

**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, November 25, 2013 — 1:00 p.m.**

Speaker: I will now call the House to order. At this time, we will proceed with prayers.

Prayers

DAILY ROUTINE

Speaker: We will proceed at this time with the Order Paper.

Tributes.

TRIBUTES

In recognition of International Day for the Elimination of Violence Against Women

Mr. Elias: I rise today to pay tribute to the International Day for the Elimination of Violence Against Women, which we acknowledge internationally each November 25. In the Yukon, this day marks the beginning of the 12 Days to End Violence Against Women campaign and the launch of the annual White Ribbon campaign. This is an opportunity for us to reflect and speak out about violence against women in our society and in our community. It is an opportunity to think of the many women and girls for whom violence is a daily reality, and it is a time for individuals and communities to consider their role and responsibility in eliminating all forms of violence against women and girls.

In the Yukon, the 12 Days to End Violence Against Women campaign takes place in November as part of Women Abuse Prevention Month. It runs until December 6, the National Day of Remembrance and Action on Violence Against Women. This year, events will focus on victim-blaming, social responses to violence, and the role we all play and have in ending violence against women. Violence against women continues to be a massive issue across Canada and the world.

Recent statistics show that every six days in Canada, a woman is killed by her intimate partner.

Here in the Yukon we have a regrettable level of violence against women. Compared to the provinces, we have rates of sexual assault that are two to three times higher than the national average. For aboriginal women the rates are higher still, and yet, despite how widespread and pervasive this problem is, in many ways it remains invisible.

Every Yukoner has a positive role to play in ending the elevated rates against women in our territory. We need to speak out against violence when it happens but we also need to speak out about those things that dehumanize women and make violence possible, such as sexist jokes and degrading advertising. We need to stand up and support victims rather than blaming them for the violence they experience. We need to teach our children about healthy relationships and teach our boys to treat women with respect. These are things we all can do.

Over the past years we have seen more Yukoners stepping up to end violence against women. Almost 900 people now follow the Women's Directorate "Am I the Solution?" Facebook page and are joining in conversations about challenging stereotypes and ending violence. I would like to acknowledge these people and all the others working toward a safer, healthier Yukon. I hope to see this work continue to grow.

I would especially like to acknowledge the hard work and dedication of Yukon women's organizations for developing activities and participating in the 12-days campaign that has been ongoing for decades. The campaign launches this evening with the Take Back the Night walk.

Women and children are invited to meet at the Yukon courts building at 5:00 p.m. and march to the Kwanlin Dun Cultural Centre for speakers, food and music. Men are invited to join at the cultural centre to show their support and to take the pledge to end violence against women.

The 12-day campaign runs in conjunction with the annual White Ribbon Campaign, a project targeted at involving men in ending violence against women. The White Ribbon Campaign kicks off with its AGM and campaign launch at the Legion this Wednesday, November 27 at 6:00 p.m. Men are encouraged to join and take a pledge promising never to commit, condone or remain silent about violence against women.

Thank you to the members of the organizing committee for the 12 Days to End Violence Against Women and girls campaign. The coalition of amazing local women's organizations include the Victoria Faulkner Women's Centre, Les EssentiElles, Whitehorse Aboriginal Women's Circle, Yukon Aboriginal Women's Council, the Skookum Jim Friendship Centre, Kaushee's Place Yukon Status of Women Council, White Ribbon Yukon, and, of course, the Women's Directorate.

Thank you, as well, to all those working within the community in their personal lives to end violence. I encourage all of us to ask ourselves how we can be the solution to violence in our communities and in our homes, not just during these 12 days, but each and every day.

With your indulgence, I ask all members of the House to join me in recognizing Stephen Roddick, the organizer for the White Ribbon Campaign, Natasha Harvey, acting executive director for Les EssentiElles and Hilary Atkins, program coordinator with the Victoria Faulkner Women's Centre. I ask all members to join me in welcoming them and the many others here today in the Assembly.

Applause

Mr. Tredger: I rise on behalf of the Official Opposition to pay tribute to the 12 Days to End Violence Against Women campaign, beginning tonight with the Take Back the Night march for women and children. It starts at the Yukon courts and finishes at the Kwanlin Dun Cultural Centre, where men are welcome to show their solidarity.

Is it a sad testament that every year when we pause to recognize this day and look back on how far we've come, we

see that the statistics on the incidence of physical abuse, sexual abuse and even the murder of women have not gotten much better? Even in 2012, it was believed that at least 200 Canadian women will be the victims of murder, that one in five women will be a victim of sexual assault in her lifetime and that aboriginal women are four times more likely to suffer violence in their lives than non-aboriginal women. This continued cycle of abuse and assault of women endures from generation to generation as children learn what they live.

Here in the Yukon, we have some of the worst violence against women statistics in the country. The 12-days campaign has been going on for decades. Happily, it has also been joined by other initiatives like the White Ribbon campaign. Men who wear this white ribbon take personal responsibility for speaking out to stop the violence against women and children. We pledge never to commit or condone any kind of violence and not to stand by silently if we see it happen.

The white ribbon reminds us that violence has no place in any of our relationships, whether that relationship is with a spouse, with a child or in the workplace. As men we must learn to recognize the warning signs of possible abuse in the faces of other men and women.

As a community, we must offer support to anyone we feel is being abused by listening, supporting and believing what they share. We can offer that person information on the agencies and services available to them to help them make decisions and to take steps to leave the abusive situation. However, we must also understand that no decision will be easy.

We must not abandon the woman who doesn't do what we on the outside see as right and logical. We need to all take responsibility for challenging stereotypes and putdowns. We must stop laughing at jokes or comments that make fun of the opposite sex, of children or of other races. We can educate others about the consequences of violence.

This tribute is not for today only. In the next 12 days, each and every one of us can act 12 ways to end violence. After educating ourselves, let us challenge violence in all its forms, both physical and verbal. Let us loudly and proudly support groups like the Victoria Faulkner Women's Centre. Let us identify in our own institutions and in our own behaviours ways that we too are part of the problem. In this way, we will challenge the stereotypes, promote gender equality and stop blaming women.

Let us move beyond tributes. Let each of us use the next 12 days — each day — to commit to action or ways to act to end violence against women and girls — 12 days, 12 ways. If 1,000 Yukoners were to join us, that would be 12,000 acts in the next 12 days to end violence against women and children.

The complexity of social, economic, judicial and emotional events and causes that surround an act of violence are not straightforward. It is a slow process to change power structures that have existed for thousands of years. But we must continue to be aware of them in our daily lives. We must work toward equality and educate our children to do the same. We must stand as examples to those around us. We hope that

one day these tributes will be a thing of the past and that we as a society will no longer need to be reminded that violence is never okay.

We salute those professionals and volunteers who are in our transition homes, our addiction treatment services and our counselling positions supporting women who have been assaulted and abused. We thank the professionals who work with men, helping them break the chains of violence. We thank community members who are wearing white ribbons and taking a stand against violence.

Most of all we thank the women who have risen up out of violence and shown us that there is hope that at the end of the tunnel, we will find light.

Mr. Silver: I rise today on behalf of the Liberal caucus to recognize and tribute the 12 Days to End Violence Against Women campaign. Often with tributes we share the responsibility with the NDP making tributes and we often take turns. However, violence against women is such an important issue that I also want to add our support to the campaign.

Great work has been done with this campaign over the last few decades and I just wanted to acknowledge the latest torchbearers: Hillary Aitken at the Victoria Faulkner Women's Centre, Natasha Harvey at Les EssentiElles and Stephen Roddick with the White Ribbon Yukon campaign. It's great to see a new organization here. They are all fulfilling a very important public need with their work to bring about awareness among men and end violence against women.

Frederick Douglass has given us an important quote that is very apropos here: "It is easier to build strong children than to repair broken men." This campaign helps address both of these problems. It drives home the message for men, but it also promotes a new culture for a growing generation of boys. I think this is critically important. We need many more maps to manhood, Mr. Speaker.

I was honoured to be part of the White Ribbon calendar last year and I'm very excited with White Ribbon Yukon as a new official organization and I hope everybody joins us at their first AGM this Wednesday.

In recognition of Joan Berriman

Hon. Mr. Graham: I rise today on behalf of all members of this Legislature — and I ask them to join me in paying tribute to Yukoner Joan Berriman. Last Thursday, Joan was one of 17 individuals from across the country to receive the Prime Minister's certificate of achievement in early childhood education on National Child Day.

Ms. Berriman is a long-time Yukon early childhood educator who works at Maranatha daycare in Riverdale, and the children in her care now and over the past 23 years have been very fortunate to have such a caring individual in their lives. Ms. Berriman works very hard to ensure that she communicates with everyone to the best of her abilities and takes the time to learn as much as she can about the backgrounds of each child in her care. She is very respectful of heritage and cultural traditions of all children in her care.

An elder recently wrote that Joan has a gift for listening and respecting the cultural values of the people she comes into contact with. This alone makes her a valuable resource in the multicultural environment of the Yukon. Young children love Joan. If you were a sad, angry, lonely or frustrated young child missing your parents, Joan was the first person to offer encouragement, hugs and affection.

Yukon is very fortunate to have many talented and caring childcare workers who daily care for and nurture our children while many of us are at work. I'm pleased to take this opportunity to recognize one of those very important individuals. As I said previously, I welcome all members to join me in this tribute.

In recognition of new Canadian citizens

Hon. Ms. Taylor: I rise to pay tribute to Yukon's 81 new Canadian citizens who were sworn in at a citizenship ceremony last week. I am sure that all of my colleagues will join me in the privilege of welcoming our new Canadians.

These citizenship ceremonies remind us of what a great nation our country is. Canada has a very good reputation as a land of opportunity, of fairness, of integrity and of justice. Canada is known around the world as a strong and free country. Our Canadian values are respected and celebrated. Canada and Yukon are better and stronger when new citizens share their skills, talents, wisdom and knowledge.

As a lifelong Yukoner, I have seen the diversity of our territory grow in leaps and bounds over the decades, and I am reminded every day that this diversity strengthens our culture, our economy and our communities. Just this past weekend, we joined with our Filipino community and hundreds of other Yukoners for a fundraiser for those impacted by the recent typhoon in the Philippines.

As my colleagues and I reflect on the contributions made by new Canadians and by new Yukoners, we are so very grateful for them choosing Yukon as home. Last week's ceremony welcomed new Canadians from 33 different countries. Canadians take great pride in our rights, our freedoms and our responsibilities. It's a great opportunity for us to reflect on the freedoms and privileges we as Canadians enjoy, regardless of race or national origin, regardless of religion, regardless of sex or sexual orientation, and regardless of political beliefs. This means that everyone in Canada has an equal opportunity to succeed and to define success by their own terms.

I would also like to recognize the generations of Canadians who have worked so hard to guarantee these rights. Their devotion to these values allows us to enjoy equality of opportunity. Because Canada values and supports the rights of individual in all of our diversity, Canada stands among the great powers of the world.

As minister responsible for the Department of Education, who is responsible for administering the Yukon nominee program and the Yukon temporary foreign worker program, I am pleased people also choose and accept the rights and responsibilities of Canadian citizenship and successfully achieve that goal. These programs are just two of many paths

that lead to Canadian citizenship. I would like to offer congratulations to each and every one of our new citizens. We offer them our best wishes as they embark in the next phase of their lives as Canadian citizens.

Mr. Barr: On behalf of the Official Opposition and the Third Party, I rise to pay tribute to the 81 people from 33 countries who, on November 19, last Tuesday, at the Citizen and Immigration Canada citizenship ceremony, took an oath of citizenship to our truly beautiful country Canada.

Taking an oath of citizenship is a fundamental step in the life of a new Canadian — a moment when you are asked to make a commitment to Canada and the values it represents. As new Canadians, you join other Canadians who are working together to build a country of our dreams. You have a great deal to contribute to making Canada a prosperous, fair, sustainable and inclusive nation. It was my honour to shake their hands last week and to see the proud faces — all smiling and some eyes just filled with tears as they were coming through the lines and receiving their Vimy Ridge pin, their Canada flag pin, and also a pin of remembering our veterans. The ceremony itself was — in the words of Judge Watt, who presided — as many people as they see in the City of Vancouver. I might add that all those who are now new Canadian citizens have chosen to make Yukon their home in this wonderful country of Canada.

Speaker: Introduction of visitors.
Are there any returns or documents for tabling?
Are there any reports of committees?
Are there any petitions to be presented?

PETITIONS

Petition No. 15

Mr. Barr: I have for presentation the following petition. This petition of the undersigned shows:

THAT in 1984, Canada accepted the comprehensive claim of the Taku River Tlingit First Nation (TRTFN) to aboriginal rights and title in and to the TRTFN's traditional territory, a portion of which territory is within the Yukon creating a TRTFN transboundary claim (Transboundary Claim);

AND THAT on March 14, 2013, — without prior consultation with the TRTFN — the member of the Executive Council responsible for Environment did release to the press plans for the building of a campground on Atlin Lake (Atlin Campground) and the site of the Atlin Campground is located within the Transboundary Claim; and

AND THAT the Government of Yukon — without first fulfilling its consultation duties to the TRTFN — has continued to advance its plans to build the Atlin Campground; including the undertaking of Yukon Environmental and Socio-economic Assessment Board evaluation;

AND THAT on November 1, 2013, the TRTFN did deliver to the Premier of Yukon, and member of the Executive Council responsible for Land Claims and First Nations Relations, a request that:

“...the Government of Yukon immediately halt any further development of the proposed Yukon Government campground, located within the TRTFN’s unsundered Traditional Territory, until it has engaged in meaningful consultation with the TRTFN;” [emphasis added]

AND THAT Chapter 22, Schedule A, Part 1, Section 11 of the 2005 Carcross/Tagish Final Agreement (Final Agreement) does contain provisions for the development of a campground at Conrad (Conrad Campground);

AND THAT the Conrad Campground is located solely in Carcross/Tagish First Nation’s (C/TFN’s) traditional territory within two hours of Whitehorse and provides an alternative to the Atlin Campground;

THEREFORE, the undersigned ask the Yukon Legislative Assembly to request that the member of the Executive Council responsible for Environment confirm the Government of Yukon will:

stop all activities toward the development of the Atlin campground;

commence discussions with C/TFN to develop the Conrad Campground and honour the C/TFN Final Agreement; and,

uphold the honour of the Crown by engaging TRTFN in meaningful consultation.

Speaker: Are there any other petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

Mr. Elias: I rise to give notice of the following motion:

THAT this House urges the Government of Canada to recognize the cultural and economic importance of a sustainable, humane and well-regulated seal hunt to Canadian coastal and Arctic communities by appealing the recent decision by the World Trade Organization that allows the European Union to unfairly ban Canadian seal products.

I also rise to give notice of the following motion:

THAT this House urges the Government of Yukon to develop a funding program to promote local festivals celebrating multicultural diversity, including celebrating the contributions of new Yukoners.

Ms. McLeod: I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to continue to support the growth and development of Yukon College through actions including:

(1) providing funding for the development of the Centre for Northern Innovation in Mining;

(2) encouraging partnership with the mining industry to host an Industrial Research Chair in Mine Life Cycles;

(3) providing funding support for the research, innovation and commercialization of cold climate and other technologies;

(4) partnering with other groups and governments in the study of climate change in Yukon;

(5) supporting the operation of the Northern Institute of Social Justice; and

(6) continuing to explore options for the development of a northern university.

Speaker: Is there a statement by a minister?
This brings us to Question Period.

QUESTION PERIOD

Question re: Mining legislation

Ms. Hanson: Following the December 2012 appeal court decision with respect to the Ross River Dena Council, Yukon First Nations offered to work with the Yukon government to use the decision as an opportunity to finally modernize Yukon’s mining regime. Instead, the government wasted valuable time and resources seeking leave to appeal the Ross River decision. The Yukon government has clear obligations and opportunities set out in First Nation final and self-government agreements, along with the devolution transfer agreement, to work in partnership with First Nations on a new resource — that is mining legislation.

Why has this government stubbornly refused to see that working with Yukon First Nation governments and industry to modernize mining legislation would benefit all Yukoners?

Hon. Mr. Kent: As members will know, the Court of Appeal ruling had two declarations in it that were brought down in December of last year. One of the declarations we did seek appeal with the Supreme Court of Canada on was with respect to the land available for staking.

The other declaration was with respect to notice of class 1 activities, and that was not appealed. We began work on that immediately with First Nations and official consultations with First Nations and industry began on that declaration in June of this year. There was a discussion paper provided and comments posted on Energy, Mines and Resources’ website with respect to that declaration on class 1. There are amendments to the *Quartz Mining Act* and the *Placer Mining Act* before the House right now that we will be debating in this sitting. Regulations are being developed so that we can meet the December 27 deadline.

We continue to work with First Nations and industry on ensuring that our regulatory environment in the territory is fair and transparent and is competitive with other jurisdictions around the country.

That leads to a mining industry that is successful and also provides for a regulatory environment that protects our environment.

Ms. Hanson: The Yukon New Democratic Party has been calling on this government to seize the opportunity and to work constructively with First Nation governments and the mining industry to modernize Yukon’s outdated mining regime. As other jurisdictions in Canada have shown, modernizing mining regimes created in the 19th century makes sense. There are many competing uses for land. To make sure that Yukon’s mining industry can thrive and benefit

all Yukoners, the Yukon Party has to let go of its archaic values that see free-entry staking trumping all other values in the Yukon. The final agreements provided an opportunity to reinvent the relationships among Yukoners. When will this government accept the reality that it is not 1898, and when will they commit to modernizing Yukon's mining regime to reflect 21st century values?

Hon. Mr. Kent: Of course we know that the New Democrats are against the free-entry system. That was in their platform. They're also in favor of raising royalties and taxes on the mining sector. They are in favour of large-scale withdrawals of land. They certainly don't support the mining industry. That we know. We figured that out through the release of their platform.

With respect to free-entry staking, what the member opposite fails to mention in her questions is that free-entry has evolved. There are lands that are now set aside and withdrawn from staking, such as national parks, territorial parks and lands for First Nations. So there are a number of lands that are no longer available for free-entry staking.

We certainly know that free-entry is the way that we can ensure that the little guy, or the prospectors, can remain competitive in the industry and they can continue to stake those claims. If we were to go the route that the NDP wants, all we would have is larger corporations and bigger companies able to stake claims in the areas that they deemed were available for mineral staking.

Again, the Court of Appeal last year didn't question the free-entry staking system and neither is the Yukon government.

Ms. Hanson: I would remind the minister that when the free-entry system was established in the 1840s, slavery was legal, women could not vote and First Nation people were seen as impediments to be subjugated or eliminated. Well, times have changed.

Yukon First Nations have made it clear for a number of years that Yukon mining legislation is inconsistent with the final agreements. The devolution transfer agreement that gave Yukon provincial-like responsibilities to manage and administer land resources obliges the Yukon government to work with Yukon First Nation governments to develop new successor mining legislation.

So far — and only because the Ross River Dena decision forced them — the Yukon government has proposed minor changes to the current mining acts. The bigger question is this: will the government commit to working with all Yukon First Nations, industry and the public to develop new mining legislation in order to avoid further legal confrontation and economic uncertainty?

Hon. Mr. Kent: The only economic uncertainty is the proposal put forward by the NDP. They want to get rid of the free-entry staking system. Mineral tenure in the Yukon is granted through that system, by which a prospector can enter freely onto public lands to explore for minerals and acquire rights to those minerals. It leaves the exploratory work subject to market forces and entrepreneurial efforts. Some of the greatest discoveries have been made by prospectors in areas

where government or industry experts did not expect to find any economic minerals.

We're going to continue to work within the existing regime. We are proposing minor amendments to the *Quartz Mining Act* and the *Placer Mining Act*. Again, we're very well aware of the anti-mining stance taken by the New Democrats when it comes to free entry, when it comes to raising royalties, raising taxes, when it comes to withdrawing large sections of the Yukon from responsible exploration and development — we know where the NDP stands. The Yukon government wants to support a responsible mining industry in this territory and we will continue to do so through responsible regulation and legislation.

Question re: Hydroelectric dam project

Mr. Tredger: The Yukon Party government recently announced it had directed the Yukon Development Corporation to begin planning for one or more hydro projects to meet the growing electrical energy needs in the territory. The Premier told *The Globe and Mail* two weeks ago that the goal is to build a new dam and it would likely cost at least \$100 million. He said that a dam would set the territory up for the next 50 to 75 years. The government says it will pay for the new hydro projects with help from the federal government and that the bill will not be passed on to Yukon Energy or Yukon ratepayers.

Mr. Speaker, does the government have any timeline in mind as to when Yukoners can expect this project to be approved?

Hon. Mr. Kent: There are a few timelines to talk about with respect to this project, the first being 90 days. That is the amount of time that the Yukon Development Corporation has to get back to me, as minister responsible, with a workplan identifying the financial and human resources that they will need to move the research and planning project forward. Then, I would expect that sometime in the fourth quarter of 2014, we'll have the document that talks about the research and planning from the Yukon Development Corporation.

But realistically, Mr. Speaker, it will be approximately 10 to 15 years before we're able to turn the switch — I would expect to have this new hydroelectric project or projects in place. There is certainly a lot of time that needs to transpire between now and then because of a number of issues, including, of course, environmental, regulatory and finance issues. There are a number of things that need to be considered and that's why we'll take as long as it's going to take.

Mr. Tredger: Mr. Speaker, Yukon Energy has identified 23 different options for future hydro generation, from small projects to very large ones. Yukon Energy has identified the option of installing a hydro dam on the Tutshi River at the south end of Windy Arm for an estimated cost of \$165 million. The dam is projected to generate six megawatts.

Another proposal is to put a dam at the Hoole Canyon on the Pelly River. That is estimated to cost \$460 million for 40 megawatts of generating capacity. Another much bigger proposal is to dam the Fraser Falls on the Stewart River which

would cost \$2.5 billion for 300 megawatts of generating capacity.

Mr. Speaker, is the Yukon Party government considering any one of these major projects? If so, where did the Premier get his \$100-million figure from?

Hon. Mr. Kent: Last week we asked the Yukon Development Corporation to conduct the research and planning for hydroelectric energy generation in the Yukon.

A substantial increase in our territory's power supply will be necessary over time so that we can foster and support sustainable economic development in the territory. We want to ensure that hydroelectric power is utilized to meet this demand and ensure that Yukon's power supply is from a clean and affordable source.

With respect to which project is chosen, how much it's going to cost and where it is, there are a number of factors that need to be considered and I look forward to receiving the initial workplan from the Yukon Development Corporation and having them lead the research and planning, of course engaging their wholly owned subsidiary, the Yukon Energy Corporation, which has also done a significant amount of work in this regard.

Mr. Tredger: The Yukon Development Corporation has three months to come up with a workplan, including the estimated cost of the hydro projects. Three months isn't a lot of time to come up with a plan that will guide government decision-making on projects the Premier says will be able to meet our energy needs for the next three generations.

We have seen the challenges that come with rushed deadlines, as in the case of Mayo B. Hydrology studies that should have been done before the project was undertaken are only now being undertaken. Given the problems we see with the Mayo B project, will the government commit to performing an audit of Mayo B to avoid repeating the same mistakes?

Hon. Mr. Kent: I have to start with correcting the member opposite. The Yukon Development Corporation doesn't have 90 days to come up with a cost for building the hydroelectric dam or the hydroelectric project itself. They have 90 days to develop a workplan and identify what resources, human and financial, they'll need to conduct the study. That's the first part of the member opposite's question I need to correct.

Again, we are committed to a clean power future for the Yukon. We see there are significant industrial projects coming on-line — major mines — that will require power and we would prefer that we powered those with renewable sources of energy rather than non-renewable sources of energy.

We would also like to see Yukon residents be able to convert to electricity for heating their homes rather than using fossil fuels. There are a number of things that we want to accomplish and we need to accomplish those through the development of a large-scale hydroelectricity project and of course there will also be incremental projects as we build toward that 10 to 15 year time horizon that also needs to be developed, such as smaller scale hydro projects, wind and biomass.

Question re: Capital project expenditures

Mr. Silver: In February of this year, the Auditor General of Canada had some very strong criticisms for the Yukon Party and its mismanagement of capital projects. He was referring, of course, to the overbudget and behind-schedule hospitals in Watson Lake and in Dawson City. Fast-forwarding to today the Hospital Corporation is once again embarking on a major capital project — the expansion of the Whitehorse Hospital.

The corporation recently said that the new project will cost \$60 million to \$65 million to complete. It was only three short years ago that Yukoners were assured that the project would cost \$50 million. Why has the cost of the project gone up \$10 million to \$15 million before a shovel has hit the ground?

Hon. Mr. Graham: I have not heard the \$65 million except through the news media. We are in cooperation with the Yukon Hospital Corporation, only now developing plans and a methodology to complete construction at the hospital and we expect that we will have cost estimates to bring back to management committee sometime within the next few months.

Mr. Silver: The \$60 million to \$65 million comes directly from the Hospital Corporation. We now know what the Premier did with that \$10 million that he said he was saving from F.H. Collins. He gave it to the Hospital Corporation to cover the \$10-million increase on this project before it has even started.

The government's track record on building capital projects is poor: F.H. Collins; the new arrest processing unit; the cancelled Beaver Creek fire hall, and the list goes on and on. The last time the Yukon Party government embarked on a major, health-related capital expenditure — two hospitals and a new residence — it borrowed the money. The Auditor General criticized that decision in his report and said, and I quote, "The Corporation could not provide us with any explanation regarding why the loans were secured through banks rather than from the Government of Yukon."

There is already \$15 million of debt on the books. How is the \$60-million to \$65-million hospital expansion being financed?

Speaker: Order please. The member's time has elapsed.

Hon. Mr. Graham: The member opposite seems to conveniently forget a number of issues. The first is that in my answer I indicated that a budget has not yet been set for the modifications to the existing hospital and that construction project. We still haven't determined exactly the scope of that project, nor have we determined which ancillary services will be included. Until the scope of the project has been determined, everything else is up in the air. We have not yet got a budget to take to Management Board so I don't know why the member opposite seems to believe that everything is overbudget at the present time. He's dealing in that fantasy world again, and it's unfortunate, because we have realities that we deal with here on a daily basis.

Mr. Silver: It seems like the only reality is that there is confusion between the department and the Hospital Corporation. The Hospital Corporation is where I am getting my numbers from, not from any fantasy land.

I'll move on. One of the main criticisms of the Auditor General's report on the Dawson and Watson Lake hospitals was that there were no needs assessments done prior to the decisions to build these facilities. There was simply verbal instruction from the Premier to start building.

When the chair of the hospital board appeared last spring in this House, he said — and I quote: "Don't worry, a needs assessment has been done." Yet in an interview a couple of weeks ago, the president of the corporation contradicted this and said that next year would be spent, "creating a functional plan and a full needs assessment."

So which one is it? Has a needs assessment been completed and, if so, will the minister make it public?

Hon. Mr. Graham: As I've said with a number of documents being prepared by the Hospital Corporation or my department, in due course we'll release all of those assessments. At this point, I'm not prepared to release any documents that have been produced by either the Hospital Corporation or the department with respect to construction or modification of the existing facility.

Question re: Peel watershed land use plan

Ms. White: On November 18, I asked if the Yukon government had concluded their consultation with First Nation governments regarding the Peel regional land use plan. We were told that, as of last week, there had been at least one meeting of the principals, which involved the Minister of Environment, the Minister of Energy, Mines and Resources and the Premier, and that the hope was to continue working with their senior liaison committee on a government-to-government basis to conclude consultations as soon as possible.

Has the Yukon government scheduled another meeting with First Nations and when do they expect the consultations to be concluded?

Hon. Mr. Dixon: The member opposite is quite correct that we are in the process of government-to-government consultations with regard to the Peel watershed land use plan process. I'm not prepared to table any sort of schedule in the House today, but of course we are in ongoing government-to-government consultations.

I look forward to concluding them as soon as possible so that we can move on and ultimately implement a land use plan for the Peel watershed region that protects the critical parts of the environment in the Peel watershed area, as well as allowing for responsible, environmental and sustainable economic development.

Ms. White: The interim moratorium with respect to mineral staking in the Peel watershed will expire in five weeks, on December 31 of this year. We have heard multiple times from the Minister of Energy, Mines and Resources that he believes it would be premature to speak about extending the withdrawal under the *Quartz Mining Act* and *Placer*

Mining Act at this time. Mr. Speaker, by extending the withdrawal, the government would be providing a much-needed assurance to both First Nation governments and industry that this government understands its obligation to both.

Will the Yukon government announce a decision regarding the Peel regional land use plan before the staking moratorium expires, and if not, will they commit to an extension of the moratorium on mineral staking in the Peel watershed basin?

Hon. Mr. Kent: This question is based on an awful lot of speculation. What the Minister of Environment has said and what I have talked about is that we're engaged in that final round of government-to-government consultations with the four affected First Nations with respect to finalizing a land use plan for the Peel watershed and that's what we continue to do.

I believe today, as I did last week and the time before that when I was asked this question, that it's premature at this point to speak about extending the moratorium and I'm not prepared to do that.

Question re: Agay Mene Territorial Park

Mr. Barr: Agay Mene park includes 725 square kilometres of protected area established with the signing of the *Carcross-Tagish First Nation Final Agreement* over eight years ago.

Many Yukoners will be familiar with the area, as it is a popular place for fishing and hiking. It includes Mount White, Snafu and Tarfu lakes.

Last spring we asked how a park could be developed and protected without subsurface withdrawals. The government indicated the planning process would begin last spring and the management committee would have recommendations regarding subsurface withdrawals. Can the minister responsible tell this House what progress was made since spring on planning the Agay Mene park and what solutions the management committee came up with regarding subsurface withdrawals?

Hon. Mr. Dixon: The member opposite is correct that we are working toward development of a management plan for the Agay Mene park, in collaboration with our First Nation planning partners. I don't have an update from the management committee which is comprised of Environment officials as well as officials from the First Nation government. I am confident that work is underway and continues on positively. I've heard that things are looking up for that particular planning process and that we've got some good work that has been done to date, but more work needs to be done and I look forward to reporting back to the House when we've completed that work.

Mr. Barr: Agay Mene is recognized as a national treasure but this government neglected its planning for three years. Not only is it not participating in park planning, it has not put in measures to protect Agay Mene. There are 14 placer claims and three quartz claims in the southern section of the designated park, several close to existing campgrounds. Planning of Agay Mene was neglected and no protections

were put in place. Does this minister responsible see a contradiction with allowing subsurface staking in an area that is supposed to be planned as a park?

Hon. Mr. Dixon: I have to disagree with the member opposite's characterization that we have not been participating in planning. That is completely inaccurate. Of course we have been participating in planning activities. Of course, it requires that we have our First Nation planning partners at the table and willing to participate as well. My understanding is that the most recent iteration of the planning committee is underway and has been operational. My understanding is that the planning is going well and that we're optimistic about reaching a management plan for that particular park.

But no, I don't see a contradiction in terms of the work that management plan has done and anything that could ultimately end up in a management plan. So I have to disagree with the member's characterization that we are not participating — we are — we're leading those management activities, and we're working closely with our First Nation planning partners.

Mr. Barr: The government could withdraw subsurface rights unilaterally. There is a way for this government to temporarily limit mining in certain areas while land use and park planning takes place, but no such order was made for Agay Mene. The Yukon Party has failed to allow for proper park planning to occur in Agay Mene and continues to allow staking.

Allowing subsurface staking while neglecting park planning is a contradictory approach. Does the minister responsible plan to leave things as is, or will the minister commit to completing park planning?

Hon. Mr. Dixon: Mr. Speaker, what I will commit to is continuing to work with our First Nation planning partners on the development of a management plan for the Agay Mene park. I know that the NDP has an incredible propensity for calling out for the withdrawal of staking anywhere in Yukon. We've heard them — I have quite the list of areas where they'd like us to see ban mining — but we are going to continue to meet our obligations under the final agreements.

That's where the Agay Mene park comes from — the final agreement. We're going to continue to work closely with our planning partners, the First Nations, and we're going to continue to engage on those management committees that are so important in planning out how these parks will be managed.

The decisions and recommendations about whether or not withdrawals need to be taken come from those management planning activities, so it's important that we engage in a meaningful way and that's exactly what we're doing.

Question re: Homelessness

Ms. White: I recently asked the minister responsible for Yukon Housing Corporation about the number of homeless people in the Yukon and how the department is tracking and collecting this information. Rather than answering my

question, the minister listed various projects and amounts the corporation is spending or has already spent.

Knowing the number of people who need shelter is essential for determining appropriate response. The media cited a 2011 survey completed by non-government organizations that identified 106 permanently homeless in Whitehorse and another 600 vulnerable.

What is the government doing to keep track of the number of homeless people in Whitehorse, and does the minister have any idea how many people are homeless in the Yukon right now?

Hon. Mr. Cathers: I would remind the member, as I did before, that I encourage the member to refer to the recent list of accomplishments. It talks about the next steps for the housing action plan for Yukon. We have a symposium that's kicking off tomorrow where we're engaging non-government organizations and other stakeholders in developing the next steps in our housing action plan. I've reminded the member before of the significant investments we've made in affordable housing and in social housing. Those investments include \$125 million in a variety of affordable housing projects: \$37 million for seniors housing, \$55 million under Canada's economic action plan for housing in rural communities, \$1.9 million for repair, modification and construction of government staff housing.

I would remind the member in this case that the numbers of people who are in need of housing — whatever type of housing — as well as those who are vulnerable to potentially needing housing does change from time to time. Of course, steps are made to monitor it and to analyze the needs. I would encourage the member to recognize what has been done and recognize that, in fact, time is too short to list the many investments, including the significant increase we've made to social assistance — never done under the NDP, by the way.

Ms. White: I thank the minister for his list. My question was about the number of homeless people in Whitehorse, or in the Yukon as a whole.

This government has known about chronic homelessness for years. The *Task Force on Acutely Intoxicated Persons at Risk Final Report*, completed at the very end of 2010, emphasized the importance of housing people without barriers. Three years ago, the task force said, and I quote, "The street people and the homeless in the Yukon need access to a no-questions-asked shelter at night." But after several winters, this government still has no plan to shelter the homeless. There are 14 beds and 16 mats at the Salvation Army. We live in the north, and no one should have to spend a night outside at minus 40 degrees.

If the minister does not know how many homeless people there are, how can he know that 14 beds and 16 mats are adequate?

Hon. Mr. Cathers: What I remind the member is that we have put more investments into social housing needs as well as transitional housing than the NDP, despite their talking good talk. We are that ones who actually put our money where our mouth is: invested in second-stage housing for Betty's Haven; invested in second-stage housing for Help and Hope

for Families Society in Watson Lake; invested in the significant investments in social housing that I've mentioned previously in the House; funding for the youth emergency shelter done by us; and increased funding for Salvation Army to run some of the supports the member mentioned. It was us — I as Minister of Health and Social Services along with colleagues — who announced the funding for the Outreach van to increase the social safety net that is out there for people who are lacking housing supports and the list goes on.

I know that the NDP is focused on trying to solve homelessness. What I would point out to the member is that the challenges around homelessness are something that every jurisdiction in the world wrestles with. We will stand our track record of investments up against any government in Canada. We're proud of the work we've done and we will continue to work with our partners on continuing to improve the social safety net.

Ms. White: I'm proud that my focus is on homelessness and trying to give people adequate shelter. The Task Force on Acutely Intoxicated Persons at Risk also noted, and I quote again: "Many, if not most, chronic alcoholics and long-term addicts suffer from dual diagnoses with mental illness". Emergency shelters exist because there are people who will not suddenly develop capacity to house themselves. Any successful intervention in their lives will require stable housing.

Inaction on homelessness is wasted money. It leads to inefficient and inappropriate use of other resources like the emergency department and the RCMP. Inaction on homelessness is also a wasted opportunity. Emergency wet shelters have been successfully linked with sobering centres, treatment and primary health care services. The Housing First approach means no barriers. It means a homeless person possibly dealing with addiction and mental health issues does not need to meet requirements to qualify for shelter.

Will the minister responsible for Yukon Housing Corporation reconsider his government's position and commit to adopting the Housing First approach?

Speaker: Order. The member's time has elapsed.

Hon. Mr. Cathers: Mr. Speaker, we will not reconsider the approach we have taken, which is actually putting our money where our mouth is and putting significant investments in social housing, unlike the NDP who are very preachy, but very shy on actions.

I would remind the member of some of the investments: support for the youth emergency shelter; Salvation Army; in the area of mental health, the provision of rural mental health clinicians; the expansion of services, including the increased support for a psychologist; and increased programming for increased intervention for youth with issues. Those are a few of the investments we've made.

I would point out to the member as well, when we're talking about investments made: the former 13-unit Alexander Street seniors residence being replaced with a new 34-unit seniors residence; the investments in Options for Independence Society housing project, a \$3-million investment; the investments in Betty's Haven transitional

housing — not to mention this, coupled with the increases that we've made to each of Yukon's three women's shelters — a significant increase to their annual funding.

We are taking and will continue to take the steps that are necessary to enhance our social safety net in partnership with Yukon NGOs. We will continue to do what we can with our partners to reduce the chance that people are homeless or without adequate housing supports.

Speaker: The time for Question Period has now elapsed.

We will proceed with Orders of the Day.

ORDERS OF THE DAY

Hon. Mr. Cathers: I move that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Speaker: It has been moved by the Government House Leader that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): I will now call Committee of the Whole to order. The matter before Committee is Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*. Do members wish to take a brief recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 15 minutes.

Recess

Chair: Committee of the Whole will now come to order.

Bill No. 64: Act to Amend the Territorial Lands (Yukon) Act

Chair: The matter before the Committee is Bill No. 64, *Act to Amend the Territorial Lands (Yukon) Act*.

Hon. Mr. Kent: I'd like to quickly welcome Mr. Lyle Henderson from the Department of Energy, Mines and Resources, who will be providing support to me during this discussion during Committee on off-road vehicles.

I'd also like to take a quick opportunity to recognize the victory yesterday by the Saskatchewan Roughriders in the Grey Cup — very exciting for me and others. I know the Premier, of course, was in attendance. I had a brother and sister-in-law and many friends from the Yukon down there, as well as many relatives from Saskatchewan who attended the game and stuck around. Congratulations to my favourite football team for their victory yesterday.

With respect to the legislation before us, the *Act to Amend the Territorial Lands (Yukon) Act*, I'm just going to outline

briefly how we got to here and then I'll welcome questions from members of the opposition.

In March 2011, the all-party Select Committee on the Safe Operation and Use of Off-road Vehicles released a report that contained 14 recommendations related to the safe operation of ORVs, protection of the environment from damage caused by ORVs and the need for efficient and regulation enforcement. The committee process involved extensive consultation from August to October 2010. This process involved public meetings in six communities, meetings upon request, and benefitted from over 2,400 completed opinion surveys and 25 written submissions.

The *Act to Amend the Territorial Lands (Yukon) Act* will address recommendation 14 only. The other recommendations will be addressed through future program, policy and legislative changes, such as the requirement for an educational campaign that on-road use of ORVs be addressed in the *Motor Vehicles Act* and that Yukon government consider addressing issues of registration, operator licensing and insurance — something, of course, that has come up in comments from members of the opposition, as well as some of the non-government organizations that are engaged in this very important aspect.

The option chosen to address recommendation 14, dealing with the environmental damage due to off-road vehicle use, is the *Territorial Lands (Yukon) Act*. This act contains provisions for the protection of the ecological balance or physical characteristics of any area in Yukon through development of regulations respecting the protection, control and use of the surface of lands. The proposed ORV amendments are in keeping with these provisions.

Since the tabling of the committee report, organizations and individuals have asked the Yukon government to take action on the recommendations. Most significantly, the Trails Only Yukon Association is advocating for management of trail networks in sensitive areas to address concerns directly related to recommendation 14. We are moving forward on this particular recommendation through these amendments as well as the necessary regulations that need to be developed. They will be developed after these legislative amendments are adopted. During the discussion and consultation on regulation, there will be full opportunity for First Nation, stakeholder and public engagement. The regulations will provide clarity as to the process and operating conditions for designated ORV management areas.

I welcome questions from the opposition.

Mr. Tredger: I'll just keep my remarks fairly brief here. While we do support this legislation as an important first step, we're concerned that it lacks the urgency and the strength to be entirely effective. We're also concerned that it leaves much to regulations, and the regulations have yet to be developed around much of it.

While we talk about consulting with user groups, First Nations in particular, and municipality governments, my concern is that the regulations do not give the ability to the government to act in a proactive and timely manner to protect the environment. Through regulations, much leaves to be

discussed and determined. We've been waiting three years for this legislation. How much longer are we going to have to wait for regulations?

I'm very concerned that only one of the 14 recommendations of the select committee has been acted upon. A number of the recommendations could have been enacted already. I think of regulations around enforcement, registration, insurance, helmet use, age use, licencing — these are all becoming increasingly important to Yukoners.

I'm also concerned that the contemplation for this act is a reactive one rather than a proactive one. By the time people are reacting and saying an area is destroyed, it is destroyed, and if it's not destroyed, it's very compromised. Given the vulnerability of much of our land and also introducing climate change, I'm very concerned that we haven't come up with a more proactive system of protecting our wilderness.

I'm also very concerned about the removal of snow machines from this act and perhaps that's where I will begin my first question — snow machines and why snow machines have not been included in this act. How does this government contemplate the eventual need to regulate snow machines? Whether or not they will at that point have to come back with another act or another amendment to the act, or whether this act will allow us in the future to regulate snow machines if it's deemed necessary — maybe not in the way we contemplate damage of the terrain, but maybe through noise, air, sound, pollution. Will we have to approach the act at that time?

Hon. Mr. Kent: I'll just quickly respond to one of the issues he identified in the preamble to the final questions and that's with respect to identifying areas prior to the regulations being developed. I would just draw your attention to section 4.3(1) of the act, which allows — I'll read it into the record: "4.3(1) If the Minister is of the opinion that it is necessary for the protection of the ecological balance or physical characteristics of an area of territorial lands, the Minister may, by order, for a period of up to 90 days (a) restrict the use of off-road vehicles in the area on terms and conditions the Minister considers necessary in the circumstances; or (b) prohibit the use of off-road vehicles in the area."

This will allow us, while we're waiting for the regulations to be developed — if they aren't developed in time — to address some of the more sensitive areas. This temporary restriction clause will allow us to act on that. Again, we are required to respond to any written complaints and my understanding is that it is prior to the development of the regulations. While the regulations will be developed upon conclusion of the adoption of these amendments in the House, in consultation with First Nations and other interested parties, we certainly have ability in here to protect sensitive areas or sensitive habitats in the meantime if the consultation and the development of those regulations takes longer than is anticipated.

With respect to snow machines — obviously this is dealing with amendments to the *Territorial Lands (Yukon) Act*, so that's where we're trying to deal with damage to the land. Snow machines have — just given the time of year that they're operated — in the winter when the ground is frozen

and covered in snow — they have little or no impact on the land. It's my understanding that even Trails Only Yukon Association didn't want us to address snow machines when dealing with this. That's my understanding of their request. That's why we have left snow machines out of this.

When it comes to noise pollution or air pollution, those are certainly not things that are going to be dealt with through amendments to the *Territorial Lands (Yukon) Act*. We're looking at ensuring that sensitive regions in the Yukon can be protected from the damage of off-road vehicles.

Mr. Tredger: If at some future time it's deemed that snowmobiles are indeed harmful to the land — say creek crossings. Snow machines are becoming more versatile. They're used in three seasons now, instead of one. There have been a number of studies that have documented damage to the terrain, especially around creek crossings and sensitive areas like wetlands. There's also a huge potential for the harassment of wildlife — interruption of migrating caribou, moose, various other wildlife.

I disagree with the minister that snow machines can, as they're more widely used, create a significant amount of damage. They have the potential to do so. So my question would be, by removing snow machines from this act, in order to regulate them in the future, would we have to then open up the act again, or is there a possibility that, should it be deemed necessary, that the current act contemplates that?

Hon. Mr. Kent: With respect to the member opposite, we're going to have to agree to disagree on this particular issue. Snow machines are operated at a time of year when the ground is mostly frozen and covered in snow.

What we are responding to with this — by addressing recommendation 14 — is the environmental damage due to ORV use and using the *Territorial Lands (Yukon) Act*. The act does contain provisions for the protection of the ecological balance of any area of the Yukon — or the physical characteristics — through the development of regulations respecting the protection, control and use of the surface of the land.

I think it would be speculative to answer the member opposite's question, but like I mentioned in my previous answer, even Trails Only Yukon Association didn't feel it necessary for us to include snow machines in this act. That's why we've decided to move in this direction and leave them out of the act.

Mr. Tredger: Just for my clarification — then this act does not contemplate snow machines as presenting a problem and, if in the future, it is determined that snow machines do create a problem, the act would have to be reopened to develop regulations around them.

Hon. Mr. Kent: I guess we also have to be respectful of those thousands of Yukoners who do ride snow machines and enjoy them responsibly and recreationally and those thousands who do ride off-road vehicles and enjoy them responsibly and certainly enjoy getting out on the land.

One of the things that came up during the election campaign in 2011 — for me — I knocked on a constituent's door in Riverdale North and they were quite concerned

because they use their off-road vehicle to take one of their handicapped children up into certain areas. So obviously I think respecting some mobility challenges that some Yukoners have and respecting the responsible recreational use of snow machines in particular — as well as off-road vehicles — but shutting down those sensitive areas or addressing sensitive areas where there could be disturbance to the environment. That's what we're trying to accomplish here.

Again, as mentioned, the definition of an off-road vehicle does not include snowmobiles or snow machines. The member is correct that, if it was to include snowmobiles, that would require an act amendment in the future, but it's a place we're not prepared to go right now because, as I mentioned, even organizations such as TOYA and many of those individuals who not only ride those snowmobiles but are engaged in selling them — we feel that would be an undue hardship at a time of year when there's very little or zero ecological damage from snowmobiles. As I mentioned, the ground is frozen at that time of year and largely covered in snow in the areas where these individuals ride them.

Mr. Tredger: I too am interested in the responsible use of both snow machines and all-terrain vehicles. I think the majority of Yukoners do use them wisely and responsibly. I have no problem with that. The reason we're contemplating regulation is that not everyone does.

We are stewards of a very beautiful landscape and also a very vulnerable landscape. I think we've all been caught somewhat unawares by the development of not only snow machines but also ATVs and the preponderance of them into our wilderness area.

One of the reasons that the select committee came into being was just to address that. So when I'm asking questions, it's not that I am opposed to people using snow machines or ATVs — I have one of each myself. It's that we use it and learn to use them in a way that's responsible in our environment so that future generations are able to enjoy the environment in its pristine form.

I do believe we are doing ourselves a disservice by taking snow machines out of this act. They are being, as I said, increasingly versatile. They are now being used in three seasons. Some of the machines are almost a cross between an ATV and a snow machine. If you put tracks on the front half of an ATV, is it a snow machine or is it an ATV? I think by taking them out we are doing future legislators a disservice and future regulators.

By keeping it in — I'm not necessarily advocating for regulation at this time but what I'm advocating for is that our regulators and our people who are using the land — be they First Nations, be they off-road vehicle users, be they off-road vehicle sales people — have the ability to determine what and what does not affect the land and how it is affecting the land.

I hear clearly from you that this act does not contemplate that — and so be it. I would assume within the next five to 10 years we'll be back at this again looking at snow machines because, while the majority of snow machine users are very responsible, there has been damage caused by snow machines. They're damaging vulnerable and sensitive areas and snow

machines have been used to harass wildlife. Snow machines have been indicated to cause problems. That doesn't mean that when I get on my snow machine I'm doing that. What it does mean is that it has happened.

I'll go on to —

Some Hon. Member: (inaudible)

Mr. Tredger: Pardon me?

Chair: Mr. Tredger, you have the floor.

Mr. Tredger: I thought I missed a comment there — so be it.

My second concern is how are we going to anticipate future damage? How are we going to determine if there are areas where ATVs are not to go? Does this act contemplate areas where people who are hiking or using human power to get into areas may not encounter an ATV or are we going with the idea that ATVs are everywhere? Does the minister contemplate areas where ATV use would be prohibited so that human-powered people can enjoy it without the noise and without the problems of ATV use?

Hon. Mr. Kent: Just stepping back on the snow machines issue — we have agreed to disagree on that. Again, we want to ensure that those who do operate snowmobiles can continue to do so and again, that activity largely takes place when the ground is frozen and it's snow-covered. We want to make sure that we don't include snowmobiles or snow machines. As mentioned, many organizations didn't want us to address the issue of snowmobiles, so we're not prepared to do that. That's why we've left it out of the definition of an off-road vehicle in the act.

With respect to identifying areas, there are a number of opportunities available to us through the development of the regulations, as I mentioned. There are those temporary restrictions that I, as minister, can put into place in areas — terms and conditions — where I consider it's necessary in the circumstances or to prohibit the use of off-road vehicles in that area. That's a 90-day restriction while the regulations are being developed.

As mentioned, there is a requirement to respond to written complaints and I think one of the most important things that we'll have to do with the development of the regulations is to work with First Nations and the renewable resource councils, the individuals who are out on the land and are familiar with the land in their respective regions of the Yukon, to ensure that we're accomplishing what we've set out to accomplish with this legislation.

When it comes to some of the other aspects with respect to the member's question, we will look to having management plan criteria in place to be determined for each area that's designated under this act. There are a number of opportunities available to us with respect to protecting the environment.

I should also mention, during the 2011 election, the governing Yukon Party committed to implementing the recommendations made by the all-party Select Committee on the Safe Operation and Use of Off-road Vehicles and its unanimous report to the Legislature. With respect to the environment, one of the four points that we made was that we would consult with Yukoners prior to implementing any

proposed restrictions, so that's what we will do through the regulations and the process that we'll work with beyond that.

I don't believe that this act contemplates restricting use based on — maybe the example is what happens in the Log Cabin area on the Skagway Road, where there are some weekends that are available for non-motorized use and some that are available for motorized use or mixed use. What we are dealing with through this legislation is addressing the aspects with respect to maintaining the ecological balance and physical characteristics of an area of territorial lands. That's what the act that we're addressing before the House today contemplates.

Mr. Tredger: There are a number of areas that already have been significantly impacted by ATVs — a concern from Yukon people — which is why we're contemplating this legislation. Can the minister give me any idea in terms of a timeline when he feels that we could actually have some protection for the land, or is this an ongoing process? We have been waiting close to three years now since the report. We're looking at this phase. Until the land sees some protection, do we have any timelines? Does the minister contemplate something to be done by next spring, when the ATV season opens up again, or would he anticipate the spring of 2015? What guidelines has he given his department for the development of these regulations?

Hon. Mr. Kent: Perhaps what I should just quickly read into the record first is section 4.1 to 4.3, which have been added to the legislation with respect to off-road vehicle management areas.

"4.1 The Commissioner in Executive Council may designate an area of territorial lands as an off-road vehicle management area if the Commissioner in Executive Council is of the opinion that it is necessary for the protection of the ecological balance or physical characteristics of the area.

"Regulations concerning off-road vehicle management areas

"4.2(1) For the purpose of protecting the ecological balance or physical characteristics of an off-road vehicle management area, the Commissioner in Executive Council may make regulations applicable to the area respecting ..."

There are four items that this respects, Madam Chair. The first is restrictions or prohibition on the use of off-road vehicles; the second is operating conditions applicable to off-road vehicles; third is the issue of permits for the use of off-road vehicles, the terms and conditions of those permits and the fees for them; and the fourth is the development, approval and implementation of trail plans applicable to the use of off-road vehicles.

I just wanted to read that into the record because I think that goes back to the member opposite's previous question. With respect to timing, these amendments need to pass the House first. They need to pass the Legislative Assembly, and I believe all members supported them at second reading so I'm hopeful we can get support at third reading for these amendments, at which time the development of the regulatory package will start. We anticipate the regulatory package being ready sometime in the spring and then available for the public

consultation we need to do on that. That's keeping in line with our commitment during the campaign to consult with Yukoners prior to implementing any proposed restrictions, as well as the broader consultation that needs to take place with First Nations and Yukoners in general.

Those are the timelines I can mention to the member opposite at this point.

Mr. Tredger: So is the minister considering in the interim any protected areas for the upcoming ATV season? It'll be happening this spring. There are a number of areas that have been identified. What is the minister's plan for this spring when people are out and on the land in the early season when the snows are starting to melt and the land is most vulnerable?

Hon. Mr. Kent: There have been some areas that have been identified and those areas will be considered for the temporary restrictions by ministerial order that I mentioned off the top.

What we need to do is focus on getting the act passed, putting together the regulatory package and having those consultations with Yukoners. That said, there is the ability for the minister to restrict certain areas for a period of up to 90 days while those regulations are being developed and we will consider certain areas for the spring — for that temporary restriction to apply to.

Mr. Tredger: That leads into one of my concerns about the complaint-driven process to protect areas. I think one of the concerns that TOYA mentioned, and that a number of people I've talked to mentioned, is that when an area receives some damage, people will send in a complaint or Department of Environment, in doing their due diligence, will notice an area that is being compromised by ATV use. If that area is closed, ATV users may go to the next closest area, thereby extending the damage.

Because this is complaint-driven, my concern is that we don't have an overall management plan, and when we close one area, in all likelihood ATV users will not stop using their ATVs, they will go to the next area, thereby spreading the damage and the compromise of the area. Has this been contemplated, and how would the minister respond to such situations?

Hon. Mr. Kent: There have been some areas that have been identified for protection and they'll be considered, but when it comes to the complaint-driven aspects of the proposed amendments, we certainly want to ensure that we get these regulations right. That's why we're developing the regulatory package and that's why we'll be taking it out for that broader consultation.

But there is the opportunity, as I mentioned, to bring protection in the interim — while the regulations are being developed — to certain areas. Some of the areas that's we've heard about are, perhaps, Alligator Lake, which many Yukoners will be familiar with, or Trout Lake, which I am not as familiar with — but it is obviously an area of concern.

The complaint process — what we want to make sure of is that we get all of this right and we do that extensive consultation with those individuals, First Nations and others

who are interested in this. As we stated in our commitment during the election of 2011, we want to ensure that this is done correctly and that areas are identified that require us to protect the ecological balance and physical characteristics of the area of territorial lands. That's what we are doing in responding to one of the recommendations — recommendation 14 — with what we have before the House now.

Mr. Tredger: You mentioned that you were going out to consultation. Will consultation include the opportunity for people to talk about an area management plan?

When we look at the kind of thing that was arrived at around Log Cabin, where snow machines were used one weekend and other users were there another weekend — if there might be areas where there is not ATV use, other areas where there is, in order to ensure that some of the more vulnerable areas that have not been damaged or compromised remain so for future generations.

Hon. Mr. Kent: I guess one of the most important parts of the consultation is going to be on the process by which we identify the sites that are going to have some sort of restriction on them or, as I mentioned, the tools that we have under the regulations concerning off-road vehicle management areas.

Again, just to quickly read those into the record — and there are four of them: “(a) restrictions or prohibitions on the use of off-road vehicles; (b) operating conditions applicable to off-road vehicles; (c) the issue of permits for the use of off-road vehicles, and the terms and conditions of those permits and the fees for them; and (d) the development, approval and implementation of trail plans applicable to the use of off-road vehicles.” Again, what I need to state — I think the most important part of the consultation will be the process we use to identify the sites and which of these management tools we use as well, as far as the individual site that is in question.

Mr. Tredger: The wetlands and the alpine areas have been mentioned as areas of particular note. Does the minister see any special attention being given to them in the regulations or through the act — especially the high alpine areas above the treeline and the wetland areas, where there may be salmon spawning or various other wildlife using them? Is that contemplated at all in this? I know the Department of Environment has identified a number of areas that are particularly vulnerable and that have been compromised by mechanized use. Does the minister contemplate areas that may become off-limits because of their sensitivity, and how would that be achieved?

Hon. Mr. Kent: I guess the short answer is we contemplate those types of areas. We're in a multi-stage process right now with the development of these amendments, the regulatory package and the consultation on that regulatory package. I'll reiterate that the process to identify sites is going to be one of the main focuses of the consultation and how we do that with respect to the area management plans. Where there are existing trails in there, does there need to be trail plan put into place?

It's about the process to identify the sites and which tools are available to us to use on a site-by-site basis. With respect

to the member's question, those sensitive wetlands and high alpine areas will be considered of course. We have the ability to consider them for restrictions under these tools that are available to us.

I think what we need in place off the top is a solid process to identify the different sites and how we engage with First Nations and renewable resources councils and what makes sense as far as identifying areas. I guess it just goes back mainly to the process to identify these sites and the tools available to us to use in different sites, depending on the disturbance that pre-exists as well as the sensitivity of the area itself.

Mr. Tredger: I note the 90 days. With the increasing ability of machines to go in all manner of conditions, it seems to me that the spring and the fall are two of the more vulnerable times when the land is either thawing or freezing and typically quite wet. I noticed on land in central Yukon, when an ATV goes over the land in May and June, the tracks remain all year and sometimes for multiple years; whereas if they go in the middle of summer, it isn't as noticeable.

Ninety days is a three-month time period; yet we have an ever-longer ATV season. People may begin riding their ATVs in March or April and continue, as in this year, almost to November. It seems to me that if we were to put in restrictions for 90 days, we're only dealing with part of the problem. How did the minister arrive at 90 days as an optimum amount of time? Is there the ability to extend that to longer periods of time?

Hon. Mr. Kent: With respect to the 90-day ministerial orders, the most important thing to recognize is that they were designed to be temporary and not permanent withdrawals of that specific area. That will allow us to deal with the area when it's the most vulnerable in the spring when the ground is thawing. We can put that on, obviously, in April or May, depending on the circumstances and the type of weather that we're getting in a particular year, and also engage in a more detailed management plan of an area while that restriction is on again. There are opportunities for us to put those restrictions on even as early as this spring while we're awaiting the development of the regulations.

Again, these are designed to be temporary withdrawals and we felt that orders up to 90 days give us sufficient time to address the concerns or act on specific ones.

Mr. Tredger: Because the process seems to be somewhat complaint-driven — although I appreciate the minister saying that there is an option for other ways of dealing with and contemplating future risks, much of it seems to be complaint-driven — has the minister looked at registration of vehicles? If vehicles are being misused — and if we have responsible riders out there, they will want to maintain that responsibility and identify people who are acting in an irresponsible or a dangerous way, or in a manner that is not respectful of the land and is not good ORV practice — has the minister contemplated how they would be identified and whether registration is part of the package that we will be looking at?

Hon. Mr. Kent: As I mentioned off the top, the other recommendations of the select committee will be addressed through future program, policy and legislative changes. There is a requirement, obviously, for an education campaign because we assume that most of the riders are doing it in a responsible manner. I know that education efforts being done through the Department of Environment and the Department of Highways and Public Works are ongoing and that's going to be an important aspect of addressing some of the other recommendations.

What the member opposite spoke about with respect to issues of registration, operator licensing and insurance is best addressed through amendments to the *Motor Vehicles Act*. That is where that will be contemplated. What we're dealing with here is recommendation 14, talking about environmental damage due to ORV use and the *Territorial Lands (Yukon) Act's* ability to do that. Other recommendations will be dealt with through other programs or policies or legislative options.

Ms. White: Just to follow up with that statement from the minister — when we talk about enforcement personnel in section 5.1(1), it says, "The Minister may, subject to any provisions set out in the regulations, appoint or designate a person or a class of persons to enforce the provisions of this Act or the regulations." Knowing that we're not talking about possibly bringing in registration or anything like that in the regulations, how does the minister see enforcement happening? The blue ATV and the red helmet, someone in the distance — how does the minister view the people he designates as enforcement? How will this work?

Hon. Mr. Kent: Just in brief conversation with the Minister of Environment, we have seen success through violations of the *Wildlife Act* — poaching violations — of designating individuals or classes of individuals to enforce the revisions of that act, such as conservation officers and those natural resource officers in the Department of Energy, Mines and Resources — with the Compliance Monitoring and Inspections branch of EMR.

We feel that there are other tools available to us, other tools that have been successful and have proven successful in absence of what the member opposite speaks about with respect to registration and operating licensing. We'll be relying on not only those individuals who we have the authority to designate to enforce, but also those responsible riders and individuals and their knowledge and ability of who is using the land and who may be violating what we're trying to accomplish here, which is ultimately to protect the ecological integrity of the land and ensure that we maintain those physical characteristics of any sensitive areas.

At this point, we use those proven past successes that I mentioned, but again, with an eye going forward to address the other recommendations through other policy programs or legislative changes.

Mr. Tredger: Because of what I've heard from people in Trails Only, as well as people on the land, the identification of the vehicles is quite important and I understand it was a recommendation of the select committee. Has this minister had discussions with the minister responsible

for Highways and Public Works as to when we can expect legislation around enforcement, registration and insurance, as well as helmet bylaws?

Hon. Mr. Kent: My understanding from one of the current members of the Legislature who did sit on the select committee is that these other changes are those that the Yukon government should consider addressing, such as issues of registration, operator licensing and insurance. With respect to the responsibilities of other ministers and their portfolios, I know we have a fairly substantial list of legislative priorities that we're trying to address and bring forward and this is one of them.

Looking back to what we committed to Yukoners — it was to amend the *Motor Vehicles Act* to make helmet use, liability insurance and registration mandatory when operating an ATV or snowmobile on the road, to pass legislation to make helmet use mandatory for young riders operating ATVs and snowmobiles off the roads, as well as what I spoke to earlier, the educational campaign to promote awareness of the laws and regulations, the safe, responsible and respectful operation of off-road vehicles, helmet use and environmental stewardship.

Again, that's what we're contemplating doing with the *Motor Vehicles Act*. But, as far as a timeline — I would invite members opposite to take that up perhaps with the Minister of Highways and Public Works during an appropriate time during this sitting or future sitting of the Legislature.

Mr. Tredger: If I can try to distill what the minister opposite said — it has been many years that this has been considered. The select committee brought their report over two years ago. It received unanimous consent from the House. The Yukon Party has in their platform said that they would deal with registration, insurance, enforcement and helmet use during this term. We are already two years into the term, so can we anticipate then sometime between now and the end of the term the Yukon Party making good on its promise to bring forth legislation on enforcement, registration, insurance and helmet use, as well as licensing, in the next couple of years during the term of this government?

Hon. Mr. Kent: I'll just reread the commitment we made to Yukoners during 2011 with respect to this. The select committee asked that the Yukon government consider addressing issues of registration, operator licensing and insurance.

Those other recommendations will be considered and possibly addressed through future program policy and legislative changes. The four points that we made — the four commitments we made — to Yukoners were first to amend the *Motor Vehicles Act* to clearly distinguish between roads and trails; the second is to amend the *Motor Vehicles Act* to make helmet use, liability insurance and registration mandatory when operating an ATV or snowmobile on the road; third is pass legislation to make helmet use mandatory for young riders operating ATVs and snowmobiles off the road; and the fourth is to launch an educational campaign to promote awareness of laws and regulations, safe, responsible

and respectful operation of off-road vehicles, helmet use and environmental stewardship.

Madam Chair, when it comes to what we're trying to accomplish with the act — I know we've spoken about it a number of times — this one is dealing with environmental damage due to off-road vehicle use. The other recommendations are going to be covered under future program, policy and legislative changes, but the registration and liability insurance certainly aren't what we consider the be-all and end-all.

I think an important ancillary activity that we need to undertake is the educational campaign that we have also committed to, to promote that awareness of the laws and regulations and the safe and responsible use of off-road vehicles — and that was our commitment to Yukoners. We do intend to follow through on that but, again, what we're dealing with here before the House today is with respect to recommendation 14, dealing with environmental damage.

Due to ORV use, the *Territorial Lands (Yukon) Act* contains provisions for the protection of any area in the Yukon through development of regulations respecting the protection, control and use of the surface of the land.

Mr. Tredger: I guess how we got on that was trying to identify irresponsible users of the land. The request from many people to me was that, with proper registration, they could be identified and therefore reported. Without registration, identification becomes difficult. That sort of led us into the idea of registration, and the minister brought up the enforcement, insurance and licensing aspect of it. I heard the minister say that this government did commit to the use of registration, licensing and enforcement on roads, as well as to helmet and age use off-road, with ATVs sometime during this mandate. Is that correct? Is that interpretation correct or not?

Hon. Mr. Kent: As I mentioned, the government's commitment to Yukoners was to amend the *Motor Vehicles Act* on a couple of aspects — to distinguish between roads and trails and amend the *Motor Vehicles Act* to make helmet use, liability insurance and registration mandatory when operating an ATV or snowmobile on the road, as well as to pass legislation to make helmet use mandatory for young riders operating ATVs and snowmobiles off the road.

Again, these are not the responsibilities that we're discussing here today with respect to the *Territorial Lands (Yukon) Act*. Those will be done through the *Motor Vehicles Act*. Once again, I invite the member opposite to address those questions to the Minister of Highways and Public Works at an appropriate time.

Mr. Tredger: Thank you and I will. I was just trying to get a bit of a timeline because we are now two years into the mandate. We're a long way from the select committee — maybe three years — we're getting closer anyway. I have a sense of urgency from people that this problem is not decreasing; that it seems to be increasing. I don't get a sense of urgency from across the floor.

Yes, this is a first step, as I mentioned earlier. It does begin to address the question, but the longer we delay, the more conflicted it becomes — particularly our land and the

life and safety of many of our riders. I would urge the Minister of Highways and Public Works to get on with it. He can take my advice or not; it's his call.

You mentioned one of the objectives of this was to define the difference between roads and trails. Can the minister explain the definitions now used and how that would impact the decisions being taken by the City of Whitehorse and their desire to have some semblance of legislation or control over the use of ATVs in the neighbourhood — the definition of trails, of roads and how that is contemplated in the changes to this act?

Hon. Mr. Kent: As members will see in this act, there has been one definition added to the act, and that's of "highway". "Highway" has the same meaning as in the *Highways Act*, for consistency's sake.

With respect to roads and trails and distinguishing between them, those will be dealt with in amendments to the *Motor Vehicles Act*, as we committed to Yukoners during the 2011 election campaign.

Mr. Tredger: So my understanding is the current definition prior to this of a highway was a highway, the ditches up to the highway, any surveyed road in the Yukon — there were a number of other parts to that. That has all been changed to basically mean that "highway" is a major road between the shoulders, not including the ditches, not including the approaches and not including any other aspect of the highway.

Could you clarify for me exactly what the definition of "highway" is in the *Highways Act* and what it has been?

Hon. Mr. Kent: The definition of "highway" was added to this legislation and it has the same meaning as in the *Highways Act*. The definition of "highway" was added so as to provide clarity for the definition of "off-road vehicle" when trying to capture cars and trucks that are not being driven on the road. This definition of "highway", for the most part, includes the highway right of way or a strip of land 30 metres each side of the highway centre line. This means that motor vehicles — for example, trucks or cars — used on the trails next to the highway will not be classified as off-road vehicles. Under the *Highways Act*, a highway includes a number of aspects: first, the land used as a highway, land surveyed for use as a highway, and land designated by the Commissioner in Executive Council as a road allowance; secondly, it includes a bridge or other public improvements incidental to a highway; thirdly, it includes an ice road. Using the *Highways Act* definition ensures that there is no conflict between on-road and off-road use of vehicles and that's why we've chosen to use that definition for a highway for purposes of the amendments that are before the House today.

Mr. Tredger: When the Yukon Party government contemplates helmet registration and licensing requirements and they refer it to "on a road", that now means on a highway, and a highway defines the ditches on either side and any surveyed highway or potentially a highway that has been surveyed?

Hon. Mr. Kent: While I enjoy engaging in debate with the member opposite, I think that again this is better tackled

under future amendments to the *Motor Vehicles Act* or the *Highways Act*, where that definition is located. I would invite him to take it up with the Minister of Highways and Public Works at his earliest convenience or whenever the opportunity presents itself.

Mr. Tredger: The goal of this legislation is to make clear the definition of a highway. The minister referred to "road" earlier. What I'm asking is: does the road that the minister was referring to now mean highway for the purposes of the changes to this act?

Hon. Mr. Kent: Again, for the purposes of this discussion, we've adopted the definition of "highway" from the *Highways Act*. Using this definition ensures that there is no conflict between on- and off-road vehicles. I won't go through them again, but I did mention the three areas that under the *Highways Act* that a highway includes. That's why we have chosen to adopt that definition for the purposes of this act — to provide the clarity of the definition of "off-road vehicle" when trying to capture cars and trucks that are not being driven on the road.

I'm not sure what else the member opposite is looking for, but again, just for clarification, we've adopted the definition under the *Highways Act* of a highway.

Mr. Tredger: I keep harping on this but I just want it to be perfectly clear. If someone is driving an off-road vehicle in the ditch alongside a highway, would they be subject to the laws of the highway or would they be subject to the laws governing off-road vehicles?

Hon. Mr. Kent: The definition of the highway that we talked about for the most part includes the highway right-of-way or strip of land 30 metres each side of the highway centre line. That's what the aspects are and that's where the area is that is captured under this definition. Similar to the definition in the *Highways Act*, it is the 30 metres each side of the centre line that's captured.

Mr. Tredger: Is the area immediately adjacent to many of our municipalities — has this legislation contemplated that intersection of municipality authority and territorial authority, and does this legislation line up with what the City of Whitehorse is contemplating? They obviously got tired of waiting for legislation to come forth and they proceeded on their own. How does this line up with what they're contemplating — other municipalities are contemplating — and what repercussions that will have down the line?

Hon. Mr. Kent: This legislation applies to Commissioner's land outside of municipal boundaries. I know that municipalities have the authority to set bylaws within their boundaries and I'm certainly not going to speculate on what the City of Whitehorse is doing, or why they've chosen to do it. But, again, in that land that is immediately adjacent to municipal boundaries, there are other planning tools that are in place through local area plans and those types of aspects.

So, there are a number of tools available in legislation to deal with Commissioner's land outside of municipalities and those lands that are adjacent to municipal boundaries but outside the municipality, such as areas like Mount Lorne and

other areas of significance where there may be planning tools they would use. There are a variety of tools to address the situation that the member opposite is talking about.

Mr. Silver: It is a great privilege to be able to stand up today and speak to Bill No. 64.

I will be supporting this bill. As the minister indicated, this is the government's response to recommendation 14 of the Select Committee on the Safe Operation and Use of Off-road Vehicles.

The bill is what's referred to as enabling legislation. Passing it will not in itself make changes to where the off-road vehicles can go or cannot go, but it does allow the government to develop those regulations. It will eventually allow it to happen. My questions are going to be based on that concept, and I appreciate the Official Opposition's great job in asking a lot of the questions I was going to ask, so I will keep it to three questions that I believe haven't necessarily been asked or answered, or some combination of those two.

First question is, when will a citizen or a group be able to actually walk into the Lands office and say, "I want the government to look into restricting a specific area?"

Hon. Mr. Kent: Ideally we would hope that these types of issues would arise during the consultation on the regulations. However, I did mention to the Member for Mayo-Tatchun earlier in Committee of the Whole that there is the ability for those temporary restrictions to be put in place on sensitive areas. There have been some already identified through some of the work that has been done. They will be considered for the temporary order aspect, but again we are hoping that a lot of this emerges during the consultation on the regulatory package and the process for us to use the management tools that are available to us.

Mr. Silver: I understand that part, but when can a citizen walk into the Lands office and say, "I want the government to restrict a specific area?"

Hon. Mr. Kent: Once these enabling amendments are passed, that ability will be there for individuals to file information with the Lands office as far as specific areas. Of course, that doesn't mean that that specific area will be withdrawn or subject to restrictions that are identified. There will be some analysis required by not only Energy, Mines and Resources, but some of our partner departments, such as Environment, to ensure that is an area that does require that temporary protection.

Mr. Silver: I'm to assume from the minister's answers that, once the regulations are in place, this could just happen right away. Just for the record, I'll get the minister to stand up and answer that. Thank you.

Hon. Mr. Kent: Yes, as I mentioned, Madam Chair, once these enabling amendments to the act that we're considering right now are passed, that ability will be there for individuals to go and file information with Energy, Mines and Resources about specific areas they feel are sensitive or require us to use one of the management tools available to us in legislation.

Mr. Silver: How will enforcement of this legislation be handled? What penalties is the government considering? Who

specifically will be issuing the tickets? Will this be conservation officers or others?

Hon. Mr. Kent: Just to step back to the member's initial question, individuals will be able to file their information with respect to a certain area. Again, in a case where it's necessary, I can, as minister, have the up to 90-day period restrictions in that area, but we'll have to look to address long-term protection for areas that are deemed to be sensitive through the development of the regulation and the process — just to ensure there's no misunderstanding with the member opposite as to how that process will work. As I mentioned, there is that up to 90-day period that, as minister, I can issue a temporary restriction or prohibition in an area.

With respect to the member's second question, there is the complaint-driven element for enforcement.

As I mentioned earlier, that has proven successful through anti-poaching efforts under the *Wildlife Act* for the Minister of Environment and the individuals who work in his department.

As far as the individuals who we are contemplating being able to enforce this legislation, we are recommending conservation officers, as well as those who work in Energy, Mines and Resources in the Compliance

Monitoring and Inspections branch. With respect to the fines and/or penalties, they will emerge in the regulatory package that we're hoping to have developed sometime this spring.

Mr. Silver: This is my final question — and it has been discussed already on the floor today, but I have a very specific question on that discussion. The government has chosen a reactive approach to managing potential damage from ATVs.

The process to regulate use will be complaint-driven. Why was this approach chosen instead of a more proactive approach, where known problem areas are addressed? I know that we spoke a little bit already in terms of the process itself, but I just want to know why we decided to go in this direction.

Hon. Mr. Kent: What we're doing with this legislation is proactively responding to recommendation 14 of the Select Committee on the Safe Operation and Use of Off-road Vehicles. Just for the record, I will read that recommendation:

"THAT off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats. Ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas, to close trails or overused areas as necessary, to exclude off-road vehicles from specific types of land or habitats, and to have certain areas designated as access routes only;"

So again, that's part of that recommendation 14 that we're responding to with the legislation that is before the House today. I think complaint-driven is one of the tools that's available to us to identify areas of concern and when individuals are considered to be damaging those areas of concern. For the most part, most of our off-road vehicle enthusiasts who use the trails in the territory are respectful of the environment and the sensitive areas. We're certainly trying to ensure that there are protections in place so that we can make sure that ecological balance of the area is protected.

That's what we're doing by responding proactively to recommendation 14, as well as some of the other aspects that are being undertaken, such as the educational campaigns and future program policy and legislative changes that will be the responsibility of other ministers.

Ms. White: Right now with a quick browse through the City of Whitehorse bylaws for both snowmobiles and ATVs, the ATV legislation they passed was on August 13 of last year. The definition of "highway" — and as it has changed and has been used in the current legislation — was the City consulted at all on how it was going to change the definitions for the amendments to the act that we are talking about and how it affects the city as well?

Hon. Mr. Kent: Just for members, the government completed a 30-day targeted engagement on the policy elements that were considered in developing these amendments. Letters and a background information document were sent to Yukon First Nations, renewable resources councils, conservation, as well as other industry organizations and stakeholders that may have been interested in the work that we were doing.

As I mentioned, this legislation does not apply within municipal boundaries. That being said, the City of Whitehorse and any other municipality has the right to comment on any of our pieces of legislation, whether it's this one or any of the other ones that are before the House during this sitting or future sittings.

It is my understanding that there was no comment from the city during that 30-day period. They are welcome to comment when we go out for the larger consultation piece on the development of the regulatory package and the process and the tools that we can use to ensure that we're meeting what recommendation 14 envisioned us doing, which is to deal with the environmental damage due to ORV use in territorial lands.

Chair: Is there any further general debate? We're going to move on to clause-by-clause debate.

On Clause 1

Mr. Tredger: Is that where the interpretation occurs on page one?

Chair: Clause 1 is on page 1.

Clause 1 agreed to

On Clause 2

Mr. Tredger: I found where I was. Why was it contemplated to use a more narrow version of highway as in the *Highways Act*?

The *Highways Act* includes "land use as a highway, land surveyed for use as a highway, land designated by the Commissioner in Executive Council as a road allowance, (b) a bridge or other improvement incidental to a highway, and (c) an ice road", whereas in the *Motor Vehicles Act*, "'highway' means any cul-de-sac, boulevard, thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, ice-road, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes (a) a sidewalk, including a

boulevard portion thereof, (b) when a ditch lies adjacent to and parallel with the roadway, the ditch, (c) when a highway right-of-way is contained between fences or contained in a cut-line or between a fence and one side of the roadway, all the land between the fences, all the land in the cut-line, or all the land between the fence and the edge of the roadway, as the case may be, (d) all the land shown on a registered plan of survey of a highway right-of-way, (e) when a highway right-of-way is not shown on a registered plan of survey or is not contained between fences or cut-lines, all the land within 30 metres of the centre line..."

There is a significant difference in the two definitions between the *Highways Act* and the *Motor Vehicles Act*. Why was the more narrow definition chosen, and what implications does that have for future regulations?

Hon. Mr. Kent: This act applies to land outside of municipal boundaries and the definition of a highway was adopted from the *Highways Act*. It was pretty much just a cut-and-paste from the definition that exists in the *Highways Act*. The member opposite read it out in his question, so I won't read it again. But it was added to provide clarity for the definition of "off-road vehicle", when trying to capture cars and trucks that are not being driven on the road.

This definition of a highway, for the most part, includes the highway right-of-way or a strip of land 30 metres each side of the highway centre line. This means that motor vehicles used on the trails next to the highway will not be classified as off-road vehicles. Again, Madam Chair, this was the definition that we chose to adopt for "highway" under this legislation and it comes directly from the *Highways Act*. We made a choice to adopt this definition. That's what we're proceeding with and we feel it allows us to bring clarity for the definition of an off-road vehicle, which we need for the purposes of administering this act.

Mr. Tredger: I'm still not clear why the more narrow definition was chosen and what implications that has for enforcement and regulations down the line.

Hon. Mr. Kent: We chose it because it is consistent with the *Highways Act*.

Mr. Tredger: Just for the record, we did have some discussion around snow machines earlier. If the minister could put into the record that he does not believe that snow machines can cause a problem on the land, that they do not cause any damage to the terrain and that he contemplates no damage in the future.

Hon. Mr. Kent: Yes, the definition of an off-road vehicle does not include a snowmobile or a snow machine. As mentioned earlier on in debate with respect to this piece of legislation, it's our feeling that when snow machines operate they typically operate under conditions where the ground is frozen and snow-covered. We felt that the environmental damage that is being done by off-road vehicles is with respect to those that operate primarily in the spring, summer or fall. It's for that reason, as well as reasons such as the fact that even the Trails Only Yukon Association didn't want us to include snow machines in this legislation, that we've decided not to include them.

Mr. Tredger: If I can just go back to the definition of a highway — I'm not clear if it implies a problem or not, but I still don't understand what the reason or what the government rationale is for narrowly defining "highway" and what the implications are in terms of future use of the land and restrictions.

Hon. Mr. Kent: The definition of a highway was drawn right out of the *Highways Act* as I mentioned, and that's the definition that we have chosen to go with — just to remind members that that definition is included in the *Highways Act*, which was debated and passed earlier in this session.

Chair: Is there any further debate on clause 2?

Hon. Mr. Cathers: I will just remind the members that, in fact, the definition of "highway", as my colleague alluded to, was included in Bill No. 59, which amended the *Highways Act*. The NDP, I believe, actually voted for that definition earlier but appear to have forgotten about.

Ms. Hanson: Just to clarify that the question is not about the definition of "highway" — it's seeking a rationale from this government for choosing a more narrow range in terms of applications. So he can do what he wishes with respect to it and you can do what you wish, but it's the narrow view and the rationale.

Hon. Mr. Cathers: I can't resist pointing out that maybe the NDP should remember what they voted for this very session.

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

Mr. Tredger: With your permission, I'd like to go back to clause 4.2(1)(d).

Unanimous consent re revisiting clause 4

Chair: Clause 4 has been carried. We will require unanimous consent to return to clause 4. The Member for Mayo-Tatchun has requested unanimous consent to revisit clause 4. Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

On Clause 4 — revisited

Mr. Tredger: Could the minister define and explain clause 4.2(1)(d): the development, approval and implementation of trail plans applicable to the use of off-road vehicles? Could we have a further understanding of what that means and what trail plans would be involved?

Hon. Mr. Kent: What this speaks to is that there are areas that may be considered for off-road vehicle management areas that are used by multiple users — hikers, snowmobilers, all-terrain vehicles, First Nations for traditional use, hunters, fishers, outfitters, miners, et cetera — in which case it may be beneficial to conduct a planning exercise involving all stakeholders and guides of the management of the area. A big element of that will be the public consultation piece and engaging with those multiple users to ensure that everyone's

concerns are taken into account when developing the management area.

Mr. Tredger: I can't remember seeing a definition of "trail", but what would be the definition of "trail" as used in this act?

Hon. Mr. Kent: The definition of a trail will emerge in the developments of the general regulations. Obviously, it's something that individuals use for hiking or walking or personal non-motorized enjoyment as well as those used for off-road vehicle enjoyment. But, again, that definition will emerge once the general regulations are developed.

Mr. Tredger: I guess that is concerning. We just spent half an hour trying to let me understand what "highway" meant and the implications thereof.

When we're looking at trails, I would think that the definition would be very important and, in terms of wanting clarity, that we would be looking at it very, very carefully.

My next question is about clause 4.2(d): "to empower the Minister to modify or waive the application of any prohibition, restriction, term or condition of the regulation for a period of up to 90 days, in any particular case when the Minister is of the opinion that it is in the public interest to do so." I know we talked about that at the briefing, but for the record, could the minister identify times when he might be contemplating waiving a prohibition of an area, or when it would be looked at?

Chair: For the record, I believe the member was referring to clause 4.2(2)(d).

Hon. Mr. Kent: With respect to that particular clause, it would be in a place where an area management plan is already in place but when there is an emergency, such as a forest fire, that we need to access through that area, or if there is a search and rescue operation or any other type of civil disaster that needs to be addressed and we need to access it through an area already under management.

Mr. Tredger: Does the minister contemplate access through prohibited areas for industry or for other economic activities?

Hon. Mr. Kent: We would contemplate dealing with those types of economic opportunities, whether it is mining or tourism or big game outfitting, through the area management plan ahead of time rather than using this ministerial order.

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Mr. Tredger: In clause 6, 5.1(1) "The Minister may, subject to any provisions" — why is that "may" instead of "shall"? To me it would make sense that the minister should, with the passing of this act, appoint provisions set out.

Hon. Mr. Kent: It needs to be "may" in this case because we haven't seen the development of the regulations or the process or the area management plans, so there may be other designations that we need to use in specific areas. This does need to be a "may" clause rather than a "shall" clause.

Mr. Tredger: My concern is that an individual may end up working with this off the side of their desk and I feel

it's far, far too important. I would believe that the "may" in part 5.1(2) where "The Minister may place terms and conditions..." would be more appropriate to institute that control and that indeed the minister should be appointing or designating a person to enforce the provisions of this act.

Hon. Mr. Kent: For the record, it's fully anticipated that conservation officers and those officials who work in Compliance Monitoring and Inspections in Energy, Mines and Resources will be designated under this clause. When it comes to area management plans, the regime will be put in place by Cabinet for specific area management plans. Just for the record, Madam Chair, there will be individuals assigned to enforcement under the provisions of this act.

It is a "may" clause, and we made those choices in case, through the development of the regulations, there are other terms or conditions set out with respect to certain area management plans.

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Title

Title agreed to

Hon. Mr. Kent: Madam Chair, I move that Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*, be reported without amendment.

Chair: It has been moved by Mr. Kent that Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*, be reported without amendment.

Motion agreed to

Hon. Mr. Cathers: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Mr. Cathers that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

May the House have a report from the Chair of the Committee of the Whole?

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*, and directed me to report the bill without amendment.

Speaker: You have heard the report from the Chair of the Committee of the Whole. Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.
Government bills.

GOVERNMENT BILLS

Bill No. 64: *Act to Amend the Territorial Lands (Yukon) Act* — Third Reading

Clerk: Third reading, Bill No. 64, standing in the name of the Hon. Mr. Kent.

Hon. Mr. Kent: I move that Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Energy, Mines and Resources that Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*, be now read a third time and do pass.

Hon. Mr. Kent: It is indeed a pleasure to rise at third reading and speak to this legislation. Again, many Yukoners will know where this came from, and that's one of the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles. They held an extensive public consultation in the late summer and fall of 2010 with additional feedback from the public received up to March 2011.

As minister responsible for Energy, Mines and Resources and this legislation, I'd like to take the time to thank all of those members — current members of the Legislature as well as past members of the Legislature — who sat on that committee and engaged the public very effectively. I know there were over 2,500 opinion surveys returned, as well as a number of written submissions. I would like to thank them for their work and for coming up with a report that featured 14 recommendations related to the safe operation of off-road vehicles, as well as the protection of the environment.

This bill that is before the House addresses many aspects of the select committee's recommendation 14, particularly the need for effective regulation and enforcement to protect the environment from damage caused by off-road vehicles. It allows the development of a range of tools for the protection of the ecological balance or physical characteristics of an area. The amendment enables off-road vehicle restrictions during the summer and shoulder seasons, including a temporary restriction or prohibition of up to 90 days through a ministerial order; the ability to restrict access to an area through the establishment of an off-road vehicle management area by regulation; and the ability to make regulations for off-road vehicle management areas.

This also enables us to develop those important regulations and some of the aspects that may be included are restrictions on use for certain types of vehicles, in all or parts, or certain trails within the area, operating conditions, permitting and trail plans. It's important to note that these regulations will be developed in consultation with First Nations, user groups and stakeholders, as well as the Yukon public. There are also provisions to ensure effective compliance and enforcement in off-road vehicle management areas and areas under ministerial order. The application of these off-road vehicle management tools will be inclusive and apply to all Yukon government lands.

There is a diverse range of stakeholders with interest in off-road vehicles. These stakeholders range from the general public for recreational purposes to wilderness tourism operators to mineral exploration companies. The work of the select committee showed a wide range of perspectives with many different priorities for many different Yukoners. It also

demonstrated a need for comprehensive management tools to achieve effective territory-wide off-road vehicle management.

I'm optimistic that, through the adoption of these amendments and the subsequent regulations, there has been a middle ground found that reduces the negative impacts of off-road vehicle use, while still enabling users the freedom to operate and enjoy responsible off-road vehicle use in the territory. These proposed amendments provide for the ability to mitigate environmental damage while enabling the responsible use of off-road vehicles to enjoy our wilderness.

I'm very pleased that we were able to get through second reading with unanimous passage of all members of the Legislature. I appreciate the questions and clarifications sought during Committee of the Whole. I'm hopeful now that all members will continue to support this legislation, as it's the right thing for Yukoners and, even more importantly, the right thing to do for Yukon's environment.

Hon. Mr. Dixon: I'm happy to rise and speak to this bill on third reading. As the Department of Environment was heavily involved in the creation of it and some of the policy work behind it, I did want to take the opportunity to first of all thank the officials in my department, Environment Yukon, who participated in this drafting and creation of this piece of legislation. In particular, I think one of the head policy leads from Environment Yukon's perspective was Tim Sellars. I did want to thank him for a lot of the work he has done on this particular piece of legislation as well as the staff in the Department of Energy, Mines and Resources who were previously referenced by the minister.

It was interesting for me to listen to the debate on this particular bill, and I look forward to seeing unanimous support of this particular bill because I think it is a good piece of legislation that will achieve the goals that we have sought to meet. It provides the Commissioner in Executive Council with the authority to establish and make regulations in respect of off-road vehicle management areas when it is necessary for the protection of the ecological balance or physical characteristics of the area.

Within this act, Mr. Speaker, there are a number of new tools that the Government of Yukon will have to take action where action is needed and take action where there is the future possibility of protection being needed. One of the things that I did want to add to this discussion at third reading was some of the terms we've used.

One of the terms that have been used so far is "complaint-driven process". While that is correct, I do think that perhaps a better way of referring to that is a "citizen-driven process", a process by which Yukoners have the ability to make suggestions to government about where action might need to be taken.

When we think of complaints, we think of the negative connotations of an area that has been negatively affected. It doesn't necessarily have to be that way. It could perhaps be a little more future-looking than that. An individual may say that area X is likely to have increased traffic in the coming years and so we should be proactive and take action early on.

That is entirely possible and entirely contemplated in this act. I think it is important to recognize that, although there are some areas in the Yukon that have seen some damage from ATVs and require a reactive approach, there are areas that we can be proactive in and be more future-looking in how we approach these things.

As the Minister of Energy, Mines and Resources said in Committee of the Whole, the process by which we identify areas is going to be of fundamental importance to this issue. I think that we've got a few existing processes that we can lean on.

For instance, if we consider the changing, amending or adding of regulations pursuant to the *Wildlife Act* — hunting or fishing are good examples — whereby individuals can approach either the government or their own RRC, depending if they have one in their area, and then the process is triggered by which there is a public consultation and there is some debate in the public about whether or not this regulation makes sense. For instance, we're currently in the process of doing so for the hunting regulations. I think a similar process might be helpful for implementation of these particular tools identified in this piece of legislation. You have the involvement of individuals on the ground, the involvement of RRCs, the Fish and Wildlife Management Board and then, of course, government. Of course, one can't forget First Nations in that process as well.

I think that's something we might look to as a possible guide. It doesn't necessarily mean we have to copy that process exactly, but it does offer some guide for us as to how a successful process for amending, changing or adding to regulations is undertaken currently in the Yukon.

As I said, there are a number of new tools that are introduced in this legislation. They are listed under section 4. They include restrictions or prohibitions on the use of ORVs. That is probably, in my opinion, one of the more blunt tools that government might use — the actual prohibition of an activity in an area. A little more nimble is the next one, which refers to operating conditions and may allow government to be a little more creative in how it approaches a particular area. For instance, I might suggest that we would say that the rutting or gouging — particular activities — would be prohibited within a certain area, rather than simply saying that there will be no access at all and that access is completely prohibited for ORVs. We could say that in particular conditions, particular activities would be prohibited. It offers a little more flexibility.

The last on that list is the creation of trail management plans. I think that's going to be an important exercise for a lot of regions in this territory. In places where we have multiple uses of trails of an area — as the Minister of Energy, Mines and Resources listed in Committee of the Whole, a number of different activities from economic to outfitting and tourism — and any number of uses could be considered — I think creating a map of trails in a particular area may be a useful exercise, not just for the protection of the environment, but for individuals who use that particular area to understand the other uses and understand how their own use impacts that of

others. I think these are important tools. I think they shouldn't be underestimated. I think their flexibility is important. Having that level of flexibility to respond positively to requests from citizens is going to be important.

Finally, I did want to comment again on the issue of snowmobiles and why snowmobiles and snow machines aren't included. In Committee of the Whole, it was mentioned that there was no way to stop snowmobiles from harassing wildlife or undertaking other activities like that.

I should note that the *Wildlife Act* does prohibit the harassment of wildlife using a vehicle like an off-road vehicle. Section 92(2)(c) of the *Wildlife Act* reads "operates a vehicle or boat in a manner that might reasonably be expected to harass any wildlife." In this sense, harass refers to the definition in the *Wildlife Act*, which is, "includes worry, exhaust, fatigue, annoy, plague, pester, tease or torment, but does not include the lawful hunting, trapping, or capturing of wildlife." I think there are tools out there already for the protection of wildlife from machines like snowmobiles or snow machines.

With that, I would conclude by saying that I think this is a good piece of legislation that balances the need for government to be proactive — and sometimes reactive — to the needs of the environment and the ecological integrity of this territory by taking a very targeted approach to specific areas that require action.

I look forward to passing this now at third reading and I look forward to the unanimous support of all of our colleagues in this House.

Hon. Mr. Cathers: I will be relatively brief in my comments at third reading, since I made most of my comments on this bill at second reading. I would like to acknowledge the work of everyone who participated in all the work that has led up to this, including the clerk to the Select Committee on the Safe Operation and Use of Off-road Vehicles, Sandra Rose, and the other three members of the select committee, which I had the pleasure of being a part of.

One thing that should be noted by anyone reviewing Hansard in trying to understand this issue, it really is important to take a look at the report that was done by the select committee. This was not an issue that there was uniformity of public opinion on. The issue of how to address the environmental challenges was one on which there remain polarized viewpoints among Yukoners — between some who would like to see a ban on any new trails being cut anywhere and other people who are adamantly opposed to government applying new regulations to them, particularly if those regulations are not strictly and clearly necessary for environmental protection. So what the committee felt was the middle-of-the-road ground and what we felt was acceptable to most Yukoners is an approach that recognizes that there are some areas where there is environmental damage that is occurring as the result of off-road vehicle use.

However, it was also clear from the feedback we heard from the public that it is not a Yukon-wide problem. In fact, it is possible from reviewing the comments that were received

from Yukoners to identify specific areas where people feel there is environmental damage occurring — just as it was possible to identify literally specific neighbourhoods within the City of Whitehorse where clearly there were more issues around conflict from ATV users either conflicting with pedestrian trails or highway crossings, et cetera.

The targeted approach that was recommended as part of recommendation 14 recommended that government ensure off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats. Ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas, to close trails or overused areas as necessary, to exclude off-road vehicles from specific types of land or habitats, to have certain areas designated as access routes only, that environmental and access restrictions be implemented in areas where problems exist or are developing, and, when not required for wildlife for environmental protection, efforts be made not to reduce access to existing use areas.

So that is only part of recommendation 14 that I'm quoting. The rest has already been read into the public record and is on-line on the Legislative Assembly website, but that is the key part that relates to the fact that it's important to recognize that central to the approach unanimously recommended by the all-party committee was to take a balanced approach and, in leading off the recommendations in the report, the committee noted in paragraph 3 of the recommendations that, while it is clear there are strong arguments to be made for further restrictions on off-road vehicle access to some areas, the committee does not have sufficient knowledge or expertise to determine which areas should be restricted.

The committee also heard from many people who regard the ability to travel in the back country by ATV and snowmobile a very important personal freedom. In our recommendations we attempt to be fair and balanced to all user groups and citizens and acknowledge the importance of appropriately protecting environment and wildlife.

I will wrap up my remarks and I just want to thank all the many people who participated in this. There were 2,489 written submissions from Yukoners, mostly through the survey forms which included the ability to not only fill out the multiple choice questions, but provide written comments, which many Yukoners did. As a member of the committee, I found it very helpful to hear not only from Yukoners who talk to us at public meetings but to also read through those comments and going through them all.

As I believe I noted earlier, the clerk of the committee, Sandra Rose, did an excellent job of compiling them and entering them into a database, which is very helpful. I know my assistant, Rosie Drury, and I went through the comments and spent quite a bit of time pouring through everything that the over 2,500 Yukoners who commented on this provided. I recognize that there are very strong views from Yukoners and there are some who would like to have seen the government

go further in this area and some that would have liked to see no rules at all.

What we did was follow exactly the recommendations of the select committee report. As I alluded to earlier at second reading, I would note in particular to some of the members of the Official Opposition that I think it's fair to say that all members of the committee had their views evolve through this and recognized that the needs and the interests of rural Yukon and the strong perspectives of Yukoners living outside the borders of municipalities and in some of the rural municipalities are not the same as within the more urbanized areas of Whitehorse and the needs, solutions and challenges are different. I think we've done a good job of reflecting that diversity of viewpoint of Yukon citizens while coming up with an ability to target measures where problems exist or are developing, just as recommended in the select committee's unanimous recommendation.

I would be remiss if I did not once again thank the staff of the Department of Energy, Mines and Resources and staff of the Department of Environment, as well as the Department of Highways and Public Works, for all the work that they've put in related to this legislation and this whole initiative — that being implementing the recommendations of the select committee. I would also like to acknowledge the work of staff at the Department of Justice and Executive Council Office for their involvement in this.

So, Mr. Speaker, with that I commend the legislation to the House and hope that all members will support it today.

Mr. Tredger: Mr. Speaker, this is a rather tentative beginning to addressing the recommendations of the select committee. I guess the proof will be in the pudding. The regulations are not out there yet. I'm encouraged by some of the minister's comments and some of the directions from both ministers.

I would remind all members that whether we're rural or urban, there is no divide. We are stewards of the land and the land is what we depend on and what we are.

It is important that there be a sense of urgency here, that we charge the departments and the minister to ensure that this be done in a timely and very quick manner. As I say, it's a good first step. It addresses one of 14 recommendations. The committee met for quite some time, and it was over two years ago they brought their recommendations forward. I was glad to hear the minister stating that there will be more of the recommendations addressed during this mandate. I look forward to them. We on the opposition side support this bill. We're a little concerned that it isn't more proactive and that there isn't more substance to it, but be that as it may, it's time to get on, get the act passed and start getting those regulations in place so we can be working with all Yukoners together to ensure that all forms of the land use are respected and take it from there.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Mr. Elias: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are 17 yeas, nil nays.

Speaker: The yeas have it.

Third reading for Bill No. 64 agreed to

Speaker: I declare the motion carried and that Bill No. 64 has passed this House.

Hon. Mr. Cathers: I move that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Speaker: It has been moved by the Government House Leader that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Committee of the Whole will now come to order.

Chair: The matter before the Committee is Vote 53, Department of Energy, Mines and Resources in Bill No. 11, entitled *Second Appropriation Act, 2013-14*. Do members wish a brief recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 15 minutes.

Recess

Chair: Committee of the Whole will now come to order.

Bill No. 11: Second Appropriation Act, 2013-14 — continued

Chair: The matter before the Committee is Vote 53, Department of Energy, Mines and Resources in Bill No. 11, entitled *Second Appropriation Act, 2013-14*.

Department of Energy, Mines and Resources

Hon. Mr. Kent: Before I begin with my remarks with respect to the 2013-14 supplementary estimates, I would like to welcome Shirley Abercrombie to the Legislature here this afternoon. Shirley is providing support from the Department of Energy, Mines and Resources.

I'd also like to update the House on a couple of things that have happened, or some of the activities that I've undertaken since being named Minister of Energy, Mines and Resources in early August.

I should thank the Premier for showing the confidence in me to assume this very important portfolio as it affects many Yukoners in their day-to-day lives. I know I took time at the second reading speech to thank the officials and organizations that I worked with previously in my responsibility with Education, Yukon Housing Corporation, Yukon Liquor Corporation and Lotteries Yukon. That was a very enjoyable time for me.

Looking forward to my time in working with officials at Energy, Mines and Resources, I offer my thanks to them for quickly bringing me up to speed on a number of important issues facing the industry and Yukoners as a whole when it comes to Energy, Mines and Resources.

I've had the opportunity over the past few months to meet with a number of industry organizations that are involved and active with respect to the Energy, Mines and Resources portfolio, starting with Yukon Wood Products Association, as well as attending a community open house in Haines Junction where I was able to attend a meeting with the Minister of Highways and Public Works, who is the MLA for Kluane, and with a number of individuals who have concerns with respect to the industry. I was very pleased that the minister organized that meeting and was able to hear first-hand some of the challenges and successes that some individuals are having when it comes to working in our forest industry.

I've also had the opportunity to meet with the Growers of Organic Food Yukon at their last meeting at their last meeting at Yukon College. I found it very informative. There are a number of important issues for them, of course, including genetically modified alfalfa, but they are engaged with the Agriculture Industry Advisory Committee in providing their feedback on that. This is an issue that is not only important to them but is also important to other associations and farmers that are in the territory.

Agriculture is an existing industry where there is a lot of room for growth as far as revenues for that industry. I look forward to working with the Yukon Agricultural Association, the Growers of Organic Food Yukon and the Yukon Game Growers Association to advance their concerns and represent them, not only at the Cabinet table but at federal-provincial-territorial meetings.

I had the opportunity to travel to Calgary with officials in early September and meet with a number of companies that are active in the oil and gas and energy fields here in the territory and get updates with them. Just previous to that, I travelled to Vancouver, where the Minister of Economic Development, our two deputy ministers and I had the opportunity to visit with several mining companies that have projects at various stages here in the territory and to hear first-hand from them what challenges they were facing, not only in the current investment market, but also with respect to our regulatory regime and us making improvements to that regulatory regime.

I'm pleased that we have some initiatives underway to address some of their concerns and ensure that we remain competitive here in the territory when it comes to mining jurisdictions and mining-friendly jurisdictions around the world as far as attracting investment dollars and attracting companies to unlock that wealth.

When it comes to industry associations associated with mining, we have a number in the Yukon and I've met with most of them. I've had a couple of meetings with the Yukon Chamber of Mines, meeting face to face with the Klondike Placer Miners' Association as well as discussions with their president and executive director — again, face-to-face discussions but discussions over the phone.

I've had meetings with the Yukon Prospectors' Association. The Yukon Gold Mining Alliance invited me and the Minister of Economic Development to provide remarks at their recent investor forum ahead of the Geoscience Forum.

I should take the time to thank Sue Craig as chair and all the members of the Yukon Minerals Advisory Board for their ongoing advice and support to ensure that we have a very robust and competitive regime here when it comes to mining and mining exploration activities.

I also had the opportunity to meet face to face with two representatives of the Yukon Outfitters Association to talk with them about some of their concerns. I find all of these meetings very, very helpful as far as addressing various concerns of industry.

I'll conclude some of the meetings I've had over the past few months with a meeting that the Premier and I attended with Yukon First Nation leaders, which was specifically to talk about the hydroelectric project that we announced recently would be going to the Yukon Development Corporation to take the lead in research and planning.

That was a very good meeting with the Grand Chief and several chiefs or deputy chiefs from many of the First Nations across the territory.

I am very pleased to introduce at this time the 2013-14 supplementary estimates for the Department of Energy, Mines and Resources. This supplementary budget reflects adjustments made to the 2013-14 budget as Energy, Mines and Resources works to manage Yukon's natural resources and ensure integrated resource and land use. For this supplementary budget, EMR requests an overall increase of \$13.9 million for operation and maintenance expenditures and an increase of \$514,000 for capital expenditures.

EMR works to manage all sectors of Yukon's natural resources in a responsible and sustainable manner. EMR's responsibility to the public and clients is to ensure the regulatory regime is clear and competitive and that it provides certainty and effective environmental protection. The management of minerals, water, oil and gas, forestry, agriculture and land includes both the regulatory and enforcement responsibilities of the legislation along with policy development, client support and education.

As far as the O&M expenditures for this supplementary estimate — EMR O&M expenditures have increased by \$13.9 million, bringing the revised 2013-14 O&M budget to \$78.1 million. In addition to reflecting collective agreement and manager's salary increase adjustments across the department, EMR's O&M expenditures include some significant departmental initiatives. The \$575,000 O&M increase in Sustainable Resources includes revote adjustments and collective agreement increases.

The Sustainable Resources division includes the Land Planning branch. EMR's Land Planning branch regularly assists communities in developing local area plans and zoning regulations to ensure orderly development. Planning initiatives resolve competing land uses by providing area residents and First Nation governments with the opportunity to participate in developing balanced land use policies to create certainty over future land use. Zoning regulations are guided by local area plans and provide development criteria to group compatible land uses together, separate incompatible land uses from each other and manage population densities.

The Yukon government is continuing to prioritize planning and zoning initiatives in the Whitehorse periphery, where the population continues to grow and land development pressures are greatest. Marsh Lake and Carcross planning processes will be completed by early 2014 and are good examples of First Nation, community and Yukon government collaboration. The Fox Lake plan is also being initiated.

In spring 2013 Mayo Road consultation was finalized and the order-in-council allowing subdivision of residential and commercial lots was approved. Within the O&M increase for the Sustainable Resources division are two revotes totalling \$72,000 for the department's work on the McGowan lands. The McGowan lands initiative is being advanced, along with comprehensive amendments to the Hamlet of Mount Lorne and Carcross Road area plan, to allow subdivision of rural residential and agricultural lots in Mount Lorne. Work on this initiative began in April 2012 with a public consultation process to consider the amendments to the local area plan and zoning, allowing for subdivision of rural residential properties. The consultation on the first phase of agricultural and rural residential development on the McGowan lands will take place in 2014.

A final residents survey was completed in June of this year and is being used to finalize a decision on the appropriate subdivision model. A geotechnical investigation of the McGowan lands, which is located at the north end of Mount Lorne, has been completed and subdivision concepts are being prepared to assist with the public consultation process.

Also within Sustainable Resources O&M are revotes and collective agreement increases for the Forest Management branch. The Forest Management branch is actively engaged in managing the regulatory regime implemented with the *Forest Resources Act*. Fully implemented in January of 2011, Yukon's forest management regime reflects a strong commitment to the industry in terms of secure tenure opportunities while protecting diverse forest values. A key part of this work is active engagement with the local forest industry. Energy, Mines and Resources provides funding to the Yukon Wood Products Association and works with the association to promote development of a sustainable forest industry and collaborative development of forest policies.

The Haines Junction tenures allocation strategy, developed in cooperation with the Yukon Wood Products Association, sets a fair and transparent performance-based strategy for disposition of licences. This strategy rewards active industry members with appropriate tenures and a secure supply. In addition, development of timber harvest plans is continuing as the department works to ensure harvest opportunities in areas where there is a demand by industry. Forest management planning provides certainty and respect to the land base and allows managers and industry to function to the full capacity of the *Forest Resources Act* through longer-term tenures and defined annual-allowable cuts.

The Sustainable Resources division increase in this budget includes a Forest Management branch revote of \$125,000 to complete aerial photography in the traditional territory of the Champagne and Aishihik First Nations. Yukon government and CAFN have collaborated closely on forest management for many years. A forest resources management plan was jointly approved by Yukon and the Champagne and Aishihik First Nations governments in 2004. The planning process focused on the condition of the forest as a result of the spruce bark beetle infestation. Implementation of the joint plan is well underway with timber available in the Pine Canyon, Bear Creek, Marshall Creek and Quill Creek timber harvest plans, as well as fuel abatement treatments in Haines Junction, Canyon City and Silver City.

In addition, a Champagne and Aishihik First Nations/Yukon government implementation agreement was signed in August 2012 and establishes planning and management objectives to be met by 2015. The implementation agreement between Champagne and Aishihik First Nations and Yukon government sets a path forward to establish a new annual allowable cut by 2015. The largest O&M adjustment for EMR within this supplementary budget is an increase of \$12.9 million for the Oil and Gas and Mineral Resources division.

This increase includes a \$400,000 budget increase for the Yukon mining incentives program to enable the program to provide \$1.17 million total for the 2013-14 fiscal year. The additional funds for YMIP will help encourage more investment in mineral exploration during a period when raising capital was extremely challenging. YMIP provides funding to individuals, partnerships and companies to move forward on their mineral exploration projects.

Part of the program's function is to provide a portion of the risk capital required to locate, explore and develop mineral projects to an advanced stage. YMIP has a proven track record at leveraging exploration dollars and many of the dramatic successes within Yukon's mineral sector have been due to the initial support of this program, as well as the free-entry mineral tenure system that we have in place. It is well known that Shawn Ryan, who discovered the White Gold deposit has credited the support of YMIP for making his initial exploration work possible.

Approximately three-quarters of YMIP funds are allocating to individuals, reflecting and supporting the determined individualism of Yukon's mineral sector. YMIP focuses on quality projects and is a competitive, proposal-driven process that is merit-based. The projects most likely to be funded are the ones that have the best chance of succeeding and have the strongest potential to generate additional investment in Yukon's economy.

I believe that of the active exploration projects in the Yukon this past summer, half of them received support from YMIP and many of them, and many individuals I talked to in the industry, were very grateful for the additional dollars that we put in, as that allowed them to extend their exploration projects in many cases.

Also, within the O&M adjustment for the Oil and Gas Resources is an overall \$12.19-million increase for the work of the Assessment and Abandoned Mines branch. This budget's increase to the Assessment and Abandoned Mines branch reflects an amended type 2 mine sites agreement with Canada. Funding for the Faro mine complex is 100-percent recoverable from the federal government. The Yukon government is committed to providing environmental protection in human health and safety at the abandoned Faro mine site.

The department's work is focused on developing cost-effective approaches to protect the environment and human health at the former Faro mine while maximizing training employment and business opportunities within the Yukon. EMR is implementing a five-year \$200-million plan that includes the development of a long-term remediation solution, a series of interim capital works designed to address emerging risks and ongoing care and maintenance activities. All major works executed at the Faro mine site include participation strategies that promote First Nation and community participation through training, employment and business opportunities.

In addition to the work at the Faro mine complex, EMR also leads monitoring and remediation of a number of other type 2 sites. At the time of devolution, several mine sites in the Yukon, known as type 2 sites, were identified as having potentially unfunded environmental liabilities related to closure. Those type 2 sites currently under company control are being monitored by Assessment and Abandoned Mines branch to ensure that no unfunded liabilities are transferred to the Yukon government, and Assessment and Abandoned Mines branch also participates in efforts to address environmental issues at type 2 sites through monitoring of site

activities and working with various parties on the development of long-term remediation plans.

I know that my time is running short at this opportunity. I will turn it over to the opposition for questions but ask for their indulgence in getting on to some of the capital expenditures in the budget that I will conclude after accepting initial questions.

Mr. Tredger: I thank the minister for his comments and welcome the official to the Legislature. It's a pleasure to have you here and I look forward to you assisting the minister in answering. Thank you to you and your colleagues for the briefing this morning. It was much appreciated.

I'll keep my introductory remarks brief and the minister can get back to his preamble and then we can get into the questioning.

There are a number of areas I wish to touch on in the questions as we debate the supplementary budget. The first one would be around energy. I feel this is a very critical juncture in the Yukon's history, and I think it's very important that we get it right — that we take our time and that we look at what's going on. We have watched for the last 10 years as we realized that our supply of hydroelectricity was running out. The government is coming to this realization rather late, but it seems that they are coming to it and I applaud them for that.

Coupled with our need to tackle the energy industry and to work with the energy industry to ensure that we have reliable energy for our future needs is the overriding aspect of climate change. The Intergovernmental Panel on Climate Change recently issued a report and it was a very concerning that we are well on our way to having to deal with this in a very urgent and critical manner. There is no doubt now that the influences of humans on this planet are a major contributor to climate change. There is no doubt that we as a human race need to come to grips with that very quickly.

We hear again and again of catastrophic events that are happening, but we also hear of melting permafrost and what it means to our road systems and the infrastructure costs. We hear about the different costs to us in terms of food production, the costs in terms of insurance and climate change in terms of catastrophic events, such as droughts, heavy rains, increasing colds spells as well as increasing warm spells. What we do around energy is critical. We can make a difference here; we must make a difference here. So I will be asking some questions around our government's climate change policy and how that meshes with our energy policy.

We're also at a lull in our mining industry, certainly the exploration part of it. We are making some critical decisions around some mines that are getting closer, we hope, to coming on stream. I have a few questions around those. This may be a good time to sit back and take a look at some of the decisions that have been made around YESAA and perhaps to audit some of the decisions — and decisions made by the decision body — to see if the mitigation efforts are valuable, if they are achieving what we intended them to achieve.

We recently had an exploration boom and a staking boom. There was a lot of activity in the territory. How did we

handle that? How much of that activity trickled down to the people in our territory? How much remains? It's time to take a close look at that to see what we can learn so that we are better prepared for the next mining boom or the next exploration phase.

It's good to see the amount of effort being put into training of our youth and workforce. I commend the departments for their efforts to work with the various industries, as well as with Yukon College and our school system, to ensure that our students are. We need to take a look and make sure that the amount of money we're spending on that is coordinated and achieving its results. Just throwing money at something is not necessarily the solution. It must be done in a way that can be evaluated, that can be measured and where we can determine if it is achieving its purposes.

The minister mentioned the type 2 mining activity, mining recoveries and our relationship with the federal government, as well as with the First Nations in the area. Around the type 2 mines, I have a few questions on the development of it and what is happening in some of our type 2 mine sites.

I was pleased to hear the minister talk about agriculture. Agriculture is something that is very important to Yukon people in terms of food security. The Yukon agricultural industry has worked very hard to create a Yukon brand and Yukon grown. Yukon people appreciate that and they know the significance of shopping locally and supporting our local farming industry. I have a few questions as to where we're going with that and how much land is being made available in terms of our sustainability and sustaining that.

I was pleased to hear the minister talk about our forestry industry. I have a few questions, especially around developing industry and heating sources of wood. I know we've had a number of experiments in the wood-chip industry and working with local producers of wood to try to develop a wood-chip industry and a wood-chip market. I have a few questions around what has happened there, what lessons we have learned and where we are going from it.

If I can just step back to the mining and extraction industry, I have a question around the oversight and inspection and how that is working, what we need to do to improve it for the next time, and what has been successful in it. I know the civil service has been working very hard to ensure that our land is protected and that industry is able to work within the regulations. Now that there is a bit of a lull, this may be the time to examine that more closely.

I have grave concerns about this government's relationship with First Nations and the way they are looking at the implementation of self-government and how that is affecting our industries and how that is affecting our lands and land selection in the Yukon. I have a number of questions around that area. Again, I'm also concerned that land use planning seems to have stalled — that the whole process has taken a side turn — and how this government and Energy, Mines and Resources mean to work with industry and with First Nations to get that back on track.

Those are some of the questions that I will be looking at as we go through this part of debate. I did want to start with type 2 mines, but I'll start with the Yukon mining incentive program. This program was introduced by the NDP and I'm glad to see that it has been carried on by the Yukon Party government. In fact, it has been enhanced and I would like to inquire about the additional funds of \$400,000 that will go to the Yukon mining incentive program to support mineral exploration.

As I said, the Yukon NDP did introduce the mining incentive program and we feel that it is a good program, particularly in the way that the money invested leverages more money. Many of the people who have benefited from this are Yukon people, small business people and small exploration people who work in the mining industry, who hire Yukon people, and thus the money is again magnified. I gather this is a one-time amount in the context of the recent sharp downturn in the market. Is this \$400,000 for any specific aspect of the exploration industry or the mining incentive industry, or is it just an additional amount that will be continued to be used within the same parameters that have been used in the past?

Hon. Mr. Kent: I'm just going to thank members opposite for allowing me just to conclude my opening remarks with respect to the capital expenditures contained in the supplementary budget, and then I'll address the member opposite's question.

When it comes to moving into the capital allocations of this supplementary budget, the estimate increases EMR's capital expenditures to \$1.76 million. In addition to an internal transfer from Forest Management branch, this adjustment includes a \$134,000 revote and an additional \$380,000 for the Land Management branch's Sawmill Road development project. The Sawmill Road country residential lot project is a joint development, resulting from a partnership between the Yukon government and Teslin Tlingit Council. The partnership started several years ago with planned recreational lots being made available on both Yukon and settlement land at Little Teslin Lake. For the sawmill project, EMR is making available 21 country residential lots on Sawmill Road in Teslin, while the Teslin Tlingit Council is planning to provide 20 lots on adjacent settlement land that they have developed.

The lots on YG land will be sold to the public through a lottery process later this year and will be priced to provide affordable country residential lots for area residents. The Sawmill Road project is part of EMR's work to address the demand for developed lots in all communities. The branch maintains an inventory of land within the City of Whitehorse and rural communities with developed lots of all classes available for sale.

EMR works with municipalities, communities, First Nation governments and the private sector to make land available to Yukoners. We are working with several communities to encourage consideration of zoning amendments to increase opportunities for development and subdivision of private land. On private land outside of

municipalities, the subdivision of agricultural and rural residential lots is also helping to address demand.

Public land also continues to be made available for a variety of purposes through several spot-land application policies.

EMR also works with Yukon First Nations to support their efforts to make settlement land available for residential and recreational purposes. In addition to the department's work with the Teslin Tlingit Council, EMR is working with the Champagne and Aishihik First Nations on the creation of planned, rural residential lots in the Canyon Creek area. Work is also being done on land located on the south Klondike Highway, where a site is in the planning stage for potential rural residential and agricultural planned lots.

Within Whitehorse, the Land Management branch recently took steps to support the planned and orderly growth and development of Yukon College with the recent establishment of a land reserve. Again, the government has also assisted the college to identify land for projects such as the Centre for Northern Innovation in Mining and are now supporting the college to develop a land use plan for the future development of its Whitehorse campus.

The City of Whitehorse recommended a potential long-term expansion area in their 2010 OCP, based on Yukon College input during the OCP public consultation. We recognize there are other interests in the land surrounding the campus and the Yukon government will ensure that all regulatory processes are followed and that interested stakeholders have the opportunity to provide input into the planning process.

Overall this supplementary budget provides an update on some of this government's work to build a strong and diversified natural resource economy that benefits all Yukoners. As this budget shows, EMR works across a wide range of resource sectors, supporting diverse economic growth and opportunities.

To close out my introductory remarks, I'd like to acknowledge again the hard work and dedication of EMR staff. Yukon's resource economy has placed new challenges on our staff across the territory, yet their dedication and professionalism is unrivaled.

Now I'd like to touch on an overview of the topics that were raised by the Member for Mayo-Tatchun in his opening remarks and then, more specifically, on the Yukon mining incentive program.

When it comes to the energy field, we are vigorously engaged in discussions for a clean power future for Yukon. That starts with some of the policies that we've brought in, like the micro-generation policy, as well as moving on toward the development of an independent power producers policy and a biomass strategy, moving up the line through initiatives that we've engaged the Government of Alaska on, such as the energy corridor, and the memorandum of understanding that I and the Minister of Economic Development and Environment recently signed with the State of Alaska Commissioner in Skagway. This examines not only generation in Skagway, but also the connection of Skagway to the Yukon through grid and

some of the other projects along the way that could potentially be developed for future generating capacity, on a smaller scale than the large hydro project that we've asked the Yukon Development Corporation to lead the research and planning in.

We're very cognizant of the energy needs, not only for residents of the Yukon, but our expanding economy and industrial client base. That's why we feel that scalable hydroelectric power makes sense, and we're looking forward to not only receiving the workplan from the Yukon Development Corporation here within the next 90 days as to how they will conduct the research and planning, but also the final report that we're expecting, which will identify a number of issues such as location, costs and financing and other aspects of the project that are going to be very important as we advance and look for partners in bringing this project to fruition for all Yukoners in the future.

When it comes to mining, I will look forward to addressing specific questions from the member opposite, particularly with respect to YESAA, because I'm not clear exactly what he would have us do with YESAA. All members know, of course, that is federal legislation and while it does have recommended representatives of the Yukon government and First Nations, there are also federal representatives on that board. I know there are a number of rules and policies and procedures that take place, so I'm interested in hearing a little bit more, specifically from the member opposite as far as questions with respect to YESAA and evaluation and auditing of YESAB projects. We'll get into that, I'm sure, when we get to that part.

When it comes to agriculture, again I'm keenly interested in seeing this sector advance. The more food that we can have grown locally and sold in our local stores, the better — as well as at the Fireweed Community Market.

I'm very pleased that, just prior to the Cabinet reassignments, the former Minister of Energy, Mines and Resources announced significant funding for the Fireweed Community Market here in Whitehorse. We've seen other markets spring up in some of the other communities as well, such as Haines Junction, for instance, which opened up a community market this year, as well.

Biomass and forestry — we are again looking forward to engaging in more detailed discussion with the member opposite in getting to some of his specific questions.

With respect to that, I know there are some great opportunities for heating that will be identified through our biomass strategy but have also been identified by some of the industry representatives that I've met with. I know, Madam Chair, the MLA for Watson Lake last Thursday introduced a motion with respect to addressing some forestry issues and advancements with the Liard First Nation, so perhaps we'll get into some discussion around that motion, as well.

I'm looking forward to discussing First Nation relations as well because I think there are a number of positive initiatives that this government has undertaken. We continue to work closely with First Nations, particularly on land development — as I mentioned, working with the Teslin

Tlingit Council, for instance, on Sawmill Creek and following up on some work that was done in the Little Teslin Lake area for some recreational lots. We have some opportunities with the Carcross-Tagish First Nation, particularly around their Bennett beach development, that we are looking to explore further with them.

I mentioned in my opening remarks the fact that the Premier and I attended a leadership meeting and talked about our plans for a larger, scalable hydro project. I'm excited about the discussion that we had with First Nation leaders at that table. Again, we are currently engaged in the final round of government-to-government consultations with four affected First Nations on the *Peel Watershed Regional Land Use Plan*, as well as engaged on the Dawson area planning commission with First Nations. That's obviously at a much earlier stage as the commission continues to do their work, but we're looking forward to that continuing to evolve as we move toward a final recommended, and then final, land use plan for the Dawson area.

With respect to the Yukon mining incentive program, that additional \$400,000 that we invested supported almost half, I believe, of the projects that were underway in the territory this year. Much of the leveraging was done on a four-to-one basis. I was excited to hear that the member opposite supports those types of leveraging initiatives because I know my colleague from the Yukon Housing Corporation is undertaking a similar leveraging initiative right now with respect to the northern housing trust money — leveraging dollars to build affordable rentals.

I'm excited to hear that the NDP supports those types of leveraging initiatives where we get matching dollars from the private sector or other individuals for our investment to, in the case of the mining incentives program, quadruple it and then, in the case of the northern housing trust program, double that investment so we can make a real difference for Yukon and Yukon industries. I'm excited to hear about that as well.

When it comes to climate change, I'd like to refer members to an August 28 press release that was issued by the Government of Yukon that talked about a progress report on the implementation of the 2009 *Energy Strategy for Yukon*. At that time, it had determined that "...the Government of Yukon is on track to surpass its target of increasing Yukon's renewable energy supply by 20 percent by the year 2020."

It states that "...in 2012, 95 percent of electricity demand was met by renewable energy and nearly 20 percent of heating demand was met by renewable wood-based heating". This was greater than any other jurisdiction in Canada on a per-capita basis.

Additionally, the Aishihik third turbine and Mayo B projects have increased the Yukon Energy Corporation's renewable generation capacity by 22 percent, which already exceeds the territory's target of increasing renewable energy by 20 percent by the year 2020. The *Energy Strategy for Yukon 2012* progress report is available on-line, I believe, through the Energy, Mines and Resources website. That's another interesting aspect on climate change and what we're

doing here in the Yukon to meet our requirements with respect to developing more renewable energy.

With that, I know I addressed the Yukon mining incentive program question, but if there's any follow up on that or additional questions, I'd be happy to answer them.

Mr. Tredger: Seeing the time, I want to just get on something that we might be able to deal with fairly quickly here. The minister mentioned the land development in the Teslin Lake area and I have a number of concerns about housing in communities in my area. I know Carmacks has been looking for lots and housing for some time. I talked to a number of people where there wasn't housing available. The same is true in Pelly Crossing and in Mayo, and at Site C in Mayo there was some talk. I would like an update from the minister on the developments on Site C.

I know that the First Nation was ready to begin developing land and looking forward to developing land. They seemed to have hit a roadblock and I'm wondering if the minister could give us an update on what's happening there.

As everyone is aware, there has been a lot of activity in my riding, in Mayo, Keno, Carmacks, Pelly Crossing and surrounding areas. The industry has developed in that area where the site of the only mine operating at this time — in Capstone Mine. There is potential for several other mines. I know that when Alexco talked about leaving they were very concerned about the cost of fly-in and fly-out people to serve their mines. They cited that as one of the reasons that they were slowing down this winter and, in fact, shutting down their operations and only keeping the environmental arm of their operations open.

This is a concern. I know that talking to the business people in Carmacks and to the citizens of Carmacks, they are quite concerned that a lot of people and a lot of the programs are moving to Whitehorse because housing is not available in Carmacks. They've come up with a couple of ideas and suggestions but I haven't heard of any follow-up.

My question to the minister would be around housing and what is being done in the Mayo-Tatchun area. I know a number of years ago the New Democrat Party — when housing was short in the rural areas — had instituted a program where there was a guaranteed buyback so that when people went to work in the communities, they could build a house or buy a house and live in it, and while that was happening, when they went to move, if they could not get market price for it the government would buy it. That had the effect of achieving a couple of things: it increased the housing stock in the communities, and it encouraged people to stay and live and put down roots in the communities.

It was very successful at the time, but it seems to have languished over the past 10 or 15 years or so. The minister mentioned some innovative ways of looking at housing in the rural communities and building up our housing stock in the rural communities, and I'm wondering if that is something that he would look to bringing back in.

Madam Chair, seeing the time, I move that you report progress.

Chair: It has been moved by Mr. Tredger that the Chair report progress. Are you agreed?

Motion agreed to

Hon. Mr. Cathers: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Mr. Cathers that the Speaker do now resume the Chair.

Speaker resumes the Chair

Speaker: I will now call the House to order.

May the House have a report from the Chair of Committee of the Whole?

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 11, entitled *Second Appropriation Act, 2013-14*, and directed me to report progress.

Speaker: You have heard the report of the Chair of Committee of the Whole. Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Mr. Cathers: I move that the House do now adjourn.

Speaker: It has been moved by the Government House Leader that the House do now adjourn.

Motion agreed to

Speaker: This House stands adjourned until 1:00 p.m. tomorrow.

The House adjourned at 5:28 p.m.