prior to the date being finalized.

Mtg#40: Nothing has been heard yet on meeting dates.

Mtg. #42: E-mail sent April 15, 2003 no response received as yet from the TPC.

Mtg. #44: Contacted Training Policy Committee (Ann Turner), Their next meeting is Oct 14, the occurrence of another Boards and Committees workshop has been suggested, they will let us know if they can fit it on the next agenda. No actual dates have been set for meeting as yet.

ACTION ITEM #38-23: Secretariat to arrange for a consultant to develop a Strategic Plan (3-year), in conjunction with an Operational Audit for the YSC. Consultant to make his presentation at the YSC September meeting.

No presentation scheduled for September meeting. Two consultants were contacted. Copies of information to date included in members September packages, for review.

Mtg. #39: After discussion during September meeting, committee moved not to hire a consultant at this time. Strategic Planning session will be included in November meeting.

Mtg. #40: A Strategic Planning session took place Nov. 27th. From this session, a summary document will be drafted and used as a starting point for the next planning session, to take place during January meeting.

Mtg. #43 Strategic Plan to be put on agenda for October meeting.

ACTION ITEM #39-5: Secretariat to look into the YSC taking part in a Klukshu Community Meeting (Rose Kushniruk – Chair Alsek RRC).

Chair of Alsek RRC contacted, committee to confirm their availability in mid-January for attendance at Klukshu Community meeting tentatively scheduled for the end of January.

Mtg. #40: Rose Contacted: The meeting was held in early January. The Chair of the Alsek RRC will contact the YSC for involvement in next meeting, which should be in the next two months.

Mtg. #42: Nothing has been heard to date from Rose re: the occurrence of Klukshu Community Meetings. A series of messages have been left.

Mtg. #43: Klukshu Community meetings to take place September 30 (Whitehorse) and October 2nd (Haines Junction). YSC not contacted until Sept. 29th; Secretariat attempted to contact YSC members, Hardy Ruf was available to attend the Oct 2 meeting.

ACTION ITEM #39-9: Secretariat to send out a letter to look into the possibility of holding a Fish and Wildlife Fair/Information session to discuss issues, see if there is an interest from other parties. Look at involving Boards, Committees, Councils, Government etc.

Pending. Will be discussed as part of Strategic Planning at October meeting.

ACTION ITEM #40-18: Contact Jessie Duke to schedule a workshop for committee members to discuss potential Mirror Legislation changes and to receive an update on devolution.

Temporarily on hold. Package received from DAP,

Mtg. #43: Schedule mining update from YTG for October meeting.

Email sent inviting Jessie Duke to meet with the committee, meeting to focus more on an update on what is happening with mining in the field.

Mtg#44: Jesse Duke on agenda for Thursday Oct 9, 2003

ACTION ITEM #41-12: Faro Mine - Ask the secretariat to check and see if a study has been done on what the losses in fish were, or if it was possible do a study to determine the potential losses from Rose and Vangorda Creek.

Mtg. #42: No response to date;

Carl noted that he knew someone working on the reclamation process, who may be available to do a presentation (see Action Item #42-1).

Mtg. #44: Shannon Glenn was contacted, but is unable to attend (will not be in the Yukon during that time) will send a written update.

Studies have been done on both of these creeks, these reports were distributed by YERC, Leslie Gomm.

ACTION ITEM 41-14: Yukon Salmon Committee to set up a working group that will ensure a clear proposal is made to the implementation committee on necessary corrections required in the UFA related to the YSC as well as ensure that clauses are clear in their interpretation. The Yukon Fish and Wildlife Management Board will also be invited to take part in the working group.

Mtg. #43: YSC requested that Secretariat prepare a submission for the Implementation Review Committee. This was submitted in July.

ACTION ITEM #42-3: Secretariat to look into Frank attending next Yukon College Boards and Committees training course. Also provide to YSC information on other relevant Yukon College courses i.e. Chair Training.

Contacted Yukon College by email, Stu Mackay 668-8751/ smackay@yukoncollege.yk.ca. Response was: At present there is no training scheduled over the summer. The next public schedule of courses is in the fall. Stu Mackay is sending more detailed information on course. The College has offered to tailor a course for the committee needs. Estimated price for tailored course is \$400/day. Recommended instructor is Dena Lemkey.

Mtg. #43: TPC is currently setup to provide training for FN's not for Boards and Committee members, need to include under implementation review. Include on agenda for October under Strategic planning discussion of training planning: what is available and relevant to the YSC.

ACTION ITEM #42-5: June Meeting Agenda to include the following items:

- **Update from YTG re: Oil and Gas development in Eagle Plains (bilateral agreement between YTG and NWT) – Angela Walkley (667-3512)**

Contacted via e-mail Aug. 25. Will provide an update at the October meeting.

- **Update on 8 commercial licences, from CYFN.**

Due to limited attendance of members at June meeting, these items were deferred until the full committee will be present.

Mtg. #43: Drafted letter to CYFN to find out what their plans are for these licences. c.c. affected FNs. FN's are losing the opportunity to fish during commercial fishery. Letter sent August 27th, 2003 to Cassandra Puckett, Acting Claims and Devolution Manager. No response to date

ACTION ITEM #42-12: Secretariat to collect latest info on the radio telemetry studies, and any supporting maps that are available.

Maps are being updated and should be available soon. Contact Panel for additional info.

Mtg. #43: Copy of the final report, with maps, is available in the Read File.

ACTION ITEM #42-16: Carl to obtain Minutes from last leadership meeting.

Minutes were requested but have not been received to date. Called again August 29th.

Mtg. # 44: Minutes available in Read File. YSC added onto distribution list for future minutes.

ACTION ITEM #43-1: Request info on upcoming Yukon River Intertribal Watershed Summit meeting at Fort Yukon, August 19-21.

Information distributed to committee members, due to budget restraints no members of the committee attended.

ACTION ITEM #43-3: World Summit on Salmon – YSC to write a letter to the Minister recommending that Canada take a lead role in creating an International congress on Fisheries Science and global management.

Letter drafted Sept. 23rd for review, sent September 24th, 2003.

ACTION ITEM #43-8: Creative Salmon to send up some Chinook for the YSC to sample. Possibly coordinate with the Yukon Panel meeting.

Salmon were sent early, at the end of July, by Creative Salmon. Committee members were advised that the Salmon were here ready for pick-up and asked to contact Louise for coordination.

ACTION ITEM #43-9: Secretariat to advise Yukon Queen Working Group that we do not need to have a permanent representative on the Working Group. When there is a Committee member available, we will attend meetings. We would like to receive all background material and be on the distribution list for the minutes.

Letter sent August 20th, 2003.

ACTION ITEM #43-10: Stanley to attend the Yukon Queen Working Group meeting on Saturday, June 28th, 2003 to represent the Yukon Salmon Committee.

Stanley attended meeting and will provide report at October meeting.

ACTION ITEM #43-12: Next YSC meeting to be held in the Water Board boardroom. At this time Secretariat to provide a list of cost options for meeting spaces outside of the Federal building.

Document drafted and item placed on Meeting #44 agenda for discussion.

ACTION ITEM #43-13: Secretariat to draft a submission for the Implementation Working Group outlining the YSC's concerns regarding UFA provisions and their implementation. Submission to include highlights of the YSC's accomplishments over the last 8 years.

Submitted.

ACTION ITEM #43-14: Lorelei and Stan to make presentation to the Implementation Working Group re: changes to the UFA under the Yukon Salmon Committee.

Presentation is tentatively set for late October. IWG to advise YSC of details in mid-September. Lorelei has begun work on presentation.

Mtg. #43: IWG has contacted the YSC and can meet with them during the period of November 4-7. YSC to finalize preferred meeting date and time during their October meeting.

ACTION ITEM #43-15: Gord Zealand to provide copy of the terms of reference for the Placer Steering Committee, if it is available. Gord

'Record of Agreement' available in Mtg#44 members' packages. Additional info requested from DFO Area Director and HEB staff August 25th, 2003. Area Director advised Sept. 2nd that there are no Terms of Reference available at this time. A lot will depend on the Working Group in the next few months. Info will be forwarded to the YSC as soon as it is available.

ACTION ITEM #43-16: Lorelei to call RDG, with letter to follow to John Davis advising him of our mandate (habitat) and asking him how he sees our participation in the new placer process, given the fact that we have a mandate to take part in this.

Letter drafted and sent August 15th. Available in Mtg#44 Read File.

ACTION ITEM #43-17: Letter to G. Zealand advising him that the YSC cannot reach consensus on Creative Salmon's application to collect milt. The YSC is deferring making any recommendations on this application at this time. We will continue to work towards developing a position on aquaculture and look forward to making future recommendations.

Letter delivered July 29, 2003. Copy available in Mtg#44 read file.

5. Review Calendar

- **Forestry Policy Workshop** (*Dates: November 3-4*).
 - Chuck noted that he may be attending for the Parks Board. If so, he will gather information. This workshop is more within the mandate of RRCs. We can request a copy of the proceedings. Need to ensure that considerations for salmon should automatically be considered.

ACTION ITEM #44-1: Letter to be drafted to Yukon Conservation Society stating the minimum requirements for salmon protection (list) should be included in any forestry policy. Also request copy of proceedings from the Forestry Policy Workshop, November 3-4, 2003.

- **Working Group meeting dates**
Porcupine/Old Crow (*proposed dates range: November 17-21*)
 - Noted – April is a good month for next Old Crow public meeting.
 - Tentative date for working group meeting November 17-21, 2003, meeting with RRC and First Nation.

ACTION ITEM #44-2: Secretariat to coordinate Porcupine Working Group meeting during week of Nov. 17-21, based on availability of all parties. 1.5 day meeting.

Alsek (*Whitehorse Nov 24 or am 25? or Haines Junction ??*)

- Need to contact CAFN to determine what date works. November or January.

ACTION ITEM #44-3: Secretariat to coordinate a half day Alsek Working Group meeting for Nov. 24th or 25th, depending upon availability of all parties.

Yukon River (proposed 1 meeting + 1 conf call; dates range: Jan 19-30 or Early Feb)

- There have been a number of requests to bring the Yukon River working group back together.
- It was suggested that the Working Group meeting be held closer to the beginning of the fishing season.
- Also suggested that letters be sent to each First Nation and other stakeholders asking them to appoint a member to the Working Group.
- Tentative date – some time during the week of March 15th.
- Meeting location – should the YR working group meeting be held in the communities? Ross River? (This is a community that the YSC haven't met with before). Need to hold the YR Working group meeting in a central location that is convenient for majority of other members of the working group, suggestion was Carmacks.
- Make sure to include issues beyond just the Management Plan

ACTION ITEM #44-4: Yukon River Working Group – Meeting to be organized for the week of March 15th in Carmacks (if they are willing); Otherwise meeting to be held in Whitehorse. Letter to be sent to all members (FN, NGO, RRC etc.) requesting that they appoint a member and indicate preferred date. Meeting duration to be 1.5 days.

ACTION ITEM #44-5: Secretariat to follow up with First Nations Lands and Resources Directors and other partners to determine what information they would like to receive at the Yukon River Working Group meeting, and what information they have available in their community to share.

- Agenda items for Working Groups:
 - International Obligations
 - Incorporating Traditional Knowledge
 - Aquaculture
 - IFMPs
 - Test Fisheries
 - YSC Issues
 - Yukon River Drainage Basin Plan
 - Responding to Klukshu Community Concerns (Alek)
 - Establishing a Working Group that would look into the re-introduction of salmon into the upper Dezadeash system (Alek)

ACTION ITEM #44-6: Draft agendas to be developed for upcoming Alek, Porcupine and Yukon River Working Group meetings.

- More communities have management plans now, but it is unreasonable to expect everyone to have them completed;
- Ask those First Nations with Management Plans to make a brief presentation on what their community plan is;

- Community updates – ask for an update of any salmon-related work that is ongoing.
 - Update on R&E fund projects and how to access funding
 - It would be ideal if First Nation reps were empowered to make decisions at the WG meeting, but this will not always be the case.
 - Also request them to advise of what their FN considers to be ‘consultation’
 - In some communities, there is a problem with the implementation of management plans.
 - Basic Needs Allocation (BNA) is also something that will be up for discussion soon.
 - FN governments are growing and evolving over time; we need to keep discussion going to ensure that everyone is receiving critical information
 - FNs that have settled their claims longest, are ahead of others, in terms of policy and planning; other First Nations may need some time to catch up
 - BNA – YSC is not responsible for negotiation of BNA; their responsibility is after the negotiation, if there need to be adjustments to the allocations;
 - DFO has already begun planning for BNA negotiations
- **Ross River meeting** – include under Strategic Planning the possibility of holding committee meetings in communities that we have not yet traveled to.
 - The communities of Ross River, White River, Burwash Landing, have not been met with
 - Need to make this a priority and allocate budget to it.
 - Possibility of holding February YSC meeting there?
 - Suggested that a small delegation of FN reps be sent to Ross River as an introduction; this would be more productive and there would probably be more discussion;
 - Suggested that the delegation should not necessarily be all First Nations; the YSC is not just a FN group and should be representative of all;
 - Suggested a CYFN, F&WM Board, Chair/Co, government reps attend plus DFO AFS
 - Ross River are not part of CYFN, but Ross River still has salmon concerns, and are signed in under principle of the UFA.
 - **Recommendation that a smaller group meet with the Ross River FN, recommended that four meet with Ross River, representative from CYFN, Fish and Wildlife Management Board, Chair or Co-Chair, plus a representative from DFO.** If the representative think that a meeting is required with all the YSC present then that can be arranged at a later date.

ACTION ITEM #44-7: Contact Ross River Dena to request a meeting and arrange a date for a YSC delegation (plus DFO AFS Coordinator) to meet with them to discuss salmon issues. Meeting to occur prior to the Yukon River Working Group meeting. Date to be determined by availability of all.

- **Youth Contest**

- Suggestion that new subjects be proposed for this year, try and run a contest about fishing and how to fish. Get kids to tie a salmon fry or construct what they perceive as a salmon trap. **Recommendation that Committee come back to the November meeting with new ideas for themes.**
- Issue from last year – Dawson kids are still looking for prizes.
- There is a box of T-shirts available for these kids, Steve to deliver.
- Calendar is going to be done up through the Panel with a Youth Contest
- Is it possible for the YSC to partner with the Panel to hold a contest?
- Contest has to be amendable to teachers for use in the classroom
 - Suggestion of acknowledgment of ‘salmon in the classroom’ program?
 - Community classroom contests?
 - Some schools have a salmon week?
 -

ACTION ITEM #44-8: 2003-04 Youth Contest to run December 1, 2003 – March 15, 2004. YSC members to prepare new ideas for themes for November meeting.

- **Implementation Review (Nov 4-6)**
 - We are confirmed for November 4th at 9 am. Location Elijah Smith building.

ACTION ITEM # 44-9: Lorelei and Stan to make a presentation to the Implementation Review Group on November 4th at 9 am, Elijah Smith room 1A.

ACTION ITEM #44-10: Secretariat to draft letter to Kluane First Nation congratulating them on the completion of their Final Agreement, advising them of the YSC’s mandate and asking them to contact us with any salmon concerns.

Meeting was adjourned at 12:00 for lunch.

Meeting was called to order at 1:30.

6. Members’ Updates:

- **Yukon Queen II Working Group (Stan/Steve)**
YQII Update, June 2003 – Stan Njootli
 - Holland America (HA) did not send a senior representative to the meeting, and thus it was difficult to make decisions;
 - HA has not yet acknowledged that the Yukon Queen II is harmful to fish.
 - Question was if the boat could run effectively, without harming salmon;
 - Many questions were asked and some options for mitigative action were discussed;
 - It was suggested that if there are restrictions on the YQ II, then there would need to be restrictions on all boats operating on the Yukon River;
 - Public meeting was well attended with representatives from all areas.
 - Discussed some design options to improve boat.
 - Why was the senior Holland America rep not there? Not known, but Working Group demanded that he attend the next meeting.

- Dawson Sewage is now taken out to a pit on the Dempster
- Also raised the issue of local hire – there is little economic benefit to Holland America’s operation for Dawson residents.

YQII Update, Sept 23-24, 2003 – Steve Taylor

- Representative from Holland America was more senior than previous reps, but was still not a decision maker.
- Went over a review of the Public Meeting
 - There was little public support for Holland America at the Public Meeting, majority of the public response were negative towards Holland America.
- YQII Working Group is now involved in mitigation
- Working Group has been involved in this issue for 3 years, but still no solution
- YQ II Field Study Summation by Jonathon Howe, did a preliminary report on fry stranding
 - Data was collected in 2002 and 2003, clearly showed that the YQII was stranding fry.
 - Fry stranding was occurring in clear water streams, where fry gather
 - Fry Stranding did not seem to happen all the time, but it was occurring
 - Recommendation was made for this study to continue
- Holland America provided reflective net markers for sale to fishers last year, but no fishers used them.
- Another fisher suggested that there were 2 problems; markers are expensive and boat is less likely to slow for unmarked nets
- Ashley Doiron has also done a study on environmental impacts from Vessels other cases and laws that are applicable as well as other options. Holland America appeared to get nervous over some of the statements that were made from this study.
- General discussion on progress, both short term and long term solutions
 - Either another group to be formed or same group continue
 - Some members want to have an entirely new boat; others want mitigative measures, not everyone is on the same page.
 - Holland America has no interest in purchasing a new boat until the existing one is no longer being used (15-20 years is the average boat life span)
- Looking to expedite process at this point, develop time frames, and determine types of information still needed – looking for a solution soon!

YQII Working Group Update from Chair – Gerry Couture

- There has been some progress made for the first time in a long time at the September meeting, by admitting the possibility of a Yukon Queen III
- Holland America is to come back to the Working Group at the next meeting and develop a timeframe for replacing the boat (likely a long time)
- In the meantime, need to take mitigative actions, still need to clearly determine what the mitigative actions will be and determine who pays for them.
 - This is likely to be a contentious item that needs to be worked out.
 - Many in the community feel that HA should be paying for mitigative actions.

- Studies have shown that the YQII strands fry, and that stranding is dependent on the height of the water. The study needs to continue to determine at what water heights fry are being stranded; if this happens, then the group can take mitigative action to request that the boat go slowly by fresh water plumes to avoid stranding;
- at high water, lots of bank erosion occurs so also need to ensure that the YQII avoids areas where bank erosion is more likely to occur at high water.
- Personal opinion is there is a lot of technical work that still needs doing, need to consider the common sense solution not just a technical solution.
- Who will pay for these studies? A large number of Dawson residents feel that these studies should be paid for by Holland America, not with R&E money.
- There needs to be some real movement towards a solution over the next two months, otherwise DDRRC needs to re-evaluate the value of this group; they may consider turning the issue over to either DFO or YSC.
- Need to develop parameters that a new boat would need to be able to meet.
- The scientific study has shown that fry lost, translates in to roughly 110-120 adult Chinook per season, based on the best available information.
- Community have asked that a 'made-in-Dawson' solution be developed; do not want DFO to take over. The community wants to solve this issue itself.
- Community is beginning to explore damage done by like engines.
 - Can suck gravel as much as 8 feet below
 - Will still need to determine where the fry are, to know if they are affected by the YQII engine suction or just the wake.
 - At present, info indicates that fry migrate mostly on the margins of the river, and the fry are being affected by the wake.
 - There is a lot of technical work, yet to be done
- Both RRC and many proponents believe that Holland America should be paying the lion's share of the costs of studies and mitigative measures.
- DFO came to the Working Group and explained some of the options that DFO would be able to carry out based on the current Acts.
- The Yukon River has some conflicting legislation
- YQ II is operating under an international treaty, which in many cases super cedes local laws.
- The boat is stranding fry, but a court would likely look at the significance of the stranding to see how serious the damage was; would likely recommend mitigative action.
- Some people in Dawson want to see the boat stay, because of the economic benefit to the community;
- Dawson has asked that they be allowed to try to solve the problem on its own, before involving government who will utilize its tools to solve the problem, ie. They most likely can not shut the boat down.
- Holland America is an American company and will never acknowledge that they are killing fry, if they acknowledge that they are doing something wrong, they will be hauled up in court.
- Holland America has, however, acknowledged that the community has concerns.

- The YSC's responsibility is to look after salmon and salmon habitat

Open discussion YQII

- The YSC needs to consider their position on habitat and habitat protection re: Placer mining. In the Dawson YQII case it sounds like the YSC should also take into consideration economic concerns and human concerns; it would be hypocritical to not apply the same standards to all, if they are breaking the law.
- Suggested a deadline to the Working Group to take action; Working group has set their own deadline already. **YSC suggested a 1 year deadline to come up with a mitigation plan.**
- The consultant who did the Study is university trained and has training in taking legal samples. The design of the Study has been reviewed by peers and approved
- Study is, however, based on a limited amount of data so data had to be extrapolated; it is an estimate, whether it would hold up in court at this time is not clear, further data is being collected.
- Going to the courts will not likely produce quick results; would be tied up for years; Question on whether the courts would send both parties back to work it out between them.
- Concern about disparity between the ways Placer miners are treated vs. the way Holland America is treated. Where is the balance? The YSC have a job to protect Salmon and their habitat.
- During the overview of the Comparable Vessel Study by **Ashley Doiron** – there was some discussion on case law, which could probably be applicable to the Yukon Queen II. There may be laws other than the Fisheries Act that could govern this boat.

ACTION ITEM #44-11: Steve Taylor to attend the next meeting of the Yukon Queen II Working Group, to be held in Dawson the week of October 20th, 2003.

Faro TAC Update (Carl Sidney)

- There have been very few changes
- Water has been drained down about 40 feet from large pit.
- Budget is still 4.5 million per year, most of which is spent in Yukon (64%)
- September 15th, 2003 was the Water Board hearing
- They are in the process of removing buildings near the ponds; starting to dispose of all machinery left up there, estimate that everything should be moved out by next year.
- Concerns from Ross River Dena: dust blowing from the tailings.
- Yukon College is still pushing to develop a training area for a environment program to look after the environment and remedy disasters such as the Faro one.
- Water Board hearing was for a new extension for a 3 year water licence. In 3-years they feel they should have enough information to begin developing a plan.
- DFO is a Responsible Agency for the freshwater dam only.
- After 2008 there should be decommissioning plans being implemented.

Ministers Visit – Whitehorse/Dawson (Lorelei, Carl, Chuck)(Gerry and Frank)

Whitehorse

- Asked that the Minister fix our funding situation.
- Requested that we be part of the new Placer process – we will not be on the Working Group or Steering Committee. This has already been set.

Dawson

- Spent 10-15 minutes with the Minister.
- Talked about concerns with new process for implementation of the placer regime
- Reiterate that what they are proposing to do now is exactly what they did in 1992. They are repeating mistakes of the past by having a closed process for placer, which does not involve all stakeholders.

Aboriginal Fisheries Commission Aquaculture and the Environment Summit II Update (Carl – attended on behalf of the YSC and Teslin)

- Carl gave an overview of the summit and explained some of the major issues
- The aquaculture industry provides lots of economic opportunity for First Nations, which is why many support it.
- Carl met a former Minister of aquaculture from BC, who was willing to travel at his own cost to provide information to the YSC.
- BC government is very supportive of aquaculture and has lifted the moratorium on expansion.
- YSC still needs to develop a position on Creative Salmon request for milt
- If the YSC can't come to consensus on this, they may need to take it out for public consultation.

Klukshu Community meeting Update (Hardy Ruf)

- Hardy attended Oct. 2nd in Haines Junction
- Group appreciated that the YSC took part
- Raised a number of concerns for the YSC:
 - Gaffing workshop
 - See non-First Nations gaffing in Klukshu – there is a need for more monitoring.
 - Concern that some FN citizens are over-harvesting.
 - Would like to see a YSC public meeting take place at Klukshu, so that elders can make comments.
 - Positive feed back on the new location of the Weir, and the good sockeye return.
 - When non-CAFN members fish in CAFN traditional territory, they are permitted through CAFN office.
 - May be worthwhile to suggest to CAFN that requirements be put in place to ensure that all those from outside the Traditional Territory know how to use a gaff properly, prior to being issued a permit.

ACTION ITEM #44-12: Secretariat to send a letter to the Klukshu Community group thanking them for letting us participate in their meeting, asking for continued involvement and advising that their concerns had been brought to the YSC and would also be taken to the Alsek Working Group.

7. 2003 – 2004 Budget Review – Louise Naylor

- *Summary of expenditures*
 - Reviewed current budget. We have approximately \$25k not yet designated.
 - Explanation for difference from previous summary - only half the members attending the last meeting, and FN community meetings previous planned did not go ahead.
- *Revised Forecast*
 - Suggested during the summer possibility of providing job-shadowing opportunities to First Nation youth who are in environmental programs
 - Could put proposal into R&E Fund for training program and match funds etc.
 - Could also job shadow with DFO for part of the time
 - Deadline for R&E conceptual proposals is Oct. 10
- *Cost options meeting space*
 - At government offices, costs per day are approximately \$50; no room costs or gratuities etc.
 - Access to Scientific, technical and administrative support is very easy
 - Board is currently considering an arrangement with Kwanlin Dun; they are building an office complex on the Waterfront as part of their cultural centre, which will be used by UFA Boards and Committees.
 - There are many advantages, even above the huge cost savings, to having the meetings in DFO.
 - Savings could be used towards meeting in the communities
 - Moving the general meetings out of DFO will not alter public perception; we must go much farther. Look at a long term solution. – need to have staff separation etc.
 - The concept of a Boards and Committees building in partnership with Kwanlin Dun First Nation is worth exploring, the estimated completion date is 2005.

ACTION ITEM #44-13: Secretariat to gather cost estimates for use of proposed Kwanlin Dün First Nation Cultural, UFA Boards and Committees facility. Until YSC funding is increased, YSC meetings are to continue being held at DFO.

- *Recognition Awards (Best & Most Improved - Management Plans, Fisher Person etc.)*
 - Are there outstanding improvements? Need to be careful that you are not condescending, do right.

- YSC to consider this further

Meeting was adjourned at 5 p.m.

Wednesday October 8, 2003 – 9:00 a.m., Water Board Boardroom.

YSC Present:

Gerry Couture	Lorelei Smith	Carl Sidney	Stanley Njootli
Hardy Ruf	Joe Johnson	Steve Taylor	Chuck Hume

DFO

Sandy Johnston	Steve Smith	Andrea Wilson
----------------	-------------	---------------

YSC Absent:

Vicki Josie	Craig McKinnon
-------------	----------------

Meeting was called to order at 9:15 a.m.

8. Test Fishing & Commercial Licensing

- YSC received a request via email from commercial fishers Association, requesting that the chum test fishery be done away with, and replaced with a limited commercial fishery in years when there are no anticipated restrictions.
- Current chum test fishery is a non-consumptive fishery in poorer years (fish are not killed)
- Idea is that if there is a question about what the run is (which is usually the case) we run the test fishery until we are certain, and then open a regular fishery only when the run size in the green zone.
- The YRCFA request is a step backwards, as it moves away from abundance-based management
- If there are enough fish for a commercial harvest, the commercial fishery is opened, but we need the test fishery to determine the certainty.
- We are not giving quotas for any fishery
- The request gives an idea of what local subsistence needs are
- Talking about years when there are no anticipated restrictions in the fishery
- Live capture test wheels allow us to do our own assesment of the run, independent of US indicators because the US indicators upriver do not necessarily hold true for the Upper Yukon portion.
- There should not be any expectation of any certain catch; catch is always dependent upon abundance of the run. Abundance can not be determined until numbers are available; the test fishery at this time is the most effective means of getting these numbers.
- The belief is if on the Alaskan side, they open any fishery, the Alaskans have declared a TAC, and therefore the Canadians have a right to take some fish.

- Offer of a more in-depth discussion or expansion of the test fishery and management practice at the public meeting.
- For the opening for the commercial Chinook and Chum this year we reacted faster, and opened the fisheries earlier, if it is possible we will make an effort to react faster.

ACTION ITEM #44-14: Secretariat to draft letter to YRCFA indicating that the YSC uses abundance-based management and that the test fishery is a necessary tool for management. When the numbers warrant it, the commercial fishery will open, but the catch may vary from year to year. Offer of a more in-depth explanation of the test fishery and management practices at the Public Meeting in Dawson, if they like.

- Second issue raised by commercial fishers is licensing, and the ability of spouses/assistants to fish a licence, without a change in regulation
- YRCFA want to avoid a ‘designated assistant’; envision something similar to a trapline partnership.
- At present, there are a series of discretionary judgement calls being made by DFO, with no guidelines to assist them.
- Responsibility for the licence would still remain with the licensee, no lack of clarity of who obeys the law.
- Ability to take a partner on would be the significant difference

Q – What is our long-term goal for the commercial fishery? **A** – To have a viable commercial fishery, based on the fish available.

- Are the licenses transferable right now? Yes, through the transfer committee.
- What kind of legal changes would be required for this?
- Steve Taylor indicated that he thought it would be better to have less fishers, in order to put more fish on the spawning grounds.

Steve Smith distributed copies of the relevant sections of the regulations.

- No person shall fish but the commercial license holder. An assistant may fish under the license with a number of provisions ie. The other person must be under the presence and supervision of the licence holder.
- If conditions occur where the holder of the licence is unable to engage in the activity authorized by the licence for circumstances beyond their control, a Fishery officer may under section 23(2) of the Fisheries Act, authorize in writing another person to fish the licence.
- *Circumstance beyond their control*, this is a section that could use some work. Steve S. suggested that further discussion should occur with the YRCFA to determine which situations in which they would like an assistant to be able to fish the licence. If this is determined, a letter could be sent out at the beginning of the year authorizing someone to fish the licence under specific circumstances.
- If partnerships are desired, a regulation change would be required.
- Need to change the definition of assistant licences
- Meet with the fishers association to see if we can meet their needs without a regulation change; if not, would need to begin process of formal regulation change.

- Commercial fishery is licensed differently than in BC, where vessel is licensed instead of person. In the Yukon the license is issued to the person, this is currently the preferred method for Yukon commercial fishers.
- It may be worthwhile for C&P to explore further with the commercial fishers their needs.
- Compared to trappers, is there a possibility of looking into a training policy for fishers? There will eventually be 8 commercial licences used by First Nations.
- Is the fishery profitable enough to sustain people? No. It is very much like the trapping industry; no one can make a year's living off of fishing; they have to earn money from other sources. In years when there are fish available, and a market for them, you can make decent \$'s in a short time, but it is not enough to live off of for a year
- Many commercial fishers trap in the winter and also do odd jobs. Availability of markets has been an issue, as prices have been low and the closure of Han Fisheries has made it difficult.
- There 21 licences, there are no new commercial licences; no new ones created, although there are 8 commercial licences currently not in use, as CYFN has not yet worked out a sharing accord for them with Yukon River FN's.
- The commercial fishery catches have been much smaller than they could have been, due to the lack of markets.
- There is currently a proposal before the R&E fund to assist with increasing the market demand.
- This raises the issue of who is involved in the fishery. We currently have a licensing system that constrains our ability to take our share of fish; this request may allow more flexibility with limited conditions that allows more participation in the fishery.
- Suggestion that S. Smith meet with YRCFA along with two members of the YSC to determine exactly what the fishers are asking for.

ACTION ITEM #44-15: S. Smith (C&P), with C. Sidney and L. Smith, to meet with the YRCFA to clarify their request with regard to changes to licensing of the commercial fishery. They are to report back to the YSC.

9. SARA Update – Sandy Johnston

- Handout distributed titled *Update of SAR Initiative in the Yukon*.
- There are 3 things going on:
 1. Bilateral agreement is being negotiated between the government of Canada and the Yukon government on how the SAR species at risk is being implemented in the Yukon.
 - First thing in this draft is the recognition for the need for consultation with First Nations
 - Current draft recognizes 2 committees: a) Yukon Species at Risk Management Committee (Government agencies) and b) Yukon Species at Risk Advisory Committee (Non-government)
 - Agreement outlines who has responsibility to take lead in different scenarios

- Recognizes the need for using traditional knowledge, local ecological knowledge etc.
- There are currently few Species at Risk in the Yukon, and we would like to keep it that way, by taking a proactive approach to habitat protection etc.
- An important component is the Habitat Stewardship program – we would like to ensure that the Stewardship aspect is not just for recovering species, but for all species;
- Assessment phase recognizes the need to use the best available information, including traditional as well as local knowledge;
- Identifies the make-up of recovery teams; seeks multi jurisdictional cooperation for species that cross borders.

2. Yukon Government – draft SARA legislation

- YTG has prepared draft legislation which will parallel the federal Species at Risk Act; this will likely be tabled in the spring.

3. Federal Departments

- Participation in bilateral agreement discussions
- Linkage with other federal initiatives – parallel approaches where applicable

Sandy went through a presentation developed jointly by three federal departments (Environment Canada, Fisheries & Oceans Canada and Canadian Heritage/Parks Canada), which gave an overview of the process to date, its scope, and what it hopes to accomplish.

- Main reason for the Species at Risk Act is to prevent wildlife (fish, wildlife, birds, plants) from becoming extinct in Canada.
- There is still the issue of international cooperation, as there are many species whose ranges cross international boundaries. There are currently bodies, such as the Yukon Panel and Porcupine Caribou. Management Board, that can address international concerns, but there are still lots of questions regarding some species that are not covered by these other bodies.
- There is a National Aboriginal advisory Council on Species at Risk, which makes recommendations to the Ministers' Council (CESCC); these would have contacts with other governments.
- There is currently \$10 million/year in funding for the SARA Stewardship Program, but limited opportunities to access these funds in the Yukon, as we don't have any salmon species that are listed under SAR.
- "COSEWIC determines the national status of wild species.....that are considered to be at risk in Canada,
- **Risk Categories:** Endangered (E): facing imminent extirpation or extinction.; Threatened (T): likely to become endangered if limiting factors are not reversed; Vulnerable (V): sensitive to human activities or natural events.; Extirpated (XT): no longer existing in the wild in Canada; Extinct (X): no longer exists: Not at Risk (NAR): Indeterminate (I): insufficient scientific information

Q - When they look at a species that are declining, do they look at factors like climate change and natural variation phases? Yes. Assessment wants to look at if there are any man-made problems that can be controlled.

- There are a number of questions on the process after the assessment, and they are still in the testing mode. I.e. If the assessment advises that the species is threatened then the minister has to respond to that, based on set timelines. Assessment provides basic information on the species, identifies who is responsible, and alerts Canadians to any consultations to add the species to SAR list.
- Presentation to be continued later...

10. Regulatory amendment (domestic fishery)

- Dan McDiarmid a domestic fisher from Stewart Crossing was introduced.
- He currently has to fish 40 miles from home, first got licence in 1976 and lived and fished near Mayo. Dan now lives near Stewart Crossing and has to fish below the McQuesten. Dan was advised that under the current regulations he had to fish below the McQuesten for land claims and conservation reasons.
- DFO has the ability to put restrictions on any licence for conservation reasons.
- There are very few domestic licences in the Yukon, 2 of which are on the Stewart.
- Dan argued that it defeats the purpose of a domestic licence, which is for subsistence, because he currently must pay a high price for travel to fish below the McQuesten.
- Were any studies done on the Stewart system? Yes – there were studies done in the 70s, and more recently radio tagging studies which show that the McQuesten is a significant producer.
- Sandy Johnston indicated that the original reason for the shift, was to alleviate any confusion with the aboriginal fishery
- If the boundary is moved as Dan has requested, the ability to fish upstream of the McQuesten would be available to all commercial and domestic fishers, not just to Dan.
- The YSC and DFO have been working on the de-linking of the commercial and domestic fisheries.
- Is there any impediment to de-linking these 2 fisheries? De-linking would require a regulation change, which requires consultation etc..
- Could domestic boundaries be site specific? This is possible, would still need to change the regulation, as the conditions of licence can't conflict with the regulation which currently identifies the sites.
- First step would be to de-link the commercial and domestic fisheries
- Consultations would need to take place prior to any formal recommendation
- Once the package goes forward to legal services, there will be a minimum of 18 months.
- Consultations will need to include discussions with FN, domestic fishers, commercial fishers, etc.
- In the short term if Dan wanted to fish in that area, he would need to request permission from NND to be permitted to fish under their aboriginal fishery.
- In terms of wording for the regulation change, would need to create 2 sections: 1 for domestic and one for commercial
- If you vary a closed time presently, you close it for all fishing. There would need to be a closed time specific to the domestic fishery to allow you to vary the domestic open and closed times as well as one for the commercial fishery.

- Need to maintain the ability to close the fishery
- The intention of the domestic fishery, is for people to be able to fish near where they live, and thus live a subsistence lifestyle
- Dan wanted to clarify that he did not want to get anyone into trouble, but just wanted to point out that there was some inequity.

ACTION ITEM # 44-16 Begin Consultations for the de-linking of the commercial and domestic fisheries with a view to providing site-specific boundaries for the domestic fishery. (check with Steve re: specifics) de-link closed times for domestic and commercial fisheries, add closed times for McQuesten, change boundaries. Steve Smith to report back to the YSC with proposed wording.

11. Domestic Fishery Regulations - Dan McDiarmid (11:00)

See above, both items were done in concert.

12. Implementation Review Presentation (Nov 4-6) – Lorelei/Stan

- Lorelei went over the presentation that will be made to the Implementation Review Group Nov. 4th. The YSC reviewed the questions posed to them by the IWG.
- Noted that all UFA groups seem to work in isolation of one another.
- To review UFA, parties need to sit down with the two other parties and have a political discussion. They need to review on what has been done. There are a lot of things in the agreement that still not have been done.
- Suggestion to the Implementation review committee of how you expect the review information to come back to you. Point by point response to recommendation and reason why, when or why they are not adopted.
- Every year, the YSC is required to submit a summary to the implementation review committee on progress to date.
- Training policy committee could be much more powerful and provide training and orientation etc. for all UFA boards and committee members, not just FN members.
- Continuity with term lengths is also an issue; need to vary the length of member's terms or overlap the terms.
- It should be the responsibility of the nominating body to make sure that nominees are educated about their responsibilities and background.
- Need to establish more meaningful relationship with First Nations, a number of the UFA boards are finding that the First Nations are not using this arm of communication which is available to help them, through their signing of the UFA. Each First Nation is different some ask you to work directly with their lands and resources staff, and others request that you work directly with chief and council.
- Why does the YSC not send their recommendations to the F&WMB prior to sending them to the ministers? Even though it is a clause in the UFA, the UFA does not fit the practical world, the F&WMB are no necessary concerned with some of the recommendations that are put forward to the minister by the YSC. Issues that are of concern to Board or issues that affect them are put forward via the F&WMB representative or a letter.

- The feeling of some members is that they are limited in how well they can carry out their roles, because there are already legislation and regulations in place regarding salmon. If the committee makes a decision regarding some issues it can take up to 2 years to put that decision in place due to the requirements to follow government processes. I.e. To change the way the domestic fishery is currently managed there is a need to change federal legislation, to change the legislation there is a need to go through the federal processes.
- It is felt that the Yukon Salmon Committee was included in the UFA as an after thought and not well thought out; all the ingredients are there but it still requires some work on the process and wording to smooth out some bugs.

(Continued on Oct. 9th, 3:10 p.m.)

- YSC members were polled on the presentation – only Gerry requested changes, need to ensure that all the generic questions were completed with changes as follows:
 - Regarding: Conflict of Interest question, No, but we are in the process of developing one.
 - It may be worthwhile for the IWG to develop a template for Conflict of Interest Guidelines, which the board and committee could work with.
 - No, all recommendations have been accepted.
 - Concern regarding having regulation changes implemented in a reasonable amount of time.
- Need to prioritize funding request. The YSC needs a minimum of \$50k increase to respond to increased consultation requirements and involvement in public processes.
- 2nd priority would be the separation of the funding through DFO (this would involve either \$15k for our own bookkeeper or \$ towards a joint bookkeeper for UFA Boards and Committees) change to routing of funding must include increased funding to cover new cost of bookkeeper.
- We need to think closely about our relationship with the Board; we would be well served to work more closely. I.e. Election of Chair and vice-chair, name salmon sub-committee.
- How likely is it that the UFA will ever be amended?
- Changing the location of the YSC – has the Board ever had a problem accessing technical information from YTG? No. takes a bit more coordination, but is fine.
- Could possibly work out some sort of arrangement with the Board re: administrative details.
- Staggering of YSC members terms should be 3rd priority.
- Training should also be a high priority, as well as promoting FN employment; 4th priority - training is particularly important for new members, but also for existing members.
- Regarding employment opportunities, YSC needs to be more proactive in attracting FN candidates to positions working with the YSC.

13. Placer Brief/Update (3:00) – Gerry Cormick

- Gerry Cormick was hired to chair both the new Steering Committee and the Working Committee that were created from the three government agreement on the implementation of the new Placer Authorization.
- Gerry Cormick outlined the structure of the new agreement, and how groups will link to other organizations, interest groups, stakeholders etc.
- The terms of reference were signed by the three governments, and they call for a new regime to be implemented by 2007.
- Between 2004 – 2007 create a transition process, to move from what is to what will be.
- Goal is an agreement at 3 levels of government, that all can support.
- Structure 2 new committees were established:
 - Implementation Steering Committee – CYFN: Grand Chief and Daryn Leas, YTG: Minister Lang and Jessie Duke; DFO: John Davis RDG and Richard Wex DG Habitat Management (Ottawa); KPMA: Tara Christie and Norm Ross; Senator Ione Christenson (founding member)
 - Implementation Working Group: CYFN: Daryn Leas and Stuart Van Bibber; DFO: Sue Farlinger, Director Habitat and Gord Zealand Area Director DFO; YTG: Don Toews and Rob Thompson (EMR); KPMA: Tara Christie and Stuart Schmidt; Al Kapy – was supposed to be a liaison to YPC
- The working committee was task to come up with a Work Plan for moving forward
 - First step is to review the building blocks for putting something together: legislation, policy, requirements etc.; looking at the science – sediments, fish, and habitat; include traditional knowledge. Based on that the working group is supposed to come back to the Steering Committee with any questions about policy etc. and then will get sign off and instructions to proceed with building of new structure.
 - Hope to have this done by early 2004; will then look at designing the transition process.
- Built into the agreement was that the primary point of contact will be through Yukon Placer Committee, for interest groups.
 - rationale for this is that most of the players are in some way involved with the YPC
 - Next YPC meeting is tentatively scheduled during November, any concerns or clarification in this area will most likely get addressed at this meeting.
- In his role as Chair, Gerry is tasked with meeting with various groups to discuss and to be available to meet with people with the objective of bringing info back to the Steering Committee.
- As the Working Group does its work, they will invite others to come and address them on specific topics.
- Need to take a fresh look and ensure that everyone can live with the outcome
- The three levels of government are trying to create a new regime, with new directions and avoid sacrificing either resource.

Q – Have you already had meetings? A – Yes, 2 brief working committee meetings so far.
A couple of conference calls to scope out what needs to be done.

Q – Has there been any discussion of adding participants? A - No. there is not likely to be any additional participants, based on the frame of reference put together by the governments there is no room for additional participants.

Q – In terms of perception, this process doesn't look very different from 1992: Placer industry and government directed by its political arm, coming up with an agreement.

- From that point of view, this process is questionable, because DFO might not do an adequate job; failure to insist on standards that protect fish.
- This is a politically oriented steering committee and a Working Group of people immediately responsible to the political people.
- There seems to be some expansion beyond using just the Placer Committee: role of YPC will serve to periodically inform stakeholders – this doesn't seek input and consult with the interested parties.
- Stakeholders may be invited to make presentations and can go to individuals who are on the Working Group to make their point.
- If information is to pass through the YPC, for all other things other than the administration of the existing placer authorization they are defunct, therefore the YPC is not considered to be a viable forum for public input.
- If you look at the record of Agreement, the only thing that is consistent with what the Minister decided is the 2007 date. It appears that everything else is up for discussion again.
- Is everything up for grabs?

A - The Record of Agreement tends to be a political document; it is a starting point for discussion. There are some things that they do focus on, ie. A process for specific authorizations as opposed to general. authorizations. Is everything up for grabs? I don't think so.

Q – Are most of the meetings going to be with the Working Group, who then report to the Steering Committee? Do you really think you can come up with a plan in 6-months? A – It will be a challenge! Basically the Working Group will do most of the work, which will get guidance from the Steering Committee.

- Meetings will be about 3 days in length, 1-2 times per month; Steering Committee meetings are via conference call for a few hours or half a day.
- The work will be directed towards building an agreement that works, it will not be directed towards creating new information.

Q - There are a lot of discrepancies on the validity of the studies used, if new studies can not be done to verify the validity of the existing studies what sort of agreement can be reached?

- It was noted that not everyone believed that CYFN spoke for all First Nations; it is better to actually deal government to government with all First Nations. Makes more sense to deal directly with THFN, rather than letting CYFN speak for them; self government in some areas have more power than the territorial government.
- The Parameters are the same as in 1992, when they spent over 1 million dollars in scientific studies, which they then threw out, because it wasn't what the miners wanted to hear.
- They then went back to a study from the 60s on a freshwater fish study in Europe, and developed standards that were more liberal and not based on present day science.

- This new document has to be conducted honestly, unlike the previous one which used the most convenient study to meet their ends.
 - Toll free number available for contact with Gerry Cormick 1-888-745-0877
 - It was reiterated by Carl that the Grand Chief does not speak for each First Nation; placer is most relevant to Dawson, Ross River and Mayo, where many FN citizens take part in the industry.
 - G. Cormick indicated that he will be meeting with all Chiefs as part of developing the new regime.
- Q – Such a short time to produce the document is puzzling. What are the consequences if the deadline is not met by April 2004? This has not been established. It is possible that the Minister could say that if we can't make a decision by the deadline, he will make it for us.

14. Other Business

Workshop for salmon gaffing in the Klukshu/Shawshe area

- This could be an issue for the Alsek Working Group, for discussion with CAFN
- Funding was requested towards the gaffing workshop.
- CAFN is already putting on gaffing demonstrations for their FN people. Gaffing practices of CAFN has been raised as an issue, but it is generally not citizens, but rather visitors who come in to fish.
 - What may be lacking is adult supervision of young people who are gaffing.
 - It is always a good practice to know what type of salmon you are catching – better to get males.
- Do others gaff, beside CAFN members? Yes – many people come in from other areas and there is no requirement for knowledge of gaffing practices.

ACTION ITEM #44-17: Letter on Salmon gaffing workshop to be included on Alsek Working Group agenda.

Creative Salmon product

- Members to advise Louise if they are interested sampling the creative salmon product. Carl to smoke the remainder of Salmon.

RRC 8th Annual Meeting October 20-22, 2003

- YSC is invited, annual general meeting will be held in Old Crow
- Steve is available, if YQII Working Group is not on; Chuck is available
- Recommended that Lorelei and Chuck to go; Carl is alternate.

ACTION ITEM #44-18: Lorelei and Chuck to attend the 8th Annual RRC meeting in Old Crow.

YPC Meeting – November 13-14 – Whitehorse (tentative)

- Chuck and Stan to attend, with Lorelei.

ACTION ITEM #44-19: Chuck and Stan to attend the November 13-14, 2003 YPC Meeting in Whitehorse.

Staffing

- Andrea advised the committee that we will be hiring some additions assistance with administration and support for the Yukon Salmon Committee, for a three month term.
- Position will be open to the public
- Committee expressed an interest in taking part in the hiring process.

ACTION ITEM #44-20: Chuck and Steve to sit on hiring committee, with DFO, to hire a 3-month term position, to support the YSC. This position will be open to all Yukon residents, with preference given to First Nations citizens.

Elections (November)

Reminder that Elections for Chair and Vice-chair will be held at the next meeting.

Meeting was adjourned at 4:30 p.m.

Thursday October 9, 2003 – 9:00 a.m., Water Board Boardroom, Whitehorse.

Present

Steve Taylor	Joe Johnson	Hary Ruf
Carl Sidney	Lorelei Smith	Gerry Couture
Chuck Hume		

Bob Van Dijken	Andrea Wilson
----------------	---------------

Absent

Stan Njootli	Craig McKinnon	Vicky Josie
--------------	----------------	-------------

15. Habitat Issues Briefing - Bob Van Dijken

Brewery Creek:

Viceroy Minerals Corporation:

The water licence for the Brewery Creek Site is held in the name of Viceroy Minerals Corporation (Viceroy Resource Corporation), however, recently the company has changed its name and focus. On July 2nd, the company made the following announcement:

Vancouver, B.C. – Quest Capital Corp. ("Quest Capital") is pleased to announce that the Arrangement involving the reorganization and exchanges of securities of Viceroy Resource Corporation ("Viceroy") (VOY-TSE), Quest Investment Corporation ("Quest Investment") (Q.A and Q.B - TSE) Avatar Petroleum Inc. ("Avatar") (AVA – TSX Venture) and Quest Management Corp has been completed and Viceroy's name changed to Quest Capital Corp. In addition, the previously announced private placement of \$10 million has been completed. Territorial government has released some of the security held for reclamation of the mine back to Brewery Creek.

Quest Capital Corporation Information:

Quest Capital Corp. is a publicly traded (TSX Exchange - Symbols QC.A and QC.B) merchant banking organization that focuses on providing financial services, specifically bridge loans, to small and mid-cap companies in North America. Quest's primary expertise is providing asset backed bridge loans of between \$500,000 and \$20,000,000 to publicly listed companies, generally operating in mining, oil and gas, manufacturing, real estate, and technology industries. Quest supplements its bridge loan business by making equity investments in emerging companies as well managing an income generating portfolio.

All of Quest's activities are governed by the following investing principles:

- Capital Preservation;*
- Income Generation;*
- Liquidity; and*
- Risk Management*

Mission Statement

"Quest's mission is to build wealth, measured by book value per share, income per share, and price per share. The Company's investment strategy is to generate both yield and growth in a tax-efficient manner, while preserving capital. Our "Quest" is to deliver superior returns on a consistent long-term basis."

Here is what Quest Capital had to say about reclamation at Brewery Creek in its second quarter financial report:

News release

Mining Operations

The Company continues to make significant progress towards the reclamation and closure of the Brewery Creek Mine in the Yukon and the Castle Mountain Mine in California. At Castle Mountain, the Company produced 8,763 ounces of gold for the six months ending June 30, 2003 as part of the rinse down and detoxification of the heap leach pad. Castle Mountain will continue to recover gold through 2004 as part of the detoxification of the heap leach. In April 2003, the Company resumed reclamation work at Brewery Creek. By the end of this field season the Company will have completed a majority of the reclamation work required.

Quarterly report

Quest own 100% of the Brewery Creek Mine located in the Yukon, Canada. SpectrumGold as part of the reorganization received an option to explore and acquire the Brewery Creek Mine. The Brewery Creek Mine is currently in closure with a majority of the closure activities to be completed by early fourth quarter 2003. In August 2003, the Yukon Government released \$1.5 million of the \$8.0 million security provided for the reclamation obligations at the Brewery Creek Mine.

Security:

Under the Devolution Transfer Agreement (DTA), the Territorial government assumed responsibility for reclamation security. In August, the Territorial government decided to

return a portion of the security held for reclamation of the Brewery Creek mine. The government returned approximately \$1.5 million dollars to the company for reclamation work on site and stated it would return another \$1.5 million dollar once Viceroy Minerals Corporation submitted a consultants report on reclamation. That report was due to be submitted in September. With the return of a portion of the security, it appears that the Territorial government may have released the federal government from any further financial responsibility for reclamation of the site. Under the DTA, the federal government retained responsibility for reclamation costs exceeding the amount of reclamation funding available for certain designated Type II mine sites, including Brewery Creek. By returning a portion of the security, the Territorial government appears to indicate that the remaining funds will be adequate to fully reclaim the site. Company correspondence to the Water Board indicates that the Company was negotiating a "Reclamation Security Release Agreement".

Water licence amendment:

On July 22, 2003 Viceroy wrote the Yukon Territory Water Board requesting the withdrawal of water licence amendment application QZ01-52. This amendment dealt with decommissioning, reclamation and detoxifying the heap at the Brewery Creek operation. A comprehensive study of the Company's 2001 Decommissioning and Reclamation Plan is currently taking place. The company stated that it would apply for a water licence amendment to deal with detoxification and reclamation once the comprehensive study is completed. The next day, the Company submitted a water licence amendment request which was given the number QZ03-060.

The amendment application asks for the following changes:

1. Extend the term of the licence from Dec. 31, 2006 until Dec. 31, 2021.
2. Allow discharge directly into Laura Creek
3. Modify the discharge criteria for selenium from 0.05 mg/l to .25 mg/l
4. Add a non-toxicity clause to the licence

Items 2 and 4 were in previous water licences and were removed in licence amendment #4. Interventions on this amendment request are due by noon Oct. 24th. Research is currently being done on the selenium clause. One major concern is that there is no guarantee that the Company will apply for a second amendment to cover detoxification and reclamation. The Yukon government has indicated that if the Company has not submitted a second amendment application before interventions are due they will request a clause be added to the licence requiring the Company to submit a second licence amendment dealing with decommissioning and reclamation.

- Why would a financial institution buy an asset that is in a liability stage? There is a lot of speculation of this.
- No total assessment of the cost of environmental clean up has been done? The company has done an assessment using its preferred method of clean up, so the results are uncertain as it is not guaranteed that the methods will work. Company has been adding molasses as part of treatment.

- Should be a quick process and the company has indicated that there is still lots of money left for reclamation and detoxification of the heap, but this is based on the assumption a lot of the work will be done by the bacteria to detoxify the heap.
 - They have requested an extension on their water license to 2021, are water license for mines usually this long? Yes, policy appears to be, if you come into the water board and say you have a mine with an 8 year mine life, they would give you an 8 year water license.
 - A number of companies have bought into the property.
 - Are there any other plans for that area other than decommissioning or reclamation? Viceroy and YTG both said that there would be further exploration of claims in the area of Brewery Creek.
 - This reclamation has been fairly successful, but isn't it still early to release the security, without knowing what the total environmental liability is? YTG did not make a press release, as they thought they would have trouble justifying it; only after they were asked questions by a reporter did the government hold a press conference.
 - When you put cyanide through the heap to take the gold out, other elements are released, such as selenium. It is very difficult to get selenium out and immobilize it.
 - October 24th the intervention to the Water Board will take place.
 - How do they calculate the amount of money the company needs to put forward as a security? Company and an independent contractor do an assessment and the Water Board makes the call.
 - In this case, the company that now owns this property, is not the mining company, it is a capital group, who are interested solely in financial gain and growing their money.
- Prior to writing a letter to YTG with our concerns, we will pose them to Jessie Duke, who will be addressing the YSC this morning.**

Graham Dixon:

The operator of the BYG mine is back in the Territory. Graham Dixon has applied for a water licence for the Ketz River mine and has returned to the Mt. Nansen mine site. A company under Mr. Dixon's control removed water treatment equipment from the Ketz River mine site in contradiction to water licence provisions and moved it to the Mt. Nansen site.

- Need to continue observing issue.

Clinton Creek:

Work at the Clinton Creek mine site continued this summer. Some further work was done on Clinton Creek just downstream of Hudgeon Lake to stabilize the channel. Work was also done stabilizing Wolverine Creek. Further work was scheduled to be done in September but this work was postponed due to poor weather conditions. Further research work is being done on the stability of the asbestos tailings (most airborne) and this may lead to a major project to stabilize the tailings.

- There is now a concern about the asbestos tailings, there is now research that indicates that if it freezes, there is some concern with it blowing around

Mt. Nansen:

The Yukon Territorial Government is now in charge of work on this site. Care and maintenance work was done on the site again this year, dealing mostly with water treatment. Planning has not yet begun for reclamation of the site.

- Developing a timetable for both the Faro and BYG sites

Faro:

There was a Water Board hearing last month to deal with a water licence application to remove the freshwater dam at the Faro mine site. It appears that although no one actually requested a hearing, the Water Board decided to hold a hearing anyway. The application and screening documents were reviewed and no concerns were identified. The freshwater dam is upstream of the tailing impoundment facility in Rose Creek and was identified using risk analysis as a high risk. Concerns had been raised about a pipe which passes through the dam. It appeared to be corroding away and also had a sag in it. It had been hoped that work on the project could begin in October but timing is dependant on a Water Board decision on the licence application.

There will also be a hearing this month into an application to extend the Faro licence for 5 years. Current licences expire December 31st, 2003. The licence application proposed combining the two existing licences into one licence which would deal with care and maintenance of the site. A decommissioning and reclamation plan will be developed during this period and go through an environmental assessment process. This plan would then be included in the next water licence. The application was reviewed and a few minor concerns were noted about technical language surrounding monitoring. These concerns were adequately covered in other interventions and an intervention was not prepared. The town of Faro has intervened and is opposing the application, they want to protect the ability to mine in future

- Does the proceeding of reclamation of a site preclude mining at that site in future?
Perhaps, but not necessarily.
- There is a little bit of concern over the wording of the new water licence, but Environment Canada is taking the lead to deal with these concerns.

Type II Mines Office:

Bob recently had a conversation with Marg Crombie of the Type II mines office regarding reclamation planning for the Faro and Mt. Nansen mine sites. Bob was informed that conversations were still going on with the First Nations identified in the DTA agreement regarding reclamation planning for Faro. Once these negotiations are completed the process will be expanded to include other interested participants. Ian McGregor and Chris Cutty from DIAND Ottawa and officials from the Type II mines office in Whitehorse visited Ross River in September to discuss reclamation planning. The Type II mines office hopes to have a timeline in place for reclamation planning for the Faro and Mt. Nansen sites by the end of October. They have also offered to do a briefing for the Salmon Committee at a future meeting if this is desired.

- Still meeting on a weekly basis to establish working relationships etc.

- Might be worthwhile for the YSC to wait a little bit until they have worked out timelines etc. before asking for a briefing.

Dawson Sewage:

Currently, Dawson City has a water licence which requires that a secondary sewage treatment plant be constructed and operating by fall 2004. The City has written the Water Board indicating that they will not meet this deadline. They have not yet requested a water licence amendment. In September, Territorial water resources staff wrote Dawson stating that they had not complied with certain terms of their water licence.

- Yukon Intertribal Watershed Council has become involved in the Dawson sewage issue.
- YRITWC, Rob Rosenfeld may be the current Director 907-258-3337 (Alaska office)
- It may be a good idea to have the Yukon Inter-Tribal Watershed Council come and brief the YSC on their issues.
- There was a recent announcement that there will be \$55 million in community infrastructure \$ - not yet sure how this will be allocated, can it be applied to getting the Dawson City sewage plant in place?

ACTION ITEM #44-21: Contact the Yukon Inter-Tribal Watershed Council and request a briefing at on of the YSC’s upcoming meetings.

ACTION ITEM #44-22: Contact YTG (community development?) to determine plans for the \$55 million recently announced for community Infrastructure.

16. Oil and gas management update – Angela Walkley

Angela Walkley is the Environment and Disposition Coordinator and Riona Freeman Sr. Petroleum Geologist with the Oil and Gas Management Branch. Presented a broad overview of where there is oil and gas potential in the Yukon and how it relates to the salmon committee. And how the oil and gas activities are controlled and where individuals have opportunities to input into the processes.

The committee were poled on what information or concerns they were hoping to get from today’s presentation:

- YSC is also looking for information on how communities are prepared for Oil and Gas exploration, and how salmon are affected.
- Want clarification of the disposition process, which seems to be modified with each change in political leader.
- Looking for clarification on new regulations and those that are still outstanding for completion; any info on best practices information
- Coal bed methane
- What footprint is left by exploration and what measures are in place to ensure the protection of salmon and habitat; what remediation is in place to restore affected habitat.
- Process on call for bids

- What social and environmental impacts are involved with oil and gas exploration
- Consultation – what is the protocol on consulting with affected communities re: Oil and Gas; there have been some studies, and communities have not necessarily had input into the process.
- Concerns regarding possible contamination and contaminants still present from previous leaks.
- Economic benefits to communities and employment opportunities: what kind of requirements are in place to ensure that there are benefits flowing back to the communities through which pipelines pass.
- Committee member voiced concerns with Oil and Gas rights being sold to outside companies, often international.
- Land use planning – how can oil and gas development go ahead in the absence of a land use planning.

Angela will be able to cover about half of the concerns raised by the Committee; the remainder will be addressed at a later date.

Presentation

- 1900 wells drilled in the north, the majority of which are in the NWT, 71 in the Yukon.
- <20000 km of seismic majority shot in Yukon during 1950's, 1960's and 1970's
- Discoveries of oil and gas in Eagle Plains and Liard Plateau
- Presently, one seismic project that took place in the SE Yukon this fall
- Another postponed for eagle plains due to weather – Northern Cross wanted to do seismic work, but was delayed by snowfall, as they needed to go in when the ground was dry.
- Yukon has two producing natural gas wells in the SE corner of the Yukon, piped down to Fort Nelson.
- Tintina belt forms a natural divide; NE of this, lots of sedimentary rock (Foreland Belt); SW of belt, there is more mining opportunity than oil and gas – there is a small belt (Intermontane belt) where there is some O&G
- In the NE – there are a bunch of rocks that hold the oil, surrounded by oil and gas producing rocks
- there are a number of areas that have been assessed for oil and gas:
 - North Coast – discovered at the tail end of the exploration of the McKenzie Delta explored in the early 1960's; 3 wells drilled on Yukon's coast in the early 1970s; 2 federally issued permits; oil and gas potential = 230 Million barrels of oil (MMbbls) >1Trillion cubic feet (Tcf) of gas.
 - Old Crow Basin – 200 km seismic completed; no wells drilled to date; gas prone >1 Tcf gas.
 - Kandik Basin – little exploration; Only 3 wells drilled and about 200 km of seismic shot to date; 160 Mbbls Oil (3rd highest in Yukon).
 - Eagle Plains - Is most explored region; 32 wells and 10k km of seismic; 5 wells discovered oil or gas; 3 grandfathered leases; 3 new permits; good access via the highway; 440 million barrels of oil; 6 Tcf gas.

- Peel Plateau – not a lot of good exposure; 16 wells, all abandoned; no oil or gas discoveries; 1 permit issued in 2002; poor road access; probably only gas prone; 2.8 Tcf (3rd highest in Yukon)
- Bonnet Plume – no wells or seismic; lots of coal, but poor gas potential except coalbed methane; no work done to test the coal’s potential to hold any gas; coal leases; between 0-8 Tcf potential
- Whitehorse Trough – shared with BC; no wells or seismic; explored mostly for mining, rather than oil and gas; some potential for oil and gas: 2.5Tcf, 90 Mmbbls oil; coalbed methane = 300 Bcf (0.3 Tcf)
- Liard Plateau – 2 federally issued leases; only petroleum in Yukon; 12 wells drilled – 2 gas, 1 injection; 600 km seismic; duke Pointed Mountain pipeline built in the 1980s.
- How is oil and gas controlled?
 - And oil and gas activity requires a licence and usually a land use permit.
 - Reviewing license and land use permit applications will include an environmental assessment.
 - If a company wants to drill for oil and gas, they need a disposition permit – the rights.
- There are a number of different processes that need to be gone through
- YSC can be involved in all processes: input through DFO or the Board for the review of land use permit applications – YSC doesn’t currently receive these, but could receive directly or input through DFO or the Board.
- YSC can provide input during the environmental assessment in larger projects
- YSC can contribute information and participate in a public review prior to the disposition permit being issued.
- Licensing/ Land Use Permitting
 - The 2 processes are coordinated together
- Disposition Permits
 - Call for Nominations – companies let YTG know where they are interested in getting the rights to drill
 - Call for Bids – companies bid for parcels of land to get the rights through a disposition permit
 - This process can be quite complicated
 - In the Yukon, information can be submitted by YSC on ecological values to help determine what areas are out of bounds for companies. These are generally parks and protected areas. But there can be other areas excluded, which would not allow companies to nominate them.
 - This is a precautionary approach, as the industry is still young
 - YSC can submit comments, concerns, information and recommendations as part of the public review done for areas that companies expressed an interest in.
- Once an area is nominated, a formal consultation process is initiated
- Best practices – someone has been hired by the branch to deal specifically with best practices; this person is still in the first stages of collecting info and will be contacting groups soon.

- Regulations – they are almost ready to go, but there is a MOU for a Working Group with First Nations that still has to pass the regulations
- What royalties come back to the Yukon? We do get royalties from our 2 producing wells; this varies a lot depending on the price of natural gas. All FNs with settled claims receive a portion of these royalties
- Boards and Committees must spend a portion of their budgets keeping apprised of oil and gas issues – companies should provide some funding for this.
- Government plays an active role in pulling together info, but they also have a role to play in economic development; Boards and Committees must put \$ forward, as there is nothing set out in regulations, that requires companies to put forward any funding when they are doing exploration in an area

ACTION ITEM #44-23: Secretariat to follow up with Angela Walkley (Feb. meeting?) re: a second presentation and those issues that were not addressed at the first briefing.

17. Energy and Mines Update – Jessie Duke (11:00)

Rather than giving a presentation, he suggested a dialogue to address those questions the YSC has.

- The YSC expressed a specific interest with regard to Type 2 abandoned mines, and would like to receive an update on these properties.
- Timing isn't good at present, for this type of presentation, which would be better addressed by others within government.
- Now that devolution has occurred, we are grappling with how to mesh federal and provincial departments.
- To avoid the problems we've had in the past, trying to develop processes
- There are some structural problems within government for the way mining issues are addressed
- Need to have policies and processes in place in order to make good decisions
- there was some very good recommendations from the Auditor General's report, which have been heeded
- need to put the basic elements in place so that we can make better decisions
- the kinds of activities we've seen in the past with base metals are not happening; it is more with precious metals i.e gold and emeralds
- mining of gemstones tends to be labour intensive small scale activities, very little development required
- We see decisions being taken i.e. return of security \$ at Brewery Creek that do not make sense. Why? There is a need to be certain that we know what the environmental liability is before taking such steps. What is the process for arriving at these decisions and what is the rationale for the decision?
- When the Brewery Creek property went into operation, there was no mechanism put in place for return of security; when the price of gold dropped, the government was holding \$8 million for reclamation; the company had to come up with an additional \$8

million so that the property could be closed, without knowing that the original security would be returned.

- Company had difficulty raising the additional funds, but gave every indication that they wanted to clean up the property
- Amount of security held by government is supposed to match cost of clean up
- Not everyone is going to agree on what the liability was. An independent consultant was engaged to provide an independent assessment of what the liability was
- In the end the decision to return \$ was based on the assumption that the risk was manageable
- There is no plan at this point to return all of the money
- Government had some sympathy for the company
- What YTG is working towards, is that the security held by government should at least match the liability
- Need to have some clarity of policy in order to guide decisions.
- Government cannot afford to make the same mistakes as have been made in the past
- There needs to be a careful analysis of what the liabilities are. It comes down to risk management
- Did the federal government need to sign off on the return of security \$? No – this was a YTG decision.
- Security was transferred to YTG as part of the DTA, therefore YTG is now responsible
- What happens if there is not enough \$ left for reclamation? Don't know.
- There is always the possibility that something may go wrong; it is a risk assessment
- Need to pay attention to upfront permitting, to ensure that much of the risk is handled up front
- Need to start recognizing First Nation governments and their authority on their traditional lands, and work together to build something new.
- Idea of bringing everyone together is not necessarily the best way to do it; may be better to go community by community to gather information or request their help, and then draft documents and work with the broader group including the stakeholders after the meetings with First Nations.
- In some of the documents at the Water Board, Viceroy mentioned a reclamation security release agreement that they were negotiating with YTG, has a formal agreement been signed off? Not sure on the status of the document, there was a document that was being negotiated but not sure what happened after devolution.
- Will security documents become public? Jesse D. does not know. Documents are not currently in the Water Board. **Jessie to follow up.**
- Having in place for the public the principles that YTG will maintain in negotiating security agreements is important. It is distressing that the first one, which may set a precedent, has gone ahead without those principles already in place.
- Graham Dixon – what will be done to ensure that the same mistakes he has made in the past won't be repeated; need to have an open public forum for the risk assessment.
 - After the company walked away from Mt. Nansen, YTG commissioned an analysis of what the problems were. Wrote up a Report that made recommendations on how

to prevent this from recurring. It was a very revealing process and showed faults with both the government and the company.

- Inspection and enforcement were weak areas for the government; required documents that would have shown problems were not submitted to the Water Board. Bad relationship between inspectors and company personnel.
- Must have a team on the government side that is ensuring that inspection and enforcement is followed up.
- What will happen, with regard to Graham Dixon, re: collection of his outstanding fines, given the fact that he has started a new venture in the Yukon? Not sure, but it is hard to imagine him putting another mine into production, without making good on his outstanding obligations.
- Will the government allow him to open a new one before the old debts are settled? Not sure.
- If there is no policy clearly stating that he can't open another operation without clearing previous obligations still on the books, and then doesn't that indicate that it is possible? Much of the permitting of a mine is currently through a quasi-judicial board. This particular situation will warrant a great deal of attention, given the history.
- Yukon Government has an opportunity to do business differently now, and will be taking advantage of this opportunity.
- In terms of the \$300K fine, during the court process there was difficulty determining which company was responsible for what and how the whole relationship came together. There doesn't seem to be any early analysis of whether the companies would be able to fulfil their financial obligations. Perhaps YTG can play a role in determining earlier the financial status and who is liable? Purpose of setting up a corporation, is to limit liability, some companies now, have instituted Directors' liability but yes this is a problem.
- YTG administers the contract for the Chair of the YPC, Al Kapy is unable to continue the role for health reason, Carl Sidney was identified as a possible temporary chair until further information is available.

Meeting was adjourned at 12:15

Meeting was re-convened at 1:10

All present except Hardy Ruf, Craig McKinnon, Vicki Josie

18. Fishery Management (Sandy/Pat/Mary Ellen)

- ***Post Season Review – Yukon River - Pat Milligan***
 - Population estimate high 40,000's close to 50,000 across the border.
 - Population estimate may have been a bit low, based on radio tagging information.
 - A record count, at the Blind Creek weir on Pelly system.
 - Recreational fishers all reporting that they saw many chinook
 - For chum, there is still one wheel in, and run is mostly done

- Most current Chum population estimate is border escapement of 127k with run about 98% complete.
- The two test fishery and the one commercial chum fishery were showing a high percentage of fish being caught per tagged fish, so a fair number of fish going by. Only commercial fisher still fishing at this time.
- Latest info: commercial 7500 chum to date.
- Commercial fishery for chinook did not have much of a market, took only 2600 fish, which satisfied the Dawson market.
- On the Porcupine, a substitution fishery designed to get fish on the spawning grounds; met needs through an R&E program. Possibility of taking char from the hatchery up to Old Crow throughout the winter.
- Weir on the fishing branch:
 - anticipating a poor run based on brood year (4 years ago)
 - So far, through the weir, have counted 26400 and still getting close to 500 fish per day.
 - Conservation measures implemented in Old Crow have really helped with increasing the returning numbers of fish to the spawning grounds, estimated an addition 6000 fish.
- New tagging program on the Porcupine System, which will provide info not available before. Have not yet analysed data, but will do so in the near future.
- Looking to develop a local program for assessment of the run in-season.

- ***Alsek – strong run for sockeye; record numbers***
 - 31,400 Sockeye through the year, good return.
 - Coho were just starting to move through the weir, numbers are high, retention limits of coho were increased to 4 per day.
 - 1,700 chinook, low returned, just below average.
 - Noted that coho may have impact on chinook eggs (Chuck Hume) traditional knowledge, if there is a low coho run then the Chinook run following is usually high.
 - In regard to the increasing strength of returns, Scientists who have been high seas sampling, which is done by international vessel, shows that there are changes in the North Pacific and Bering Sea – more and healthier fish being sighted than in a number of year.
 - May be related to weather conditions that cause upwelling of nutrient levels from the lower depths, which increases Trophic levels and plankton.
 - Downward trend seems to have improved a bit over a few years.
 - Optimistic that this may be a continued trend.

- What is the Canadian portion of Yukon River chinook and chum? Do not yet have that information – once Canadian scale samples have been analysed, will be able to pinpoint origins better.
- With fish wheels, they fish quite shallow, so depending on water conditions may not get an accurate count.

- Need to see the total numbers for the system, to indicate just what has happened during the run. Normally the Canadian portion is over 50%.
- The escapement counts were higher this year, this may affect next years fishery. The higher numbers were due to a number of cutbacks in the early part of the US fisheries because of the treaty agreement, so US managers may get more political pressure to fish harder next year.
- Still issues with US subsistence fishery and the fact that they can barter those fish, as long as they aren't sold to a registered Alaskan business.
- There are concerns as to the validity of the numbers coming from the US subsistence fishery, numbers appear very pat.

- ***FN Response to in-season harvest reporting – MEJ***
 - Harvest Study came to an end last year, so this was the first year that FNs did their own harvest data collection on the Yukon River drainage.
 - It is now the responsibility of the First Nations to provide the data, as per the UFA.
 - DFO provided them with catch calendars and data forms to help and MEJ provided technical support.
 - Different FNs had different data collection methods
 - There are varying levels of harvest numbers, so different requirements as well
 - THFN hired a full time person, who had previously done the Harvest Study, so this was very good and data was excellent.
 - THFN had harvest of about 950 and were satisfied with data numbers collected
 - TTC hired part time help – Emmie Sydney gave a brief review
 - This was the first year, so there were a few glitches – started a bit late, but this was more of a personnel issue
 - All the information has not yet all been submitted, but will be soon
 - Teslin had lower than normal harvest, but brought in fish from the Taku and from the Dawson test fishery
 - NND used existing staff and at the end of the year were quite satisfied. With about 950 fish harvested
 - SFN employed surveyor from previous Harvest Study, but may review a few calendars and go out and do a bit of post-season gathering to ensure they have captured all info. Approximate harvest of 1200.
 - LSCFN has largest fishery and used existing staff; this was not a high priority for this FN; info gathered was about half their usual harvest numbers, so there may be some issues; it has been placed on agenda with Chief and Council as a priority item for funding.
 - Ross River – AFS provided funding for collection of catch numbers (RR haven't signed Final Agreement)

- Ta'an – doing post-season harvest study; haven't had anyone on staff to collect and compile info; just received approval for funding of a Game Guardian, which will be helpful in the future.
- By next meeting should have full harvest information compiled and analysed for the YSC.
- GC – LSCFN have made the point in the past that they have many visitors to their fishery, is this information split? Over the history of the Harvest Study, this info was captured, indicating where there were visitors to the FN. There is an awareness in Carmacks of outside fishers and these are included in the info, and separated out to show where they are from.
- HR - Is it possible that there are political issues in Carmacks that would account for unusual catch reports? Yes, there are likely some political issues ie. Conservation concerns. Carmacks has concerns with any numbers-based harvest allocation.
- CS - Do other FN's issue licenses to their citizens? Generally no. in THFN they have a Fish and Wildlife card with a number identifying it to the person, Teslin has a permitting system in place but the other FNs do not.
- DFO has a strong relationship with Ross River, as they are involved in the AFS program, but Ross River is quite embroiled in Land Claims process and is very short of staff. Thus, very difficult to coordinate meetings etc.
- Ross River has earmarked funds to take part in the Yukon River Working Group this year, so hopefully will be able to have their participation even though there is no final agreement in place.
- MEJ will likely be travelling to Ross River soon, so can begin discussions.
- Regarding management plans – MEJ spoke briefly with SFN. They released a management plan last spring, which indicated that they would react to closures in-season; DFO would like to promote a bit more of a precautionary approach, rather than approaching the fishery fully open.
- CH - There are some issues with drying salmon, which has to be done during the beginning of the run.
- GC - All FNs need to remain mindful of the need to be able to react quickly to new information. If there are positive changes to the run strength, it is important to hold on to our management planning processes, as there will be bad runs again in future, and we need to always be prepared.
- NND passed a resolution to have a voluntary 2-day per week closure.
- CS - It looks like only the FN's at the end of the run, who see the results of too much fish with the lower returns are the ones more willing to fish precautionary and to put closures in place.
- ST - What do the management plans look like? How specific are they? Varies from community to community. i.e. Selkirk is one page, which indicates they will start the run fishing as normal, and as scientific and traditional knowledge comes in, they will react by restrictions. Teslin Management Plan – indicates that there is a 2-day per week closure.
- ST - What is the means of communicating the contents of the FN Plan (Teslin) to a member of the public requesting to fish in their FN's territory? Anyone

who wants to fish in Teslin Traditional Territory, needs a food fish licence, issued by the FN. The licence lays out when and how you can fish. On closure days, there is a patrol and if they find your net in the water, they will inform you or pull the net directly.

- This is a good system!
 - There are problems in other communities where fishers do not always have good access to information.
 - Things need to be clearly laid out as to when people can fish
 - Advantage in Teslin is that they are at the end of the run, so generally have very good information and lots of lead time to make plans for their fishery.
 - When salmon season is about to begin, we do a lot of education: go to elders' council, General Council etc. and make every effort to go out and talk to lots of people; as well, Teslin has been doing this for many years, so citizens have a very clear understanding of the rules and expectations
 - All Management plans will always be different, as each FN has different needs and wants.
 - FN is a management authority and needs to be recognized as such
 - Information to individual fishers in past years was often done through harvest study; there are some gaps now, as people don't know where information is coming from
 - One way of implementing the precautionary approach, is to have regular closed days and therefore staggering the effort and guaranteeing that some fish get by. Give people the opportunity to fish, but in the first few weeks place priority on being cautious and allow some fish through.
 - But this isn't what we are hearing from THFN, Selkirk and Carmack, they want to fish the beginning of the run hard, as these are the best fish. If the run is not good then this could have a real impact on the returning numbers.
 - Should we be advocating that management systems should emulate Teslin's approach? This is a very effective tool and creates a window for some fish to get by.
 - Rationale behind Teslin's approach was that it accustomed the community to regular closures, and made the fishery much easier to manage in poor years when there are increased needs for closures. The conservation measures were not easy to implement, but are now very effective and very well accepted.
 - In response to what management plans look like, in some cases, management plans don't look like anything – or they may be a General Assembly resolution or a one page diagram or illustration.
 - Need to consolidate that information and those plans, as we have been asked by communities for examples of plans if we can get permission from the FN's to take their plans to the Yukon River working group.
-
- ***Yukon River Working Group - MEJ***
 - Has been suggested that the meeting is in week of March 15th, March is a very busy month.

- If we want these meetings to be effective we need to have more than one, we should have one right away to share information and then one in February or March.
- There is also the initiation of Basic Needs Allocation (BNA) negotiations this winter.
- The same players in the Yukon River Working Group (YR WG) will also likely be the same as those involved with BNA negotiations.
- Idea would be to have the WG meeting, and then DFO and FN's split off and have a discussion on BNA; this would be a good use of people's resources so that they only need to travel once.
- Suggested to have first working group meeting after the JTC and panel meeting. Is there a chance of a preliminary meeting in November to give out some information? Need to consider that first nation governments have already committed their budgets if we leave the meeting until March, need to meet them as soon as possible as they are already starting to forecast budgets for next year.
- If we have a meeting in November we would not have a complete set of information for everyone. We would not have the US numbers to pass on, but we should have all the Canadian numbers. There could be a discussion of numbers; there would be Talk about why the WG collapsed? The key reason for the meeting would be to provide a forum for discussions among FNs.
- There are several different goals: need to have a FN only discussion to talk about principles for sharing their portion of the resource; then there should be a broader discussion with all users to discuss the IFMP.
- There is a difference between Basic Needs Allocation negotiations and IFMP, but the players may be the same.
- Maybe FN need assistance with the development of their management plans from non government, this would be an information sharing meeting with First Nations. The February meeting would be the Yukon River working group and focus more on the data and plans etc...

ACTION ITEM #44-24: Mary Ellen to contact Yukon River First Nations to determine their availability for a FN only Working Group meeting November 28th. This will be for the purpose of sharing information among FNs for the development of Salmon Management Plans.

Yukon River Working Group meeting to be organized for the first week of February (2-6), in Carmacks. All Working Group members to be contacted and ask what they would like to have included on the agenda. (See ACTION ITEM #44-4)

19. Strategic Planning

Issues

- Defining and clarifying Yukon River group structure, composition and process is done but still on going priority high.

- Consultation process for each FN and meet with communities – On going priority high.
- Creative Salmon and Aquaculture – ongoing every year.

Poling of Members on personal top issues

First Priority

- Development of Management Plans and FN Management Plans - Lorelei, Hardy, Joe, Carl, Chuck and Gerry
- Training (particularly for new members), UFA, roles and responsibilities - Carl
- Marine Mortality of Salmon - Stan
- Building and strengthening relationships with First Nations and other partners. - Steve

Second Priority

- Communications and Education, including consultation - Lorelei, Chuck, Stan, Hardy, Carl, Joe
- Yukon Salmon Management Plan – Steve

Third Priority

- Linkages with RRCs and Boards and Communications- Gerry
- Proactive Planning i.e. developing questions on briefings ahead of time, being less reactionary – Lorelei, Chuck
- Habitat protection (ie. placer mining, abandoned mining, regulations) – Hardy, Steve
- Understanding final agreements and incorporating them into management planning - Carl
- Members need to keep fresh and up to date - Carl
- YSC should establish their roles and responsibilities clearly, and communicate these to the public.

ACTION ITEM #44-26: During November meeting, one day on the agenda shall be set aside to work specifically on outstanding planning issues: operational audit, strategic plan and conflict of interest policy.

20. Yukon Queen II cont.

- After further discussion with DFO, there are a number of the different options available if DFO took over from the working group. One of the options may be to remove the boat, but DFO would have to see that the Working Group was not making any progress before they would even consider taking it over.
- The working group has been at this for three year, and are presently being more proactive in their actions.

Stan said a closing prayer.

Meeting was adjourned at 5 p.m.