

February 2004

BRIEFING NOTES on BILL C-2, The Yukon Environmental and Socio-Economic Assessment Act (YESAA)

In 2004, the *Yukon Environmental and Socio-Economic Assessment Act* (YESAA) will be implemented in the Territory replacing the *Environmental Assessment Act* (EAA) (mirror legislation of *Canadian Environmental Assessment Act* (CEAA)). This was mandated under Chapter 12 (the Development Assessment Process) in the *Umbrella Final Agreement*. It is critical to the Yukon Chamber of Mines that changes are made to the proposed Project List Regulations in YESAA. If these changes are not made, Yukoners will not have an equal opportunity to compete with “Best Practices” of other Canadian jurisdictions.

The attached table was submitted to the **Senate Standing Committee on Energy, the Environment and Natural Resources** on April 29, 2003, in Ottawa, as evidence to support the recommended changes. This evidence contributed to recommendations by the standing committee to the Minister of DIAND that the regulations be reviewed and that meaningful consultation be undertaken.

The Table compares three classes of exploration activity listed in the existing Mining Land Use Regulations (MLUR) and similar regulations in Ontario and Quebec to the proposed YESAA regulations. The Mining Land Use Regulations are part of Yukon Quartz and Placer Mining Acts. These acts list four classes of exploration, development and mining activity. Class I through III apply to mineral exploration only. Class IV applies to development and mining, which require full environmental screening under EAA and is not addressed here.

Under the existing Mining Land Use Regulations, no notification is required for Class I exploration activities; Class II activities require that a notification be posted with the Land Use Office and this notification is sent to the local community(s), First Nation(s) and other interested parties; Class III activities require a Mining Land Use Application be filed and that the project be screened under EAA. Under the proposed YESAA regulations Class II and III activities will require full screening. The Yukon Chamber of Mines proposes to have many of the Class II activities removed from YESAA screening. Thus, for Class II activities a notification only will be required to be filed as per MLUR. For Class III activities an application will be filed as per MLUR and screened under the new YESAA regulations.

The rationale for these recommendations are the following:

- 1- We must achieve a level playing field to compete with the provinces.
- 2- The regulations must conform to CEAA legislation, which is Canada wide (where only Class III and higher are screened).
- 3- The *Development Assessment Process* of the Umbrella Final Agreement was intended to capture development projects, not small exploration projects (i.e. small tent camps).
- 4- There is need for explorationists to maintain a level of confidentiality about their projects in order to secure adequate tenure and to attract investment.
- 5- The Mining Land Use Regulations were introduced in 1999. Exploration companies are abiding by these regulations. The regulations are working well to inform interested parties, including First Nations of the level of exploration activity in their respective areas.
- 6- The Class II exploration activities pose no significant environmental impact.
- 7- Mineral exploration is a significant contributor to the Yukon economy; lowering thresholds could have a significant negative impact on this contribution.
- 8- Certain limitations to be imposed by YESAA will not be in compliance with safety regulations required by Workers Compensation Boards in many jurisdictions, such as providing adequate access to evacuate injured workers. YESAA proposes 200 square meters for clearings, which is insufficient for helicopter evacuation.

Without changes to the proposed YESAA regulations the permitting bureaucracy will be unaffordable and unworkable for individuals and small companies and a disincentive to the mineral industry. The YESAA regulations must be reasonable and achieve the goal of protecting the environment while allowing all industries to be able to compete on a fair and level playing field with other jurisdictions across Canada.

Yukon Chamber of Mines

Scott Casselman, President
Gary Lee, Director

Attachment – 2-page table, Comparison of Proposed YESAA Thresholds with Existing Yukon, Ontario and Quebec Legislation (v.5)