



Yukon Legislative Assembly

Number 218

1st Session

33rd Legislature

HANSARD

Tuesday, May 26, 2015 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

SPEAKER — Hon. David Laxton, MLA, Porter Creek Centre

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

CABINET MINISTERS

NAME CONSTITUENCY PORTFOLIO

Hon. Darrell Pasloski	Mountainview	Premier Minister responsible for Finance; Executive Council Office
Hon. Elaine Taylor	Whitehorse West	Deputy Premier Minister responsible for Tourism and Culture; Women's Directorate; French Language Services Directorate
Hon. Brad Cathers	Lake Laberge	Minister responsible for Justice; Yukon Development Corporation/ Yukon Energy Corporation
Hon. Doug Graham	Porter Creek North	Minister responsible for Education
Hon. Scott Kent	Riverdale North	Minister responsible for Energy, Mines and Resources; Highways and Public Works
Hon. Currie Dixon	Copperbelt North	Minister responsible for Community Services; Public Service Commission
Hon. Wade Istchenko	Kluane	Minister responsible for Environment
Hon. Mike Nixon	Porter Creek South	Minister responsible for Health and Social Services; Workers' Compensation Health and Safety Board
Hon. Stacey Hassard	Pelly-Nisutlin	Minister responsible for Economic Development; Yukon Housing Corporation; Yukon Liquor Corporation

GOVERNMENT PRIVATE MEMBERS

Yukon Party

Darius Elias	Government House Leader Vuntut Gwitchin
Hon. David Laxton	Porter Creek Centre
Patti McLeod	Watson Lake

OPPOSITION MEMBERS

New Democratic Party

Elizabeth Hanson	Leader of the Official Opposition Whitehorse Centre
Jan Stick	Official Opposition House Leader Riverdale South
Kevin Barr	Mount Lorne-Southern Lakes
Lois Moorcroft	Copperbelt South
Jim Tredger	Mayo-Tatchun
Kate White	Takhini-Kopper King

Liberal Party

Sandy Silver	Leader of the Third Party Klondike
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LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
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Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, May 26, 2015 — 1:00 p.m.

Speaker: I will now call the House to order. We will proceed at this time with prayers.

Prayers

DAILY ROUTINE

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

Tributes.

Introduction of visitors.

Are there any returns or documents for tabling?

Are there any reports of committees?

REPORTS OF COMMITTEES

Hon. Mr. Hassard: Mr. Speaker, I have for presentation the 16th report of the Standing Committee on Appointments to Major Government Boards and Committees.

Speaker: Are there any further reports of committees to be presented?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2) of the *Human Rights Act*, does appoint Penelope Gawn as a member of the Yukon human rights panel of adjudicators for a term of three years, effective May 26, 2015, and pursuant to subsection 22(2.01) of the *Human Rights Act*, does designate Penelope Gawn as chief adjudicator.

I also give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2.01) of the *Human Rights Act*, does remove Darcy Tkachuk as chief adjudicator of the Yukon human rights panel of adjudicators.

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

THAT this House urges the Government of Yukon to partner with Yukon citizens, businesses and municipalities to create a comprehensive greenhouse gas emissions reduction strategy that targets Yukon's transportation sector.

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

THAT this House urges the Government of Yukon, in light of the fact that the Vuntut Gwitchin First Nation has now

joined the lawsuit, to drop its appeal of the Peel land use plan case.

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

QUESTION PERIOD

Question re: Seniors facilities

Ms. Hanson: This government has unilaterally selected a 300-bed institution as its preferred model of care for Yukon seniors and elders and it is now imposing it on Yukon communities with zero consultation.

Yukoners have become used to this government saying that they consult the public and then ignoring what Yukoners have to say. But when it comes to options to support seniors and elders to age in place, this government has made no pretence of asking or listening. They simply told Yukoners that bigger is better. Yukoners have a right to stay in their homes and in their communities as they age. It is not just about today's seniors and elders. All Yukoners are being done a disservice by the Yukon Party decision to build a 300-bed, \$330-million institution before any consultation.

Will the minister commit to holding public consultations across the territory to listen to Yukoners' views about options for care?

Hon. Mr. Nixon: It should come as no surprise that the member opposite, the Leader of the Official Opposition, has not listened to any debate about this 150-bed facility that this government is committed to building in the Whistle Bend area. Certainly the department will be reaching out to stakeholders over the coming months to look at options as we move forward with this project. The member opposite continues to confuse home care with continuing care. This government has increased investment by over 350 percent for home care for aging Yukoners and for those Yukoners who require that level of support.

We will stand behind those investments. We know — and we have seen repeatedly — that the members opposite continue to vote against those investments. I am fortunate that my colleagues on this side of the Legislature are supportive of providing this level of care to seniors and those who require it.

Ms. Hanson: We all know that this government did not consult with Yukoners about their views on this 300-bed institution. Now it has become apparent that the Yukon Party didn't do its due diligence on the cost implications of making institutional care its primary choice for seniors care. Numerous health care organizations have proven that institutional care is neither the most affordable nor the best means of care for most people.

National data shows that larger institutions are more costly. The costs of recruiting and retaining health care workers to keep such a large institution operational will lead to a massive increase in the department's long-term operational costs.

In the absence of any cost-benefit analysis of options for effective seniors care, how does the minister justify his government's decision to go ahead with a \$330-million, 300-

bed continuing care institution that will cost Yukoners more? Will the minister table the projected operation and maintenance costs for the facility?

Hon. Mr. Nixon: We will be very clear that our priority remains to assist Yukoners to stay in their communities as long as possible. The continuing care facility is certainly a last resort, and we see many Yukoners — in fact hundreds of them — in the coming years who, we suspect, are going to require this level of care. We will continue to make those investments.

Again, I will be clear — the member opposite certainly hasn't been listening — that we are moving forward with a 150-bed continuing care facility. This will be a very community-oriented, senior-friendly facility in the Whistle Bend area that will provide quite a wide array of care, from bariatric to mental health issues and so forth. We remain committed to providing care to seniors and to those who have disabilities that require this level of care for Yukoners.

I said it before and I will say it again: I am very grateful that my colleagues on this side of the House are supportive of this project.

Ms. Hanson: Everyone knows there is a need for a continuum of care for Yukon seniors and elders. No one, other than the minister, believes that a \$330-million, 300-bed institution is the best option for addressing that need.

Our seniors and elders want a continuum of care options that will support their health and well-being as they age, including home care, assisted living, continuing care beds and quality end of life.

Yukoners need the right care at the right place at the right time. If this government was meeting these needs, there would not be the current high level of demand for continuing care beds or the growing wait-list, and we would not be setting ourselves up to fail the needs of yet another generation of seniors and elders.

Does the minister recognize that his singular focus on large institutional care is in fact a sign of failure to deliver more effective, affordable and appropriate health care?

Hon. Mr. Nixon: Mr. Speaker, what the member opposite, the Leader of the Official Opposition, doesn't realize is that this government is listening to Yukoners and we are listening to what we believe are the projected outcomes and the projected needs of those Yukoners.

The member opposite also fails to recognize — and I've mentioned it in this House a number of times — that we conducted two needs assessments and a business case with respect to this continuing care facility. We'll continue to reach out to Yukoners in the coming months, as I had indicated before, on a going-forward basis.

Mr. Speaker, we have invested extensively in seniors housing in Yukon communities. We have built new seniors housing in Whitehorse, Haines Junction, Watson Lake, Teslin and Faro over the last few years, and now we're working to build a new seniors residence in Mayo. In addition, work to replace the McDonald Lodge in Dawson City is underway.

The opposition voted against every one of these projects. In fact, the opposition has voted against improved home care; they voted against seniors housing in communities; they voted

against improved EMS funding for communities; they voted against community hospitals in Watson Lake and Dawson City — and they sit there with a straight face and they feel that it's best to deliver health services in every Yukon community instead of centralizing that care in Whitehorse.

When did the NDP flip-flop on providing health care in Yukon communities, Mr. Speaker?

Question re: Peel watershed land use plan

Ms. White: The government's appeal of the Peel watershed land use plan court decision has attracted new litigants. Both Vuntut Gwitchin First Nation and the Gwich'in Tribal Council have been granted status to speak to an appeal court. Of course, this new development won't influence this government's decision to carry on with their ideological fight at all costs.

The Premier said that his government went to the affected First Nation governments to pursue an out-of-court arrangement and was refused. The Premier would have had a better chance of an out-of-court settlement before he had lost at the Yukon Supreme Court.

Why would the First Nation governments backtrack on the Peel after their concerns had been validated by the courts? Mr. Speaker, how much longer will Yukoners be forced to foot the bill for this Yukon Party government's ideological legal battle?

Hon. Mr. Pasloski: We did, in fact — after the Yukon Supreme Court decision — reach out to the affected First Nations in an attempt to see whether we could reach an out-of-court settlement. I spoke directly with the chiefs. Our lawyers spoke to the First Nation lawyers. Our government officials spoke to the First Nation officials. Unfortunately, in each of those cases, they said that the answer was no.

Ultimately, as I have said before, the priority for this government is to ensure that we, the democratically elected public government, retain the right to have a final say on what happens on public land.

Ms. White: It's too bad those conversations didn't happen before First Nation governments were forced to defend their land claims.

Mr. Speaker, the cost of this government's mishandling of the Peel land use plan just keeps climbing. An access-to-information request shows \$53,000 for the first court battle, \$78,000 to develop its own plan, and nearly \$300,000 to promote its own unilateral plan to Yukoners, and that is without even counting the Yukon government staff time and the economic impact from the uncertainty created by yet another court case.

How can this government justify the direct and indirect cost of their ideological legal battle to Yukoners and Yukon's economy?

Hon. Mr. Pasloski: As we have said, seeking clarity on the land use planning process is a priority on a go-forward basis to allow us to have a clear path on a go-forward basis. What is also important, Mr. Speaker, is — as I have said — that there is always the ability for a democratically elected public government to be able to have final say on what

happens on public land. That is a priority. That should be a priority for all governments; that the government elected by the people has the ability to make those decisions on the land for which they represent. We feel that is important and this is why this case will continue to go forward after an attempt to reach an out-of-court settlement with the First Nations.

Ms. White: The Yukon Party government had the ability to offer that clarity during the land use planning process. They chose not to. The Premier needs to understand that the public government that he is the head of made commitments under the final agreements that are constitutionally protected. What the Premier is asking the court for is the right to roll back those commitments. The Premier doesn't seem to understand his government's obligations to First Nation governments. It raises a lot of questions about his ability to govern a territory whose future depends on relationships with the 14 Yukon First Nations. The Premier needs to understand that he can't run this territory like Ottawa did in the 1960s. He needs to respect the Yukon's legal obligations to Yukon First Nations. He needs to respect the views of Yukoners and he needs to realize that his personal ideological battle is harming the Yukon's relationships, image and economy.

Will the Premier drop his ideological battle against Yukon First Nations and end his government's appeal of the Peel watershed case?

Hon. Mr. Pasloski: Although the member opposite feels that she understands the rule of law — perhaps in a further advancement of her career in the future, she will look at a legal career and can put more weight behind her interpretation.

What is important to public governments is that they have the ability to retain final say on public land. We are seeking that clarity on the land use planning process. We reached out to First Nations in an attempt to see if we could reach an out-of-court settlement. They refused after multiple attempts, so we now move forward with an appeal to ensure that clarity — to ensure that democratically elected public governments retain the final decision on what happens on public land.

Question re: Post-traumatic stress disorder support

Mr. Silver: I have a question for the minister responsible for WCB. The issue of supporting first responders who suffer from post-traumatic stress disorder has been raised a few times in this Legislature. I asked last fall if the government would consider changing legislation to make it easier for first responders to make a claim for PTSD. In subsequent discussions that I have had with first responders and with others, it has been suggested that a higher priority to focus on is access to health professionals to ensure a timely diagnosis. Our legislation might be just fine the way it is.

The main problem is that we do not have access to psychologists and psychiatrists to diagnosis PTSD quickly. We have heard of cases, for example, of individuals waiting for months, or even over a year, for a proper diagnosis.

What steps is the Workers' Compensation taking to cut the waiting time to a more responsible level?

Hon. Mr. Dixon: First of all, I thank the member opposite for the question. It is a very important issue. It's a topical one. It has received some very important recognition of late. I want to begin by expressing the great respect and appreciation that the Yukon government has for all of our EMS professionals and volunteers throughout the territory. We work hard within the department and have made a number of changes over the years to ensure that all of those first responders have access to the tools and supports that they need to best respond to their own challenges or issues as they arise.

We have a phased program in place to support all emergency staff and volunteer responders exposed to traumatic events, including post-traumatic stress and critical incident stress. This support includes defusings and debriefings, counselling services and workplace accommodation, when required. Community Services and the Workers' Compensation Health and Safety Board continue to work together to prevent and identify stress reactions and to provide affected individuals with the assistance to deal with these types of stress.

As the member opposite noted, it is indeed a possibility that the solution to this issue is not a legislative one, but rather one of programming, support and continuing education with our first responders to understand the issues and to change the culture, to a certain extent, within the profession to one that allows people to express a challenge when they have one and to be vocal about the problems that they are facing.

Mr. Silver: Thank you to the minister for that response. I did want to focus a little bit on education and training. It has been flagged that improvement in education and training is certainly something that has been championed by the head of the Association of Yukon Fire Chiefs. The responsibility for training of EMS workers or first responders falls on the Department of Community Services. Can the minister draw down a little bit more on the training? What improvements, if any, are planned for the training of first responders to address the concerns that they themselves have been raising with respect to training?

Hon. Mr. Dixon: To be effective, workplace strategies to address response-related stress must focus on preventive measures such as increased responder awareness, early identification and immediate intervention within the work unit. That is exactly what we have tried to do — tried to ensure that individuals within the profession of first responders or EMS professionals and volunteers know that they have the supports in place to address challenges as they arise, and that they are comfortable raising them.

I started to mention in my last response that one of the important things that needs to evolve within the profession is a bit of a change in the culture. Previously there was a bit of sense that you didn't talk about these issues. You put your head down and you got back to work. That is beginning to change as we learn more about these stress incidents. We are trying our best within the department to educate our first

responders, to make them aware that supports do exist and that it is okay to ask for help and it is okay to deal with these challenging issues as they arise. We will continue to work with the EMS providers, both professional and volunteer, to ensure that they have the supports necessary to both recognize these issues and address them.

Mr. Silver: I think all the members of this House can agree on the value of the work that first responders take on in our communities. We should be doing all that we possibly can to help them perform their duties to the best of their abilities. That should mean also timely diagnoses of PTSD, if it occurs, and that proper training and education are in place.

There are very few resources in place to ward off PTSD before it manifests itself. Employers, supervisors and workers are legally obligated to identify hazards and to establish plans to minimize their effects. This should be a focus. The focus should be on prevention. We don't want the first responders to suffer from post-traumatic stress disorder in the first place, so we have to get a trauma team together in place to help our first responders after a terrible call. Rural fire halls, ambulance stations and RCMP stations have little access to some of these resources currently. We should have psychiatrists in place to ensure prompt diagnosis as well.

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

Hon. Mr. Dixon: I believe where the member was going was access to training and education in rural communities, so that's what I'll respond to.

We have increased training and access to these services in rural communities over the years. We're in the process of providing a new system of on-line training so that EMS responders can access the training and educational materials they need without leaving their communities as often as they previously had to.

As I indicated before, it's very important that individuals know that there are supports in place, that there are counselling services and other types of psychological or psychiatric services available and that they can access them. They don't need to worry about any sort of stigma that's associated with that. They can talk about these issues. They can raise them within their work unit, either through the Department of Community Services and the structures therein or through WCB.

Those two departments, the Department of Community Services and WCB, will continue to work together to ensure that training, education and information are available to all our first responders and ensure that, regardless of where those first responders are in the territory, they have access to adequate supports.

We'll continue working with those responders throughout the Yukon to do so.

Question re: Post-traumatic stress disorder support

Ms. Hanson: I would like to pursue more with the Minister of Community Services — the response to people with post-traumatic stress disorder.

The minister has indicated that he's willing to work and, with respect, he talked about education. One of the important areas is in coping strategies and supports that are being reviewed and implemented across the country, and one of those is the notion of trained peer support teams. A trained peer is exactly how it sounds — another first responder trained to see the signs of PTSD and to offer support when it's needed.

Peer supports are essential because first responders are a tight-knit community and often the best person to talk to is another first responder. A trained peer is a conduit to getting a higher level of support.

Does the Community Services department have first responders peer support teams composed of firefighters and paramedics across Yukon?

Hon. Mr. Dixon: The simple answer is yes. In the Department of Community Services in the Emergency Medical Services system, we do have in place a staged process by which individuals who have — to use the Member for Klondike's term — a tough call — they do have access to defusings and debriefings within the department, within the branch and within their unit. There is that peer level of support. If that is sufficient, then that is great. If there is additional counselling that is identified or needed, that's available as well.

Mr. Speaker, this is a staged process by which a person raises an issue. If it's determined, either by them or by their colleagues, that there may be the potential of a different level of incident stress, then additional supports are available. That peer-level support is oftentimes the first step in addressing these issues as they arise, but as I indicated before, when individuals are exposed to traumatic events, including post-traumatic stress and critical incident stress, the supports that we have in place include defusings, debriefings, counselling services and ultimately if necessary, workplace accommodation when required.

Ms. Hanson: You know, Mr. Speaker, it's not just the first responders who have to deal with the repercussions of traumatic stress. Family members, especially partners, often experience secondary stress and have to provide support. Other jurisdictions have offered support and education for partners of first responders. Partners of first responders are often overlooked when it comes to the discussion of first responders and the effects of post-traumatic stress disorder, but they also carry part of the burden.

Has the government looked into providing supports for partners of first responders so that they can better see the signs of post-traumatic stress disorder, know what steps they can take when they see them, and know where to turn to find support?

Hon. Mr. Dixon: Mr. Speaker, as I indicated, Community Services' focus has been to promote prevention and early incident stress management. This approach has been proven to reduce the need for after-the-fact treatment or use of legislated benefits. Protective Services has a phased program in place to support all emergency staff and volunteer responders exposed to traumatic events, including PTS and

critical incident stress. This support includes defusings, debriefings, counselling services and workplace accommodation where required.

We also, in the recent years, have extended access to the employee assistance program and counselling services therein to our volunteers to ensure that volunteers have the same level of services available to them as other professionals do in Emergency Medical Services.

With regard to partners or family members who need additional supports, the simple answer to that is: I'm not sure. I don't know if that has been addressed or not. That's something I'll have to look into, but that certainly is something we're willing to consider as we continue to improve the services available to our first responders who deal with some very challenging situations.

Mr. Speaker, I should note that we have increased the training and availability of services to people over the years and as I indicated, we have made those services available to volunteers as well where it previously wasn't available.

Question re: Land development within City of Whitehorse

Mr. Tredger: Mr. Speaker, the Yukon Party government just can't seem to avoid creating conflict with the City of Whitehorse.

This time, they are proposing the construction of a new school in Riverdale without prior consultation with the city and without respect for its official community plan. The situation is made even more complicated when we consider its impact on the community infrastructure like the skatepark, nearby lift station and neighbourhood traffic. In unilaterally proposing three locations to the conseil scolaire, the Yukon Party government set the terms of reference for the entire discussion. Why three options and why those ones? Did they even consider potential risks associated with their decision?

Mr. Speaker, how did the Yukon Party government shortlist the three options it presented to the conseil scolaire?

Hon. Mr. Graham: Good question. Every time I hear the Leader of the Official Opposition say "good question", it's amusing to me because I understand she writes them all so of course she's complimenting herself.

Obviously the member opposite has no respect for the French school board. The French school board indicated in early discussions with a former Minister of Education that they would like to have the French high school in proximity to the existing F.H. Collins Secondary School. One of the reasons for that is quite simple: the students who attend the French high school would like to be part of a school community. They don't want to be stuck on their own at a school somewhere far from other high schools because of the size and the facilities that may not be available to them. Consequently — and because there is a large educational reserve that we are talking about in Riverdale — the potential offer was made for three different locations on that educational reserve. The French school board then selected one that they would prefer, and I made the commitment that I would do everything possible to ensure that was done. I also

said to the French school board that there were a number of conditions that must first be met, one of which is that the skateboard park must be moved —

Speaker: The member's time has elapsed.

Mr. Tredger: In 2009, the Auditor General admonished the Yukon Party government for the same ad hoc decision-making that created this problem today — and I quote: "We expected the Yukon Department of Education to have a comprehensive strategic plan in place, with clearly defined directions and specific, measurable goals and objectives." The Yukon Party government agreed to the need for planning, but have they actually done anything? It isn't as though the conseil scolaire had much of a choice. Out of three options, two involved annexing the new school to an existing one.

Why did the government only offer one stand-alone option to the conseil scolaire?

Hon. Mr. Kent: I am taking this question both as Minister of Highways and Public Works and as the MLA for Riverdale North. In that capacity, under the previous Minister of Education, I was appointed to chair a group that looked at the educational reserve that houses the current F.H. Collins as well as Selkirk Elementary School and a number of other pieces of infrastructure. There were a number of community organizations that were involved in that work, including: the Riverdale Community Association; the francophone school board — CSFY; local First Nations; affected school councils had representation; the Gadzoosdaa student residence; the Teen Parent Centre; and the City of Whitehorse. They nominated an official to sit on that committee. On top of that we also had representatives from Sport Yukon.

The committee gathered a number of times throughout the winter to discuss a number of items regarding the future needs for that educational reserve as well as the removal of the old F.H. Collins. We are still waiting for the scheduling of an open house before our work is done, and we are working with the various school communities to determine an appropriate time for that. For the member opposite to suggest that somehow there was no work done with the communities is clearly inaccurate. I can certainly outline the multiple stakeholders who were engaged in this. Included in those discussions were the planning opportunities for a new French high school. Once again, member opposite, the Member for Mayo-Tatchun, is wrong.

Mr. Tredger: It is unfortunate the City of Whitehorse wasn't included.

The Yukon Party government has no one but themselves to blame for its relationship problems with the City of Whitehorse. The Education minister's appearance before council last week reminded Yukoners that, just like the Yukon Party government's controversial 300-bed continuing care megaplex and just like the outdoor sports complex that it can't promise won't be downloaded on to the city — not to mention the Peel watershed appeal currently in court — consultation with other levels of government just isn't a priority for this government. Yukon deserves a collaborative approach to government and this government is just not up to the job.

When will the Yukon Party government realize that its unilateral approach to decision-making is bad for Yukon, bad for Yukon businesses and bad for Yukon citizens?

Hon. Mr. Graham: That question just reinforces what I said before. The member opposite had to stick to his script, as written by the leader, and he failed to take into consideration what my colleague just said. The City of Whitehorse was represented on that committee. I sat beside the City of Whitehorse representative on a number of occasions at the planning session. The city was involved. The city was involved in the planning of the education reserve —

Some Hon. Member: (Inaudible)

Speaker's statement

Speaker: Order. The Minister of Education has the floor, please. Stop right now. They are not heckling. They heckle you — you yell at them to the point where I cannot hear what they are saying. If you have an objection to this, we can take it up in my office, if you like, or we can have it on the floor right now. If you don't like my statement — the Leader of the Official Opposition — I am asking you a question. Please rise and answer. You don't like my statement?

Ms. Hanson: No comment, sir. I did not say that.

Speaker: Minister of Education, please finish your response.

Hon. Mr. Graham: As I was saying, it is obvious that the former Minister of Education and of Highways and Public Works included everybody he possibly could in the consultation. I think the member opposite just has lost touch with what is really happening in the education field. It's unfortunate, because this was actually a planning process that was beneficial to the City of Whitehorse and especially to the French school board, which we are trying to accommodate, as the Government of Yukon.

Speaker: The time for Question Period has now elapsed.

Notice of opposition private members' business

Mr. Silver: Pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Third Party to be called on Wednesday, May 27, 2015. They are Motion No. 320, standing the name of the Member for Klondike, and Motion No. 974, standing in the name of the Member for Klondike.

Ms. Stick: We will not be identifying any items for motions for tomorrow.

Speaker: We will proceed to Orders of the Day.

ORDERS OF THE DAY

Speaker: We are now prepared to receive the Commissioner of Yukon, in his capacity as Lieutenant Governor, to grant assent to bills which have passed this House.

Commissioner Phillips enters the Chamber, announced by the Sergeant-at-Arms

ASSENT TO BILLS

Commissioner: Please be seated.

Speaker: Mr. Commissioner, the Assembly has, at its present session, passed certain bills to which, in the name of and on behalf of the Assembly, I respectfully request your assent.

Clerk: *An Act to Amend the Public Lotteries Act and Related Enactments; Condominium Act, 2015; Personal Property Security Registry (Electronic) Amendments Act.*

Commissioner: I assent to the bills as enumerated by the Clerk.

Commissioner leaves the Chamber

Speaker: I will call the House to order. Please be seated.

Hon. Mr. Cathers: Mr. Speaker, pursuant to Standing Order 14.3, I request the unanimous consent of the House to call at this time the two motions for which I gave notice earlier today regarding appointments to the Yukon human rights panel of adjudicators.

Unanimous consent re calling Motions No. 1005 and No. 1006

Speaker: The Minister of Justice has requested unanimous consent to call at this time the two motions for which he gave notice earlier today regarding the Yukon human rights panel of adjudicators.

Is there unanimous consent?

All Hon. Members: Agreed.

Speaker: There is unanimous consent.

GOVERNMENT MOTIONS

Motion No. 1006

Clerk: Motion No. 1006, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Minister of Justice:

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2.01) of the *Human Rights Act*, does remove Darcy Tkachuk as chief adjudicator of the Yukon human rights panel of adjudicators.

Hon. Mr. Cathers: I will be very brief by way of introduction. As members on the all-party Standing Committee on Appointments to Major Government Boards and Committees as well as the critics for both the Official Opposition and the Third Party are aware, we recently received a resignation from Mr. Tkachuk as chief adjudicator. This motion, though, does not remove him from the panel of adjudicators. He would continue to be an ordinary member. That is based on his letter of resignation as chief adjudicator, but not as a member of the panel.

Ms. Moorcroft: The Yukon NDP Official Opposition is pleased to support the appointment of Penelope Gawn to the Yukon human rights panel of adjudicators —

Some Hon. Member: (Inaudible)

Ms. Moorcroft: Oh, I see. All right. Thank you, Mr. Speaker. We'll support the motion.

Speaker: Does any other member wish to be heard? Are you prepared for the question?

Motion No. 1006 agreed to

Motion No. 1005

Clerk: Motion No. 1005, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Minister of Justice:

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2) of the *Human Rights Act*, does appoint Penelope Gawn as a member of the Yukon human rights panel of adjudicators for a term of three years, effective May 26, 2015, and pursuant to subsection 22(2.01) of the *Human Rights Act*, does designate Penelope Gawn as chief adjudicator.

Hon. Mr. Cathers: This, of course, is the second of the two motions. This appointment was recommended by the all-party Standing Committee on Appointments to Major Government Boards and Committees. I would like to thank Penelope Gawn as well as others who put their names forward.

By way of a brief introduction, Ms. Gawn's resumé includes serving as legal counsel for the Department of Justice until her retirement last year, beginning in 1988 and ending in 2014, with a temporary assignment during that time as acting director of staff relations for the Public Service Commission for a period of seven months. She has experience in aboriginal law and more than 20 years of employment law experience. She has experience in a wide variety of litigation, including appearing before other boards and tribunals. She has completed the national program at McGill University, earning BCL and LLB law degrees.

I would like to thank her for putting forward her name. I should also note that her resumé also includes serving as acting assistant deputy minister for Legal Services in the past and acting managing counsel for the Aboriginal Law Group during her career.

With that, I would like to thank her for putting her name forward. I would also like to thank the retiring chief adjudicator for his service in that role. Hopefully that should be enough by way of introduction, since this was already discussed by the all-party committee.

Ms. Moorcroft: The Yukon NDP Official Opposition is pleased to support the appointment of Penelope Gawn to the Yukon human rights panel of adjudicators. Ms. Gawn is well-qualified to serve on the panel of adjudication and to take on the role of chief adjudicator. We're pleased that she has offered her professional services and her legal qualifications

to once again serve the people of the Yukon. I hope she enjoyed her short-lived retirement and wish her well in her appointment. We would also like to thank the outgoing chair.

Speaker: Are you prepared for the question?

Motion No. 1005 agreed to

Mr. Elias: 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): Order. Committee of the Whole will now come to order. The matter before the Committee is Vote 27, French Language Services Directorate in Bill No. 18, entitled *First Appropriation Act, 2015-16*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: Order please. Committee of the Whole will come to order.

Bill No. 18: *First Appropriation Act, 2015-16* — continued

Chair: The matter before the Committee is vote 27, French Language Services Directorate, in Bill No. 18, entitled *First Appropriation Act, 2015-16*.

French Language Services Directorate

Hon. Ms. Taylor: [Member spoke in French. Text unavailable.]

Madam Chair, I would like to just welcome with me our official, the director for the French Language Services Directorate, who has joined us here this afternoon. I would begin by thanking him for his leadership and the team over at FLSD for all of their hard work and their continued expertise and experience, and their continued work with the francophone community.

As I was just mentioning in French, the Government of Yukon continues to make a lot of progress in its commitment to increasing the capacity to deliver French language services throughout the organization. Our ongoing work to implement the Yukon's strategic framework on French language services is a reflection of that very engagement. In fact, the 2014-18 framework states our commitment to improve French language services in those key priority areas that were

identified by the francophone community in health, education and culture.

We are really pleased to continue our working relationship with the francophone community and to see the positive results our collaborative approach is generating. We are also really pleased to report that our work with the Department of Canadian Heritage has also resulted in an additional investment of \$200,000 toward the active offer initiative for the previous year. In this year's budget, the Yukon government remains committed to expanding the active offer initiative to more sites in the health and social services sector and in other departments. The increased hours allotted for mental health referred services in French will also be maintained.

In addition to the current spending on delivery of services in French housed within FLSD, the Yukon government in its entirety supports the development of the Yukon francophonie through its number of various funding programs or initiatives, whether it is in education, advanced education, employment assistance, arts, culture, tourism, economic development — and the list goes on.

Our ongoing discussions with Canadian Heritage will indeed keep the focus on the importance of increasing our current Canada-Yukon agreement on French language services to keep improving the delivery of French language services in the Yukon and to pursue the implementation of our strategic framework on French language services.

FLSD is working with departments on an ongoing basis to support them in meeting the requirements of the *Languages Act* and to address various issues as they arise. In 2015-16 — the budget we are currently discussing — the review of French language-related policies, including the establishment of new bilingual staffing guidelines, will provide more clarity on departments' responsibilities pursuant to the act.

In the last number of months, we completed an evaluation of the active offer of French language services at those three selected pilot sites in health, and the evaluation reports that, although results were not conclusive at all sites, it is possible to implement leading practices in the provision of improved French language services at a reasonable cost. We will use the results of the evaluation in our future endeavours to improve French language services in Yukon.

I can't say enough about this point because the work — some of the budgeted dollars that we're discussing here today — includes the ability for staff to continue its good work with the francophone community and to be able, more importantly, to work with each of the individual departments to be able to share the toolkit that has emerged as a result of the active offer pilot that continues to be rolled out in health — but to be able to really see how we can better roll it out to all departments now and to be able to have simplified toolkits and lines of roles and responsibilities assigned to each of our departments. I believe that we are on the right track and we continue to engage with the francophone community and to improve where there are gaps that do exist and how we can better strengthen French language services for the betterment of the Yukon population.

I am really pleased also to report that the proposal that we were also able to submit to Canadian Heritage — the community cultural action fund — was approved for this fiscal year and the following fiscal year for a total amount of \$268,000. We worked in close collaboration with the francophone community and in consultation with artists from various disciplines to develop this particular unique initiative, with a primary goal of supporting artistic development and to raise the profile of francophone artists and culture in Yukon and northern Canada through a number of various local projects and strategic partnerships that will benefit Yukon artists and, ultimately, the overarching Yukon arts and culture sector.

It has been a busy year for French Language Services Directorate. We're looking forward to another successful year in terms of all the other work that French Language Services does deliver, whether it is translation services — in terms of also delivering French language training, as we just recently assumed that responsibility from the Public Service Commission as well to better utilize that as a tool and to target where we need to deliver French language training to specifically individuals in those departments that are in direct contact with the francophone community. That does blend hand in hand very well and accentuates the very importance of the active offer initiative and how we can better utilize tools such as French language training.

This year's budget that we are talking to forecasts operation and maintenance spending of just over \$3 million to support the directorate's operations and French service delivery in various departments. Capital spending of course, of \$4,000, provides for computer replacement. Specific to the French Language Services Directorate, we are looking at an overall increase of \$334,000 from the initial budget of last year. Some of those ongoing increases reflected are to increase allocations to departments so that they can enhance the quality of French language services and publications in their specific realms; also dollars to cover the expansion of the over-the-phone interpretation services delivered throughout the Government of Yukon.

The budget also includes one-time funding of \$232,000 to support the active offer campaign. As I mentioned, with this continued investment in the active offer campaign and the associated pilot project in health, French-speaking Yukoners will receive increased quality and quantity of French language services offered by the Government of Yukon.

The budget for the active offer campaign, as I referenced earlier, will enable us to specifically continue the development of the active offer process, tools and policy; to establish language proficiency and methodology to support the implementation of bilingual staffing guidelines that are also currently being developed; to develop and implement French language training and linguistic tools to better support English-speaking front-line staff; to actively offer French language services, as I referenced before; to support establishing standards and a monitoring process as well for the active offer campaign within the Government of Yukon — something that we've heard that is very important to the

francophone community — and to be able to expand the level and the number of French language services in the organization.

The budget also includes an amount of \$131,000 from the federal government following a successful joint application from FLSD and AFY in support of the Canadian Heritage cultural fund. As in previous years, Canadian Heritage will provide funding to Yukon as a recovery, pursuant to the Canada-Yukon agreement on French language services. While the agreement has not been finalized for the remainder of the three-year period, we are planning again with the assumption that this amount will remain at this particular dollar amount for this year on out. The proposed budget that we are debating currently will enable the French Language Services Directorate to continue to support Yukon government departments and corporations by: providing an enhanced presence and visibility at both the community and governmental level; ongoing support to departments as part of the Bonjour Yukon active offer campaign; increased allocations to our departments to support delivery of French language services; provide that policy advice; provide French language training to government employees; and, as I referenced, continue to provide those important functions of translation, revision, and French web coordination services.

These comments highlight some of the key achievements of FLSD in the past year, as well as the directorate budget on a go-forward basis in the year ahead. I look forward to answering and entertaining any questions the members may have from the opposite side with respect to this important department.

Ms. White: *[Member spoke in French. Text unavailable.]*

Again, I have nothing but respect for the minister responsible for the French Language Services Directorate. She has come so far since the first time I heard her speak in 2011. I know she practises. I know she works very hard. It is one thing to stand in front of the Assembly with just us here and to read her notes, but she doesn't just do it here. She takes it into the community; she speaks publicly; she speaks at almost every francophone event.

I think we go to all the same francophone events. She is always working really hard. For people at the Chamber who don't practise that, you can't even understand the amount of anxiety, going in — hoping that your tongue is going to be able to make the “r” sound and that you are going to be able to get through the harder parts, because it is just not the same.

I just want to start off with saying nothing but mad respect to the minister responsible for the French Language Services Directorate because she just keeps on taking it forward. With her direction as the minister, we have seen really big changes since the first time I tried to call this department for debate three years ago. I want to remind everyone that it used to be hidden within the Highways and Public Works budget. That very first time I stood up and said that I wanted to debate it, it was really entertaining from this side to watch the activity on that side.

Here we are — three years on — and it is its own stand-alone department and the minister is able to have the debate without making time within Highways and Public Works. We have a fantastic director who has done fantastic things with the department as well. If we look back even in the three years where we have come from, we just keep on advancing. With some challenges, the Yukon government did step up to the challenge that was laid down and they started with the three pilot projects in the health department that went very well. Then they have taken it a point further, which is that it has been committed, and now we're doing active offer, which means that, at any point in time, a francophone person can ask for service in French and that is an incredible thing.

There are great works being done within government right now to make sure that there are people within each department. When there are not people, there is a phone line. So even in three years, since the first time I tried to call this department for debate, we have come incredibly far. I thank the minister because I really believe that it is with her championing the cause that we have gotten here.

The briefing is always so thorough. The minister's opening comments are always fantastic and this is a really important \$3-million budget for the provision of language services in the territory. I don't want to minimize that, but because the minister has hit on the major points of it and she will have the opportunity to finish that up, I just want to say thank you. Today, instead of highlighting my concerns and in some cases my criticisms, I have nothing but praise.

Thank you very much.

[Member spoke in French. Text unavailable.]

Thank you. I will let the minister finish up but, as always, it is a pleasure to see the changes that have happened within the department.

Hon. Ms. Taylor: I'm speechless.

Some Hon. Member: (Inaudible)

Hon. Ms. Taylor: I heard that.

I want to thank the member opposite.

[Member spoke in French. Text unavailable.]

I will get better — and I am. I'm trying.

I would like to thank the member opposite for her comments but, for me, it has really highlighted the importance of the obligations of Yukon government in fulfilling those obligations under the *Languages Act* and to be able to collaborate with the community and to open up that discussion and that dialogue that we didn't necessarily have in years past — was very instrumental in where we are today. I really want to thank Association franco-yukonnaise and our own French Language Services Directorate for the really important work that is being undertaken. As with everything, to continue with that dialogue and that open communication to be able to regroup on a routine basis and to see where we are and to see where we need to re-direct our resources and to be able to reprioritize or to go back to the drawing board when we're not getting it right — but tremendous leadership is over at AFY, and I have nothing but great accolades and respect for our leadership and the board and for their collaboration and proceeding.

Change is not always easy to come overnight, especially in a large organization such as the Government of Yukon, but I think that, through the collaborative work being undertaken, we've been able to provide some fairly streamlined, simple tools to be able to deliver at a very reasonable cost. I think that by breaking down those myths about how difficult it can be to provide that active offer in our departments and by being able to have an individual on the ground through the directorate to work one-on-one with each of those departments and agencies, it is breaking down those barriers — plus the very fact that we have now assumed the responsibility for French language training, using that as a very strategic tool to be able to accentuate that work that is being done by those in front-line delivery.

We have a tremendous amount of work to do ahead of us and to continue on, but it is all worth it because, when I look back to where we were and where we are today, we are making progress and that is great.

I think I also just want to say on the national front, at the francophonie conference — the ministers responsible for the Canadian francophonie — we were able to also highlight on that national scale — in fact they invited us to make a presentation on the active offer campaign because, for a smaller jurisdiction, we were able to highlight the successes and some of the tools that we used and now we're being sought after across the country, which is great news to show that Yukon is showing some leadership.

To my opposite colleague, the critic, I want to praise her for her proficiency in the francophone language.

I know that she has been a subscriber to French immersion and that is what I hope for so many students, and so many children and so many individuals in the Yukon. Having a second, third or fourth language is absolutely instrumental and it's one of the reasons why I have my son enrolled in French immersion. It is one of the reasons why I think I am improving a bit because every night I have that opportunity to read to him and to conduct math in French. I don't know if that is hurting his skills or not, but so far, so good. Hopefully, we will make it to grade 5.

I just wanted to thank the member opposite for her positive comments. We will certainly ensure that those are passed along to the French Language Services Directorate and to AFY as well. Merci.

Chair: Does any other member wish to speak?

We are going to proceed to line-by-line debate.

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all lines in Vote 27, French Language Services Directorate, cleared or carried, as required.

Unanimous consent re deeming all lines in Vote 27, French Language Services Directorate, cleared or carried

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all lines in Vote 27, French Language Services Directorate, cleared or carried, as required.

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

On Operation and Maintenance Expenditures

Total Operation and Maintenance Expenditures in the amount of \$3,022,000 agreed to

On Capital Expenditures

Total Capital Expenditures in the amount of \$4,000 agreed to

Total Expenditures in the amount of \$3,026,000 agreed to

French Language Services Directorate agreed to

Chair: We are moving on to Department of Environment, which is Vote 52.

Committee of the Whole will recess for 15 minutes while we make arrangements for officials.

Recess

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

The matter before the Committee is Vote 52, Department of Environment, in Bill No. 18, entitled *First Appropriation Act, 2015-16*.

Department of Environment — continued

Hon. Mr. Istchenko: I want to welcome Allan Koprowsky, assistant deputy minister, from the department and thank him for his time here today.

We got into Environment just toward the tail end the other day. I had touched on some O&M and some capital stuff. I'll just touch a little bit on revenues and transfers and then I will open the floor up to the opposition.

When it comes to revenues with respect to that plan for this fiscal year, we anticipate a significant increase of 33 percent over last year, for a total of \$4,375,000. \$931,000 is expected from licence and permit sales — a slight increase over 2014-15. That reflects \$9,000 worth of campground permits that we expect to be purchased as a result of extending the season in those 10 locations. \$154,000 is expected from third party recoveries, up to 24 percent from last year. That's \$30,000 — and this stems from a remediation program for the Yukon Housing Corporation involving the department's land treatment facility near Dawson City.

\$3.290 million is to be recovered from the Government of Canada — mostly from three activities: implementing the government obligations under the Inuvialuit Final Agreement; coordinating research projects and other activities related to climate change adaptation; and of course, remediating the Marwell tar pit. I will be happy to answer questions for the member opposite. I know she had a few about this when the department did its briefing.

With respect to transfer payments, the department is seeking approval to spend \$1.838 million. That is a 15-percent increase over the last year. This is a change of \$239,000 and we are increasing our annual support to several organizations to reflect the rising costs. For example, core funding for the

Yukon Wildlife Preserve will rise to \$686,000 — an increase called for in their five-year funding agreement; \$251,000 for the Wildlife Management Advisory Council for the North Slope, which includes a \$6,000-increase; and a \$50,000-increase for the Mackenzie River Basin board, and that is a \$10,000-increase. We are also providing \$221,000 to the Water Survey of Canada to install real-time hydrometric water stations on larger water bodies. This is enhancing monitoring that was called for in our water strategy and our action plan.

I would like to conclude my remarks by noting a few emerging initiatives that this budget will support, and these are good ones. One that will make a difference to literally thousands of people is the work to make it possible to purchase our angling licences and annual camping permits online. This sounds simple, but the technology is quite complicated, so when we roll out this service, which we just did — it has been a team effort. The Department of Highways and Public Works has also been a key player in this and one of the multiple departments to achieve this. It is getting quite the accolades from locals who I see on the street.

On a much smaller scale is the work now underway in developing regulations to support the updated *Animal Health Act*. Staff from our Animal Health Unit and the Agriculture branch from the Department of Energy, Mines and Resources are leading this project. They are working with stakeholder groups to explore the options for dealing with reporting health risks and hazards, setting compensation and carrying out appeals. The Government of Yukon recognizes that the people who work with and depend on animals want a role in developing these regulations. So we will move forward on that.

Lastly, a project that will affect all Yukoners when it is done is the work we are doing on modernizing the recycling system — specifically, the beverage container regulations and the designated material regulations. Proposed changes went out for public review last fall and a what-we-heard document is now available. Our goal is to increase the diversion of recyclable materials from our landfills, and better cover the cost of handling, processing and transporting these materials.

In closing, I would like to note that the Department of Environment works in many ways — big and small — to achieve its vision of being a recognized leader and a trusted partner in our environmental stewardship. Knowledge, trust, excellence — these are strategic values that guide our staff in everything that they do. I am proud of the hard work that they do. Their actions support a healthy, sustainable and prosperous Yukon now and into the future. I value the many community-based initiatives that the department's budget supports. Involving Yukoners in the department's day-to-day activities is a practical way to foster sustainable practices at both the personal as well as the organizational levels.

I look forward to discussing further details of our main estimates with the members opposite. Thank you, and I look forward to questions.

Ms. White: I thank the minister for continuing on from where he left off the other day.

When I was given or won — I'm not even sure how you would say it — the Environment critic role in 2011, one of the first things I did was read through the act. The *Environment Act* of Yukon is unlike many other environmental acts in the country. I think one of the points that makes it so much different is the preamble. I don't think that I have, to date, read that into the record. I am just going to start with that because all of my questions come from the preamble of the intention of the *Environment Act* and how the minister fulfills that role and how the department is able to use that in their decision-making process.

The preamble reads: "Recognizing that the way of life of the people of the Yukon is founded on an economic, cultural, aesthetic and spiritual relationship with the environment and that this relationship is dependent on respect for and protection of the resources of the Yukon; Recognizing that the resources of the Yukon are the common heritage of the people of the Yukon including generations yet to come; Recognizing that long-term economic prosperity is dependent on wise management of the environment; Recognizing that a healthful environment is indispensable to human life and health; Recognizing that every individual in the Yukon has the right to a healthful environment; Recognizing that the global ecosystem is an indivisible whole of which the Yukon environment is an integral part; Recognizing that the Government of the Yukon is the trustee of the public trust and is therefore responsible for the protection of the collective interest of the people of the Yukon in the quality of the natural environment; Recognizing that all persons should be responsible for the environmental consequences of their actions; Recognizing that comprehensive, integrated, and open decision-making processes are essential to the efficient and fair discharge of the environmental responsibilities of the Government of the Yukon; and Recognizing that the Government of the Yukon has expressed its commitment to economic progress and environmental conservation in the Yukon Economic Strategy and the Yukon Conservation Strategy."

Out of the environmental acts that I have compared this one to, nothing starts off like that. It lays out this vision of the government of the day and their vision of the importance of the Department of Environment and that legislation. I just wanted to start the debate with that.

If anyone has walked along the Millennium Trail in recent days or recent weeks — in the last month — they will see that there is probably a reason why there is the expression "busy like a beaver". You can see there the effects of the beavers, and sometimes between one day and the next, there will be multiple trees felled across that path. That was kind of a highlight of the damage that beavers can do to an environment. If there is a beaver near someone's property, near a creek or a body of water, how does someone go about contacting a conservation officer, and what is the process with a concern or a complaint being raised — how does it get dealt with?

Hon. Mr. Istchenko: The member opposite is correct. You are going to contact the conservation officer and they're

going to come out and assess the situation and look at the location. There are many tools that they have, depending on whether you're at — where they're having a local trapper come in or relocating it. It's an offence under the *Wildlife Act* to kill a beaver without a permit so that's why you need to work with a conservation officer and work with the department.

Just to add to that, I was a little disappointed when I heard about the beaver that was killed on the Millennium Trail. There have been some incidents of animal cruelty over the last little while. I know there is a petition forward that I have to have a response to and stuff like that. We have great people who work in the department, and I'm always encouraging people to work the department on stuff like that. The skills that they have in there are really good, and they're good at solving problems.

Ms. White: I thank the minister for bringing up that incident because he's right. Just like the petition that was filed, the incidence of animal cruelty in the territory for whatever reason seems to be on the rise and that's an incredibly disheartening fact.

I'm referring to a historic problem — so this is one that kind of goes on and on and on where a complaint has been made about beavers. When someone calls to say that the beavers are damming a creek and it's flooding property, what is the typical response time from when the complaint is filed to COs arriving on scene? Is there an average? Is there a minimum or a maximum time amount?

Hon. Mr. Istchenko: There is no set time. Whether it's in, for example, my community, where we have one conservation officer right now — he could be on a bear issue in Destruction Bay and he gets called. It's as soon as they can get there, basically. I know a lot of the times in my community, especially because I've live there all my life, they're really good, whether it's a beaver issue, a bear issue — they come out late at night. They come out any time. You will see them driving around. They're a good group of guys. They're out there to help.

Ms. White: I do not doubt that the COs are fantastic human beings who in some years are definitely busier than others. I definitely agree that a bear issue is higher on the priority list than a beaver issue, and I wasn't calling that into question.

If it's in a higher populated area instead of Haines Junction where there is one — but if it's in Whitehorse and someone calls about damage to property — and understanding that beavers are busy like beavers and they can do an awful lot of damage in a short amount of time. In the first example, it was a two-week response between when the complaint was made and COs came, and at that point, instead of live trapping and removing the beavers, they were killed. Is there a policy with respect to live trapping and relocating beavers? Do they get relocated? As non-biologist, I have no idea if you can relocate beavers, so what is the policy for dealing with beavers? Is it typically live trapping, or is it killing of the beavers?

Hon. Mr. Istchenko: It's case-specific. Every situation is a little bit different. I know, in my previous portfolio with Highways and Public Works, some of the work we did, working with Environment on it — sometimes if it's a serious issue where we're worried about the road washing out and they have to deal with the beavers immediately and they need to be destroyed, or if there's time we can get a trapper to come and spend some time trapping the beaver out or, like the member opposite asked, taking and live trapping the beaver and relocating them somewhere else — each situation just dictates a different response.

Ms. White: Just to follow up on that, if the person whose property is being damaged has a preference as to whether or not they're destroyed or live trapped and removed, is that a possibility that they could be live trapped and relocated? Is it possible for members of the public to do that if the COs are too busy? Do permits need to be held? Is there a way that, if the department is dealing with a lot of issues at the time, a member of the public who has the training to do it to be able to live trap and relocate the beavers?

Hon. Mr. Istchenko: If the conservation officers are busy on another case, or whatever like that, and when it comes to something like that, the department would look for somebody with some skills, get hold of a local trapper when it comes to live trapping or someone else from the department — maybe a regional biologist, or someone who works within the department — to go out there and assist the landowner in solutions to the problem.

Ms. White: Would the landowner be able to contact a trapper to come and live trap the beavers and remove them, or does there need to be a permit before that can happen?

Hon. Mr. Istchenko: It would have to go through the department. Each trapper has a trapline concession, so they would have to put them in contact with the right trapper.

Ms. White: Just to follow up with that, if someone was having a problem with the beavers, they could contact the Department of Environment and ask that someone be sent to live trap them?

Hon. Mr. Istchenko: Probably what would happen there — and I can't speak for each individual case — when you get hold of the department, the department would assess the situation and see what the best option moving forward would be with that.

Ms. White: If anyone has ever seen my desk, they will know that it's no big surprise that I can't find the next set of notes I was going to go through, so I'm going to jump from where I thought I was.

I'm just going to start by talking about boreal caribou. The Committee on the Status of Endangered Wildlife in Canada first assessed boreal caribou in Canada as threatened in 2000. The status was re-examined and confirmed in 2002 and again in 2014. Boreal caribou were listed as threatened under the federal *Species at Risk Act* in 2003 and a national recovery strategy for boreal caribou was released in 2012.

The strategy identifies critical habitat for boreal caribou as a minimum of 65 percent undisturbed habitat throughout the boreal caribou range. The 2012 release of the federal

recovery strategy for boreal caribou under the *Species at Risk Act* outlined the critical need for conservation and restoration measures in vital caribou habitat across Canada and called for provinces and territories to complete conservation plans by 2017.

The biggest threat to the survival of the boreal caribou is habitat fragmentation, which increases access of predators. Scientists consider caribou as bellwethers of the health of the boreal forest, which also cleanses our air and water and stores vast amounts of carbon within its soils, moderating climate change.

Following this release in 2012, the N.W.T.'s Species at Risk Committee designated boreal caribou as threatened in the Northwest Territories because of its small population size and an expected continuing decline in the amount of secure habitat in the number of boreal caribou. In 2014, boreal caribou were listed as threatened in the N.W.T. in the territorial *Species at Risk (N.W.T.) Act*. In the Northwest Territories, Environment and Natural Resources and co-management partners are developing a range plan for boreal caribou habitat to ensure that critical habitat is protected. In December of 2014, the Committee on the Status of Endangered Wildlife in Canada issued a notice that Canada's entire boreal woodland caribou population is declining because much of its habitat has been degraded, especially in the southern part of its range. It cited cumulative impacts of industrial activity as the chief reason and also, for the first time, listed the Newfoundland island caribou population as of special concern due to its dramatic drop in numbers since the 1990s.

It's an interesting thing to know that that boreal caribou herd in the Northwest Territories that has been put under the *Species at Risk (N.W.T.) Act* — the landmass that it covers goes into the Peel watershed. It is in the Bonnet Plume area. Have any caribou range conservation plans been started in Yukon, either for the woodland caribou or for other populations? If they haven't or if they have, when are these expected?

Hon. Mr. Istchenko: My desk is a lot like your desk.

Just a few things on this — a very small portion of the herd is in the Yukon. The majority of the herd is in N.W.T. The department is in constant contact with Northwest Territories on that.

It is federal legislation and the federal government is required to complete recovery plans but has not offered resources to our jurisdiction yet to assist in the implementation of the recovery strategy — the example that the member opposite brought up was the boreal caribou recovery strategy — despite the prescriptive language found in some of these recovery strategies. We're going to continue working with the federal government on it and working with our partners in the Northwest Territories.

When it does come to some of our endangered species — whether they are the northern mountain caribou or the boreal caribou or some of the plants and we see things change back and forth — I have to say that the national recovery plans that are being developed — the department will work in

conjunction with our federal counterparts and also our pan-territorial ones from across the way.

Ms. White: I could highlight that, with the minister's response, he's waiting for the federal recovery plans because it's the federal species at risk that highlights one of my favorite refrains about the Yukon species at risk act. I will just leave that on the table and say that, if we weren't waiting for the federal, then maybe we could move ahead with our own plan.

Has the Yukon implemented any caribou habitat conservation and restoration measures — if we're not talking about the woodland caribou? Have we got any, for example, for the Southern Lakes caribou population? One of the things that has been highlighted is that, in order for the caribou populations to thrive, they both need habitat conservation and then restoration of habitat that has been disrupted.

Hon. Mr. Istchenko: It's my understanding that habitat is not the issue. There is enough habitat for the amount of caribou that are there, but I know that, in the past, we've done some work on habitat restoration and I know some work was done quite a few years ago up north in my riding with caribou and I know they were looking for feed for the caribou.

My understanding is that the habitat isn't the issue there. It's the animal and herd size.

Ms. White: It has been highlighted by conservation groups that one of their desires is that the boreal caribou is listed under the Yukon *Wildlife Act* to be a specially protected species. Has that been contemplated by the Department of Environment?

Hon. Mr. Istchenko: It hasn't been considered yet, mainly just because of the location of the herd and its remoteness.

Ms. White: It's an interesting foil to have that as the answer. The *Action Plan for Boreal Woodland Caribou Conservation in Northwest Territories* is a document that was dated from 2010 until 2015, and it provides goals and directions for the conservation of boreal caribou in the N.W.T., which, of course, realizes that there's a cross-jurisdictional part into the Peel watershed, and then Environment and Natural Resources is implementing the actions of that plan — because they've developed it — in cooperation with the Tlicho government and co-management boards and other stakeholders, and they've included actions like monitoring and managing boreal caribou in their habitat. The Government of Northwest Territories is currently inviting public comments on the proposed N.W.T. boreal caribou recovery strategy. I'm just using that as a highlighting of an example of where, if you don't set out the goals and the direction of what you're trying to do in a conservation project, it's probably quite hard to accomplish.

I did hear the minister say that he's not concerned about the boreal woodland caribou because of its remote location from us and other things, but we could look at a different woodland caribou herd and that would be in the Southern Lakes.

We know that the Carcross-Tagish First Nation and the Taku River Tlingit have both chosen not to hunt the Southern

Lakes woodland caribou because the population has been in a decline for a number of years. Does the Government of Yukon have any intention of setting up a similar action plan for the Southern Lakes woodland caribou as our neighbours next door in the N.W.T. have done with the boreal woodland caribou?

Hon. Mr. Istchenko: I just had to reaffirm that it is now the Southern Lakes Wildlife Coordinating Committee. I remember when I was on the resource council going to a few of the Southern Lakes caribou meetings. We have actually seen successes, and some of the stuff that we have done is working with the local First Nations and working with the local resource councils. We are assessing the land dispositions in that area and constantly checking our wildlife inventories when it comes to that. There have been some successes out there and we continue to work with the First Nations. We have limits on harvest. We work with all of our partners on the Southern Lakes Wildlife Coordinating Committee.

Ms. White: I thank the minister for that. We have spoken before about the Southern Lakes woodland caribou, partially because of the high number of highway fatalities. At one point we were discussing the possibility of using the name of a salt that I can't remember, but it was decided not to use it because of concerns about contaminating the meat. We know that with that self-imposed hunting ban that Carcross-Tagish First Nation put on themselves it was a really hard time for the community when the outfitter at Moon Lake was continuing to hunt and was bringing through the animals. You might see them in the back of a pickup truck at the gas station, and that was a really hard thing for the community. We had discussed it, and there was a bit of a talk with the previous Minister of Environment on whether or not he was going to reach out to his counterpart — in your case, reach out to your counterpart in B.C. to have that conversation. Has a conversation happened around the outfitter concession and the fact that, in an effort to improve the caribou population, the First Nations of the area are not hunting them but the outfitter continues to hunt?

Hon. Mr. Istchenko: Staff sitting beside me within the past couple of months has raised that issue with the minister in B.C. and we've tasked officials to work on it.

I do want to get back a little bit to the Southern Lakes caribou and the related road issues the member brought up. I want to highlight a few things I was wondering in Question Period if I get a question, because it usually comes at least once a year from the member opposite.

The government continues to work with our renewable resource council to try to reduce the number of caribou that are injured by vehicle collisions in the Southern Lakes. Some little successes have been the public education campaigns and the roadside signage that have been used to warn the motorists that they are in areas where collisions with wildlife are frequent. We commissioned a report that provides recommendations to help reduce the number of caribou-vehicle collisions in the Southern Lakes area. The report recommended that we improve how roadkills are reported — which would include the type of vehicle, the location and the time — to better inform a targeted public awareness

campaign. The report also recommended some possible changes to the warning signage, such as roadside vegetation maintenance, of course. They looked a little bit at speed limits and snow management. Highway sanding next year includes salt that is attractive to caribou and other wildlife and salt accumulations cause caribou to linger on the highway, increasing the likelihood of them being struck. So one of the maintenance practices we're trying is to use a grader to scrape some of the ice off so you don't have to sand as much. Stuff like that is some of the work we've been doing.

Ms. White: Was there a highway study done that was looking at different — I mean, you've just mentioned a highway study, but was the highway study completed and what were the results? Has there been a decision as to the best way to mitigate the wildlife-vehicle interactions and such things?

Hon. Mr. Istchenko: Yes, the working group commissioned an independent contractor that recently completed an analysis of where collisions were most likely to occur and provided recommendations to mitigate vehicle-wildlife collisions. Several of the recommendations pertain to maintenance activities — and I spoke about that a little bit earlier — that need to be explored by Highways and Public Works to determine which ones are feasible to implement.

Environment has already implemented one of the recommendations by launching a public awareness campaign in March of 2015 in newspapers and on the radio at the right time of the year. The working group will use the results of the study to guide further efforts to mitigate some of these wildlife collisions.

Ms. White: I was just sitting here, and I realized that, out of everyone in the House, the Minister of Environment and I are probably the two who speak the fastest. I'm going to try not to match his pace so they don't have to slow us down. I'm going to try to conscientiously slow down what my natural speed would be.

Could I please get a copy of that report?

Hon. Mr. Istchenko: Sure.

Ms. White: I'm not sure if the minister was told early on in late 2011 or early 2012, but I was told they had to slow me down when they were doing the typing, so I've made an effort, but I realized I was speaking quickly in response, so I'm going to try to bring it back.

My colleague from Mayo-Tatchun has brought up the effect that the Onek adit at the Keno Hill mine site is having on the water, homes and properties in his riding. The Onek adit is one of the many sites that were identified as areas that would need to be remediated in the final site cleanup. At the time of the original licensing for Alexco's Elsa Reclamation and Development Company, it proposed to include only four adits as active treatment sites, with monitoring only at the other adit drainage sites that were recognized at the time to go to ground, such as the Onek adit. It was not included as one of the four adits that would receive a water treatment facility. At the time, the Yukon Department of Environment objected to limiting the water treatment facilities to only the four adits and not including other adits like Onek. The concerns of the

Department of Environment were subsequently addressed by the inclusion of an adaptive management plan, or an AMP, which would require remedial action in the case where adits that were not previously seen as environmentally problematic became environmentally problematic. The inclusion of a responsive adaptive management plan that would encourage the recognition of a need to add treatment sites was the basis for allowing known adits with drainage to go to ground.

I would like to read from a letter that was written in response to the intervention, submitted by Aboriginal Affairs and Northern Development Canada on December 14, 2012, in response to the Elsa Reclamation and Development Company water licence application QZ12-057, dated January 3, 2013, for the Onek 400 adit. I am quoting: "Two key studies are the basis to determine potential environmental effects from the Onek 400 adit. First, the mass balance load modelling study shows approximately 47% of the cadmium in Christal Creek is from Onek, and 57% of the zinc in Christal Creek is from Onek. This is a significant percentage of the contaminant load that is recognized to be limiting the potential for a healthy fishery in Christal Creek in the future."

It goes on to say, "Second, the Keno City groundwater evaluation study documents that Onek 400 adit drainage goes to groundwater within 100 metres of the adit, and that a groundwater well in the infiltration area has essentially the same chemistry as the adit, indicating that there is essentially no attenuation of metals along the infiltration route prior to reaching groundwater. It is reasonable based on this data to believe that lots and homes in Keno City have groundwater underneath them that are substantially in excess of applicable groundwater drinking standards. While drinking water is supplied from the Firehall well, which appears to be upgradient of groundwater affected by the Onek 400 infiltrated wastewater, it is clear that zones of groundwater below Keno City residences are affected, and groundwater wells should not be developed in those areas. It is also apparent that there is a groundwater pathway from the infiltrated Onek 400 wastewater toward Christal Creek and Christal Lake, consistent with the evaluation of mass balance load model.

"The conclusion of these studies is that Onek 400 adit has been and continues to be a source of identified groundwater and surface water contamination."

The ERDC findings were pretty clearly spelled out at the time. It is now not reasonable to say that the environmental effects are being mitigated by the project without treatment at Onek. This was from 2012, so now we're at 2015. ERDC made it clear that the adaptive management plan had been triggered and that a water treatment facility would have to be built at Onek to ensure that both groundwater and surface water did not deteriorate. Again, this was in 2012 and today, in 2015, there is still no waste-water treatment plant at the Onek adit.

The Department of Environment has been party to these talks and has been giving its opinion, participating and voicing its concerns about the contamination originating from the old mine adits. The Minister of Environment has an obligation to

ensure that Yukon's environment is being protected. Can he explain why there hasn't been a water treatment facility built to treat the cadmium- and zinc-contaminated water at the Onek adit, even though the conditions set out in the adaptive management plan have been triggered?

Hon. Mr. Istchenko: I am not going to get too deep into this because the Minister of Energy, Mines and Resources has committed to getting back to the member opposite. As the minister just informed me, he actually received a letter from a constituent about this too, so he has committed to getting back in detail with a lot of this stuff, as most of it falls under Energy, Mines and Resources. I know how important this is for the Member for Mayo-Tatchun and how we have heard this in the House before. That will be coming back.

I do want to talk about our Water Resources branch and our monitoring networks. I want to talk a little bit about our water quality monitoring and the water quality monitoring program. We have some very solid data around many of the historic mining areas — Keno being one of them with Faro and Dawson — and near our major urban centres like Whitehorse and some of the areas around here. Water quality trans stations that we have — and we are establishing more — this plays into our water strategy; a comprehensive approach to addressing water issues and water management within the areas of responsibility. We have \$3.35 million over the next three years to deliver on some of these actions on water monitoring, whether it comes to quality — monitoring hydraulic quality or groundwater monitoring — which has traditionally been part of the hydrological monitoring program, but has now been established as a stand-alone program. We have hired a hydrologist. We are working leaps and bounds in this field within the department and working with other departments on that. I am just going to leave it at that and say that there will be a legislative return — a commitment from the Minister of Energy, Mines and Resources to get back to the Member for Mayo-Tatchun.

Ms. White: I appreciate that the Minister of Environment has just said that the Minister of Energy, Mines and Resources will respond to this at a later date. There is a responsibility of the Minister of Environment — we just talked about water quality and the water strategy and all of the great things that are being done. The Department of Environment accepted that Onek would not have a water treatment plan so long as the adaptive management plan was triggered when certain thresholds were met. Well, those thresholds were met, and the water treatment facility has not been built. I am curious as to what has changed. Is the Department of Environment no longer concerned about the impact of the contaminated effluent on the fish-bearing Christal Creek or the groundwater in Keno City? Fish are the responsibility of the Department of Environment and so is water quality. Is the department not concerned about the contaminated effluent that is going into the fish-bearing Christal Creek or the groundwater in Keno City?

Hon. Mr. Istchenko: Just to answer the member opposite, of course we care about water. But like I said before, this is an issue that the Minister of Energy, Mines and

Resources has committed — because they're the ones who do the inspections — to getting back to him with a detailed letter explaining things to him, so I think we're just going to leave it at that.

When it comes to fish, which is in the Department of Environment, that's why we do water quality monitoring, hydrology monitoring and groundwater monitoring. That's why we have the Yukon water strategy and that's why we have our Water Resources branch and a hydrologist, and that's why we have our many biologists within the department who work on fish-related issues. I'm confident in the staff and the department working for it.

A lot of the stuff that the member opposite is reading is also very technical stuff, and that's why we've committed to get back in more of a technical manner from the site specifics or the members of the department we pay to do this stuff to get these answers.

Ms. White: I appreciate the minister's points about it being technical and I agree. The point that I'm trying to make here is that the Minister of Environment has a separate set of responsibilities from the Minister of Energy, Mines and Resources. He has talked about, of course, caring about the water, he has talked about water quality, and he has talked about the importance of fish-bearing creeks.

Understanding all of that and taking that into the context of the preamble for the *Environment Act*, what direction has the minister given to his department to take action at Onek and ensure that the conditions set out in the adaptive management plan are met and that a water treatment facility is built to protect both the fish-bearing Christal Creek and the groundwater at Keno City?

Hon. Mr. Istchenko: I think the key thing here is that the Department of Environment and the staff in the Department of Environment are providing all the information that is necessary when it comes to this process that we're working with the Department of Energy, Mines and Resources on — through the assessment process, when it comes to compliance — anything.

Environment is key, safe drinking water is key and safe fish habitat is key, and I don't think that I need to on every issue put forward the minister's direction to do this or to do that. That's what the staff are for and the staff are doing a good job at it.

This is a file that came to me only a few months ago, and when I started reading through some of the stuff that the department has been doing and some of the — you know, whether they are wildlife inventories, HPAs, SMAs, some of the areas that we're working with, the department staff is all over it. They're on top of it. They're providing the information that's required to the applicable department, and Health and Social Services is a part of this too.

There will be some information coming back to the Member for Mayo-Tatchun on this file.

Ms. White: I understand the minister's point, but I also believe that there is a point where, around the table, as the Minister of Environment, I would hope he would be defending the requirements of the environment to having the water that's

clean enough for fish habitat and to ensuring that the drinking water is drinkable as opposed to what it is right now, which is contaminated.

What conversations has the Minister of Environment had with the Minister of Energy, Mines and Resources regarding the importance of getting a water treatment facility built at the Onek adit? Has he brought forward the gravity of the situation knowing that groundwater is being contaminated, and so are the creek and the lake?

Hon. Mr. Istchenko: I haven't sat down with the Minister of Energy, Mines and Resources and had this exact conversation. But what I have done and what we do constantly when it comes to issue-related stuff that's brought to our attention — whether it's brought from the members across the way or in a letter from a constituent — we make sure that the departments work together — solving and working together — on related issues. Not every issue out there do I have the opportunity to talk about with the Minister of Energy, Mines and Resources or Health and Social Services or very large departments — a lot of work going on in those departments and we do rely on our staff and we trust our staff. We have great staff in the Department of Environment who work with other departments on many assorted issues.

Ms. White: I hope now that we've raised it in this context that the minister can hear what I have said and take that forward.

I think it's important to acknowledge that we all recognize that Onek is a type 2 site and that it is the responsibility of the federal government. I'm not dispelling that or challenging that at all. By all accounts, it is the federal government that has refused to put in a water treatment plant, but Keno is a Yukon community. Yukon land, Yukon water and Yukon people are being affected here by the contaminated runoff.

What does the Department of Environment — or in this case, the Minister of Environment — do to lobby the federal government to ensure that the water treatment facilities are built? What tools does the minister have at his disposal to compel or convince the federal government to act when they are not acting with the best interests of Yukoners? What role does the minister play in ensuring that this adit gets a water treatment facility?

Hon. Mr. Istchenko: The member opposite is correct. It's a federal responsibility but there are also tools that are put in place. As the Minister of Environment, new to this portfolio — I will go back to when I was the Minister of Highways and Public Works.

When it was a related issue, any time I had the opportunity to chat with the federal minister or the department — whether it was at a federal ministers conference or through letter — to address the fact that we have an issue; we need to work together on it and we need to follow through with it.

We lobby. We work with the federal government on a case-by-case basis and, as ministers, any opportunity we have, we do. Shakwak is a great example. I don't know how many opportunities I spent on the phone and through letters and

through meeting with federal ministers to push for the funding to keep going forward.

As the Minister of Environment, this isn't the only file on it, but when I go to CCME meetings — I believe that's what it's called down there — I'll get the issue-related stuff that I can bring to the attention of the federal ministers.

Ms. White: Appreciating what the minister has just said about his previous role as the Minister of Highways and Public Works and the work he did on the Shawkak project and other things, in his current role as the Minister of Environment, has he spoken to his federal counterpart or the minister responsible for Aboriginal Affairs and Northern Development and highlighted the critical importance — that this water is going into the ground and contaminating creek water, lake water and groundwater? Has he taken the opportunity to reach out to his federal counterpart to talk about the importance of this issue?

Hon. Mr. Istchenko: Not at this time; I have not yet.

Ms. White: Will the minister endeavour to do that in the near future, mid-future or distant future? Can he give me a bit of a timeline as to when he might reach out to his counterparts and have this conversation?

Hon. Mr. Istchenko: Yes, at ministers' meetings coming up next month — that's one of the many things on the list to talk to the federal minister about.

Ms. White: I thank the minister very much for that answer and for his candour in the challenges of switching departments.

I always say that the Department of Environment, in my mind, can have double the funding and still not have enough money, necessarily, to do all the things they set out to do. It's quite an accomplishment that what gets done, gets done for \$41 million. I say it all the time — I have nothing but respect for the people within the department because of the hard work that they do.

It's interesting, because some things that you learn as you spend more time on an issue, and you start to look for documents and things, it's kind of an interesting time.

My next topic of conversation, which we haven't talked about on the floor yet, is polar bears. Polar bears live in the Yukon, and that's an interesting point because I probably wasn't aware of that until fairly recently. The southern Beaufort polar bear population is in a suspected dramatic decline. Polar bears in the Yukon are part of a large population ranging into Alaska and the Northwest Territories; therefore, management requires interjurisdictional cooperation.

This is a species at risk, and it's listed both federally and in the Northwest Territories as a species at risk, and by the Committee on the Status of Endangered Wildlife in Canada.

Yukon plays a role on the Wildlife Management Advisory Council for the North Slope. The USGS Alaska Science Centre conducts long-term research on polar bears to inform local, state, national and international policy makers regarding policy makers regarding conservation of the species and its habitat. The majority of their research is conducted on the southern Beaufort Sea population of Alaska and with us in

neighbouring Canada. In 2005, they estimated that there were 1,526 animals, and in 2010, that number had dropped to 907. The scientific consensus is that there is a suspected decline in the south Beaufort polar bear population. Does Yukon have a species at risk management plan for the Beaufort polar bear? If not, what collaborative work is being done with other jurisdictions? Will the minister table all documents dealing with the interjurisdictional cooperation in regard to the Beaufort polar bear?

Hon. Mr. Istchenko: This is also a file that is new to me, and I was just doing some reading earlier today on it. We are working with our partners on that. We don't have a plan in place right now, but they are working on a plan and working with that. I guess we are continuing dialogue with them. This is sort of new to me, but I don't have a whole lot of information on it. I would just commit to getting back to the member opposite with a little bit more information.

Ms. White: To give the minister more questions to answer and get back to me, I will just keep putting my polar bear questions on the record.

I think it is important to know that the Government of Northwest Territories has a *Species at Risk (NWT) Act* and polar bears have been put on that list — underneath the Northwest Territories species at risk legislation. I think it also important to acknowledge that the status of the polar bear population changes every year — year after year. The population ebbs and flows. It is also important to acknowledge that it is still regarded, in some cases, as a healthy population. That is because there are 13 subpopulations of the polar bear. The south Beaufort is a high-profile population, and it is one we often see in documentaries because the sea ice changes are dramatic, and we can see the effects of climate change very directly on that population. That one is one we often focus on because it is such a visible population.

The Department of Environment in Yukon has been fully involved in the polar bear management plan for the Inuvialuit settlement region — the ISR. What is Yukon's commitment to being actively involved in polar bear management in the ISR — between the Yukon and Northwest Territories?

Hon. Mr. Istchenko: Yes, we are actively participating. I thank the member opposite for a little bit more information. Like I said, I committed to getting back to her.

Ms. White: So to follow up on that last question, how committed is Yukon to this file — the polar bear file and the management with the ISR? Will Yukon sign and/or endorse the Inuvialuit settlement region polar bear management plan?

Hon. Mr. Istchenko: I committed to get back to the member opposite on that.

Ms. White: I thank the minister and I just also wanted to get those on the record so he could go back to Hansard and have a look.

In recent news in reading media reports about oil and gas and the interests in the Beaufort area, what role does the Department of Environment play in the protection and management of this area?

Hon. Mr. Istchenko: My jurisdiction as the Environment minister is the area that deals with land. The

marine stuff — the offshore marine — is not our jurisdiction, so I'm not exactly sure which actual area the member opposite is talking about, but that's what I can update her on.

Ms. White: Maybe that was just part of the clarification.

So in recognizing that the Department of Environment is concerned with the protection of the land in that area, has the Department of Environment been approached by any other Yukon government departments regarding the management plan for this area to facilitate oil and gas, either exploration or industry?

Hon. Mr. Istchenko: No. Not at this time.

Ms. White: I spent some time earlier today reading the *Inuvialuit Final Agreement* and trying to understand the role and responsibility of Yukon government in its co-management, learning and understanding a bit more about the Wildlife Management Advisory Council and the role that we play on that. Does the Minister of Environment believe that we as Yukon government or we as signatories to those documents are meeting our obligations under the *Inuvialuit Final Agreement*?

Hon. Mr. Istchenko: I believe we are. There are management plans in the area. We're constantly engaged in all the processes, so I believe we are.

Ms. White: I thank the minister for that.

The Department of Environment has a massive amount of responsibilities kind of spread out all over. The website has changed recently, so congratulations on that. I appreciate that there's an arrow that says the main menu is there because I wouldn't have found that recently, so I do appreciate that. Part of what I've been doing recently is looking at the different subcategories within the website and trying to understand. I've gone back to Fish and Wildlife branch highlights from 2012 and this year's state of the environment report that was released.

My next question has to do with grizzly bears. If you have a tab in your binder about grizzly bears, this would be a good time for that.

Determining which species and ecosystems are thriving and which are rare or declining is crucial for targeting conservation toward elements of biodiversity and greatest needs. In Yukon, the grizzly bear is listed as S3, or vulnerable. We know, based on studies and information released by Parks Canada, that the Kluane grizzly bear population has dropped significantly. We also know that the grizzly population in the Southern Lakes area is declining, based on traditional, outfitter and local knowledge.

So what studies and management plans are being done and developed in regard to Yukon's grizzly bear population?

Hon. Mr. Istchenko: The primary objective of this project — the Southern Lakes grizzly bear population study — we have \$25,000 there. The primary objective of this study is to estimate the size and trend of the Southern Lakes grizzly bear population. The secondary objective of this project is to improve our understanding of grizzly bear ecology in the Southern Lakes area. We're doing it because information on grizzly bear population status and abundance in the Southern

Lakes region was established as a key information need through the Southern Lakes Wildlife Coordinating Committee — and I spoke about that committee earlier.

The review of predators — information from this project will be used to estimate the size and trend of the Southern Lakes grizzly bear population, as well as improve understanding of grizzly bear ecology in the area. This information is important for calculating harvest quotas, identifying ways to reduce management kills by reducing human-bear conflicts, and identifying habitat components and other habitat management activities through land use planning and environment assessment activities, so as to reduce human influences on bear mortality.

Information on bear diet has been specifically requested by the regional boards and councils. This is some of the stuff we're doing: field work for the 2015 project year will be conducted from May to October and includes collection from information on movement, habitat use, diet, survival rates, reproductive output and body condition matrix. Currently we have eight collared bears that we will continue to monitor in 2015-16. All collars are expected to drop off in 2015-16, and efforts will be made to pick them up. At this time, there are no plans to collar additional bears.

During 2012-13, a hair snagging survey was conducted to conduct some DNA samples needed to estimate the size of the Southern Lakes grizzly bear population. Lab results received in 2014-15 will be used to estimate the size of the Southern Lakes grizzly bear population.

We're doing work on that. We have a regional carnivore biologist who does a lot of good work. I know our carnivore biologist works with Parks Canada and is a good source of information for the local resource council and the local First Nation when it comes to grizzly bears.

Ms. White: In June 2009, Environment Yukon began studying grizzly bears in the Yukon Southern Lakes region. Projects included in the study were capturing and collaring, hair gathering and scat gathering and the gathering of traditional knowledge.

What is the status of this study? Is it ongoing? What was the funding allocation in previous years and what is the funding allocation this year?

Hon. Mr. Istchenko: We do have \$25,000 this year. I am not sure what the previous years were, but I will commit to getting back to the member with those numbers.

I do just want to say that something also moving forward is that we have asked the board to come up with a Yukon-wide bear management plan — the Yukon Fish and Wildlife Management Board — within the context so that we can have a better plan and have a broader discussion within the Yukon.

Chair: Before taking another question, would members like 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. We are continuing general debate on Vote 52, Department of Environment.

Ms. White: In the minister's last answer, he said that this year, in the 2015-16 budget, there is \$25,000 set aside for the Southern Lakes grizzly bear study. My question is: With that \$25,000, is that still the full project inclusion that was in 2009?

He said that there were currently eight bears collared and there was no intention of collaring more, so that involves the monitoring of those collars. Does it still include the hair gathering, the scat gathering, and the gathering of the traditional knowledge of the people of the area?

Hon. Mr. Istchenko: Yes, that money goes toward the continuation of the multi-year work that our carnivore biologist is doing on the project.

Ms. White: Is there a reason why we are staying with the eight collared bears and not looking for more? In the 2012 highlights — and I am just going to read from the document — it says that four new bears were collared in 2012 and two were re-collared. By denning time in the fall, there were 10 active collars in the study area — four females and six males. Five collars were retrieved over the season, including one from a bear that was killed illegally and one from another bear suspected to have been killed illegally.

Is there a reason why we are staying with the eight collared bears and not looking to expand that study?

Hon. Mr. Istchenko: I don't really have that additional information, but I would gander a guess that the eight collared bears — we will look at the information that we gathered from them and then next steps moving forward to see what's next, I guess.

Ms. White: With the line item of \$25,000, it doesn't seem like there is the potential of expanding that program to include other areas in the territory, especially the Kluane region where Parks Canada has highlighted the declining grizzly population. Is there any intention within the department to study the bear population in the Kluane region?

Hon. Mr. Istchenko: At this time we don't have a specific inventory for the Kluane area. Right now we are working with Champagne and Aishihik First Nations, working with the local resource council out there, on a moose recovery program. This is something sort of new to the department — looking at how bears, wolves, and Mother Nature plays into that — for lack of better words. Like I said earlier, we have also asked the Yukon Fish and Wildlife Management Board to work on a Yukon-wide bear management plan.

This year I just wanted to highlight some of the wildlife inventory that we are doing. We are doing some work, again, with the Aishihik bison herd and caribou. I think I have listed a little bit of the caribou work we are doing. We're doing some work with the Chisana, the Ethel Lake, Finlayson, Ibex, Carcross, the Tatchun caribou, the Kluane caribou. We're doing some moose stuff, some moose inventory stuff in the Duke River, Koidern moose management, Paint Mountain, Jarvis, Cultus Creek, game zone 7 looking at the Kusawa west Aishihik moose management census.

We're doing quite a bit of sheep work this year. We're also doing a little bit of elk and deer work, and a little bit of some old survey stuff. There is a little bit of grizzly bear diet-based — trophic relationship of population study will be continued, and that's the one that we were speaking about to do a little bit more of. We're doing some fisheries stuff around lake trout and burbot in some of our lakes. We're looking at some of the sheep lambing areas with some of our habitat and we're looking at some of the winter range with sheep.

The department has a pretty busy agenda this year when it comes to wildlife inventories and some of the stuff that we're doing.

Ms. White: I thank the minister for that. He preemptively answered the next question I was going to ask about other wildlife populations that were being studied.

He just mentioned that the Department of Environment was undertaking sheep studies. I wonder if he could elaborate on that please.

Hon. Mr. Istchenko: I would love to.

Some of the sheep stuff that we're doing — we're doing sheep genetics, which is a large-scale genetics study of sheep across the Yukon, and that's to refine sheep management units. Southwest Yukon sheep survey — a large-scale survey of sheep populations in the western game management zone 7 and the southern and western game management zone 5 will be undertaken. There is a sheep survey in the Glenlyon Range. Late winter and summer surveys will be conducted in that range to assess the status of the actual sheep population.

Sheep survey of Mount Joe, Mount Byng and Cap Mountain — late winter and summer surveys will be conducted in these areas north of Whitehorse to assess the status of the sheep population.

We're doing some sheep recruitment monitoring in the — I'm not even going to try to pronounce that word — it's Ddhaw Ghro, the Grey Ridge, Mount Mye, the Ruby Range and Tombstone. So those are some of the activities that we're doing when it comes to sheep.

Ms. White: I thank the minister for that.

In those management areas that the minister spoke to, are those areas where sheep are hunted by local hunters?

Hon. Mr. Istchenko: Yes, absolutely.

Ms. White: Are those areas typically accessed by ORVs, and has the Department of Environment noticed a decline in population or a movement in the population farther from those ranges because of the ORV intrusion?

Hon. Mr. Istchenko: I don't have that. This is why we're doing some of the survey stuff that we're doing.

We don't have the information and we're not going to speculate, but that's why we want to get out there and look at the stuff and work with the local communities. The outfitters are engaged in this and the resource councils are engaged in it — so a holistic approach to the harvest of sheep. As we have pressures within the department, I see this all the time. I know, when I had the opportunity to be a member of the Alsek Renewable Resources Council, things that were near and dear to our hearts, whether population — seeing a decrease in a population or seeing increased access somewhere — that was

the stuff we would bring forward to the government for them to look at. The Department of Environment then — I spoke about the inventory work that we're doing — goes out and gets those numbers, so we have some facts and good base numbers so we can make some sound decisions when it comes to managing our wildlife.

Ms. White: Will things like ORV use or disturbance be part of those studies? Will the Department of Environment look at — I mean, we all know within the House that, when ORVs go into the high alpine, we can see the damage. We also know that the more people access and the more disruption that we have within some of those breeding grounds and things, it pushes the sheep population further away. Will those types of questions be included in the study?

Hon. Mr. Istchenko: The studies are more about scale, looking at the genetics, looking at the population sizes, and looking at those areas. I think it's more to get numbers. I'm not sure — and I'm not going to commit to anything here. I know sheep surveys have been done in the past before and then compared with some of the previous numbers that we have — moving forward.

The areas that we're studying are areas that either a local resource council, one of our regional biologists, a local trapper, a local outfitter, or a community person has said, hey, you know, I think there could be — whatever. So when we get this stuff forward, that's why we go with the concerns of the local community stuff that's brought forward. Then we say, okay, when it's time to do our budget on wildlife inventory, we make sure we incorporate some of these areas so we can get some solid numbers.

Ms. White: Just to follow up a little bit on that, we know that we've talked a lot about land management for protection of environment from ORV use and we've talked about the ability to put in a 90-day management plan or a protection plan, rather. Has the Department of Environment been approached about any vulnerable or at-risk areas that people would like to see protected?

Hon. Mr. Istchenko: Not specifically, Madam Chair, but, as I said earlier, the reason that we do this when it comes to sheep or moose is because it comes from the community — a local biologist gets inundated with some community members or the local resource council is asking some questions. The local resource councils right now are going to soon start to develop their budgets for next year, so this is some of the issue-related stuff that they see. They'll bring it forward to us, and that's why we make sure then that we have this in our budget cycle and that we have the funds available to do these inventories.

Ms. White: Has the Department of Environment identified any sensitive or at-risk areas that they believe would benefit from a 90-day protection order from ORV use?

Hon. Mr. Istchenko: No, not at this time we don't.

Ms. White: Just to continue on in the Southern Lakes area, there is a wolf management plan that calls for studies of wolves in the Southern Lakes area, including things like population trends. The studies have thus far shown that the population in the Southern Lakes is declining. However,

trapping of wolves in this area is increasing. What is the status of the Southern Lakes wolf studies? Does the minister have an update on the Southern Lakes wolf population?

Hon. Mr. Istchenko: In this year's budget, we have \$30,000 for our wolf program coordinator. This is what we are doing. We are collecting information on wolf populations in areas where knowledge gaps currently exist. Specific areas will be identified through discussions with communities — of course, renewable resource councils under the Yukon Fish and Wildlife Management Board. We are doing this because it will establish some baseline understanding about wolf distribution and population size in areas where this information is currently lacking. It has been identified as important by our communities — our RRCs and our Yukon Fish and Wildlife Management Board. The information can be used to manage and conserve wolves as per the 2012 *Yukon Wolf Conservation and Management Plan*. For example, information collected can be used to provide input into land use planning and environmental assessment processes, implementation measures, and for making recommendations related to wolf harvest opportunities.

Some of the stuff that we are going to do to go about getting this done is that, once an area is identified where the knowledge gap exists, then we use a fixed-wing aircraft to fly over the area so that the number of the packs and average-pack size for area and wolf distribution can be estimated. The survey work will be conducted in mid-winter. Wolf population distribution information will be estimated through one of two snow-tracking methods — a sample unit probability estimation use form of distance sampling or through an occupancy-based approach. It will also work, in these identified areas, with the local trappers and those community members and some of our elders who have been on the land for many years and the local outfitters. These are the people who are out there and they get to see this. That is valuable information, and it's free. It's great when you go out and talk to local community members.

Ms. White: I agree that local and traditional knowledge is incredibly helpful in the path of the decisions we make.

In the minister's last response, was he referring to the Southern Lakes wolf population specifically, or was he referring to wolf populations across the territory? He said that in some areas, wolf information is lacking and that is what the study was going to concentrate on. Could he highlight which areas are lacking information that this study will look at filling in the blanks for?

Hon. Mr. Istchenko: I can't highlight the areas, because that is one of the reasons that we are doing this — to find these areas — but it is Yukon-based.

Ms. White: I don't think there is a single person in the Yukon who doesn't understand that the management of wolf populations can be contentious, especially to people who don't live within our borders. It is also incredibly important to say that the management of wolf populations is incredibly beneficial if it is affecting a prey species. We have seen declines in moose populations at different times and we have

seen other populations adversely affected when the predator populations increased.

Can the minister explain how the department monitors the wolf population and what kinds of thresholds and policies they have on trapping and wolf management? What triggers are hit that would lead to a stop in trapping, for example, in the Southern Lakes and/or other parts of Yukon?

Hon. Mr. Istchenko: We don't have anything in place per se and that is why we are moving forward with some of this work that I was just speaking to. Also, we have the wolf management plan — and I agree with the member opposite on how contentious it can be. I lived through that in Kluane back in the day. I was very proud to be the chair of the Alsek Renewable Resources Council and to push forward with the wolf management plan — a community-based plan. There were both sides of the fence at those meetings. They were calm and cordial meetings and it was community based. When it was finished, it was incredible how we got a lot done and I don't ever remember there being much in the media. I have to say that it was done quite well from all the local resource councils and the effort and time that they put into it.

With that, now that we have this plan, when it does come to a specific area like the population the member opposite was speaking about — that is why we have this wolf management plan. We can go to the plan and we have guidelines for it. With more of this information that we have — with the \$30,000 that we have put forward in this year's budget, we will have more information to highlight some of the key areas.

Ms. White: I am happy to hear that. I think I was probably in high school when there was really some contentious things and I was reading letters to the editor from people who were very far away and didn't understand the realities on the ground and how predator and prey — how that biodiversity is really important and that it is balanced. I am happy to hear that experience was a positive one for the people in the Kluane region and I hope that if we have to get back to that point, we can follow that example and use that as a template for future conversations.

There were lots of conversations at one point during the Environment debate, particularly in 2013, around development of the Atlin Lake campground. In 2013, we were talking about the Atlin Lake campground that had been announced. Our opinion on this side was, wouldn't it be great if Conrad was developed and that is an exciting thing that should happen at the end, hopefully sooner than later.

My question is — well, I have a series of questions. The Atlin Lake campground is still a line item in this year's budget at \$522,000. My questions are: Have all the concerns that were raised in previous years' budget debates been resolved? For example, the fact that the Atlin Lake campground reserve has been encumbered by a staked mineral claim or that the existing trapline — has that trapline owner been consulted about the proposed campground? What is the status of the court case by the Taku River Tlingit?

Hon. Mr. Istchenko: I'm not going to comment on the actual court case because it is before the courts. I know the member opposite had this question during the briefing — the

Atlin campground and the \$522,000 instead of the one dollar — why are these projects budgeted at a dollar?

This is a cost estimate for a portion of the project that should eventually go ahead, pending the outcome of the legal action — but I'm not going to comment on that. The project was recommended by YESAB, the Yukon Environmental and Socio-economic Assessment Board, and through that process the trapper's comments were taken into consideration. The funding has been approved by the Yukon government. The funding allotment enables this project to proceed in a timely manner if the case is settled.

So one dollar is used when a budget variance is forecast but the final amounts for this estimate are still to be determined. This is not the case, of course, with the Atlin project.

Ms. White: On November 26, 2013, we were having a conversation about this on the floor of the Legislative Assembly. One of the questions I raised was: How do you move forward with a campground reserve that is encumbered by a staked mineral claim? The minister of the day said, in regard to the mineral claims — and I'll just quote here: "... if we do decide to go forward — is something that we can deal with through the development of the campground or the development plan. The first thing would be to try to work with the claims holder to determine their actual plans. If they have no plans of having any activity on their claims any time in the future, then it really isn't a problem. Nonetheless, we could develop the campground in such a manner that allows for some separation between those kinds of activities."

My question is: What kind of consultation has been done with the owner of the mineral claims? How is government planning on proceeding forward if or when the court case is resolved?

Hon. Mr. Istchenko: What the member just read into the House is what we still believe, but we will get into a conversation with the mineral claims holder once the court case is settled. As the previous minister said, I think we can find a solution that will work with him.

Ms. White: Understanding that there is still a line item for \$522,000, the Department of Environment has decided to not have conversations with the owner of the mineral claims yet.

Is that a normal thing to have that kind of line item with that kind of money set aside, but not be having the other conversations around the development? If the conversation hasn't been held yet about the mineral claims, when does the minister expect to have those conversations?

Hon. Mr. Istchenko: Following the resolution of the court case.

Ms. White: Were all wildlife risk assessments done for the proposed Atlin Lake campground?

Hon. Mr. Istchenko: Yes, they were because they were done through the YESAA process.

Ms. White: During the YESAA process, what wildlife risk assessments were completed by the Department of Environment?

Hon. Mr. Istchenko: I can refer the member to the YESAA site or I can get back to the member opposite on that. I don't have that on hand.

Ms. White: I was doing a little bit of reading earlier on that. It is my understanding that a bear risk assessment needed to be completed. Does the minister know anything about that bear risk assessment?

Hon. Mr. Istchenko: That risk assessment was completed, and I can get back to the member with what came out of it, I guess.

Ms. White: Is the minister aware of when that contract was issued, when it was completed and what the findings were?

Hon. Mr. Istchenko: I don't have that information.

Ms. White: It is my understanding that the contract was put out in the month of October, which seems to me, as a layperson, that conducting a bear risk assessment in the month of October doesn't make a lot of sense. I would like to think that you would need to be able to see and document attractions like food sources favoured by bears, such as berries and the like. Will another bear risk assessment be conducted in a more appropriate time of the year?

Hon. Mr. Istchenko: No, that information was passed on to the assessment.

Ms. White: It is my understanding that the findings of that bear risk assessment were that it was incomplete, and it was the wrong time to be doing the study due to the time of year that it was done and that the findings were inconclusive. Does the minister have any thoughts on that?

Hon. Mr. Istchenko: No.

Ms. White: Understanding that we are holding this line item with \$522,000, it is my hope that, if or when the court case resolves itself with the Taku River Tlingit, the Department of Environment would endeavour to complete another bear risk assessment — hopefully during a time of year when attractants would be present.

What is the process for reviewing and updating wildlife management plans currently?

Hon. Mr. Istchenko: When it comes to management plans, it's dictated in the management plan when you have to review the plan, and when we review the plan, then we go to the technical working group, which includes local First Nations, resource councils, industry, the Agriculture branch — if you're speaking of elk — and all the key stakeholders. Then the technical group will meet and they will review and do community consultation and move forward with reviewing the plan.

Ms. White: What was the reviewing or updating timeline for the elk management plan for Yukon that was expected in 2008?

Hon. Mr. Istchenko: February 25 and 26, 2015 — the Yukon government hosted a workshop with the First Nations, Yukon Fish and Wildlife Management Board, the renewable resource councils and stakeholders to review work completed under the 2008 management plan for elk in the Yukon. Within Yukon government, the Department of Environment is working closely with the Department of Energy, Mines and

Resources — that's where the Agriculture branch is — to collaborate on a plan development to mitigate current elk-agriculture conflicts. The plan review workshop included participants from: the Yukon government Department of Environment, Fish and Wildlife branch; the Yukon government Department of Environment, Conservation Officer Services branch; the Yukon Department of Energy, Mines and Resources' Agriculture branch; the Yukon Fish and Wildlife Management Board; the Alsek Renewable Resources Council; the Carmacks Renewable Resources Council; Lake Laberge Renewable Resources Council; the Ta'an Kwäch'än' Council; the Champagne and Aishihik First Nations; Little Salmon Carmacks First Nation; the Yukon Game Growers Association; the Yukon Agriculture Industry Advisory Council; the Yukon Agricultural Association; and the Yukon Fish and Game Association.

Planning participants will work together through the spring with an independent facilitator to develop an updated plan to respond to evolving concerns regarding elk management. Discussions during the plan review and the workshop focused heavily on understanding population numbers, carrying capacity studies, social values about where the elk should be allowed to range, the harvest and management tools. Plan participants agreed that the Takhini and Braeburn elk herds should continue to exist, with the discussion focusing on eliminating elk-agriculture conflict and consideration of the harvest as a management tool to include elk from areas in the Takhini Valley, where agriculture land already exists.

That's just a little part of it. I could go on for days.

Ms. White: I thought the Yukon elk population is kind of a fascinating story.

I am sure lots of people are aware, but for those people who aren't — 19 elk were originally transferred from Elk Island National Park and released near Braeburn in 1951 — and that was followed by another 30 in 1954. The intent was to provide elk for new hunting opportunities, which would eventually reduce pressure on other big game. To supplement persisting, but stagnant, elk populations between 1989 and 1994, the Yukon government released a further 119 animals in the areas of Braeburn Lake, Tutshi Lake and the Takhini River valley.

I was reading through the management plan for elk in the Yukon earlier today and it talks about how, under the Yukon *Wildlife Act*, elk are listed as specially-protected wildlife, making it an offence to harvest them. Elk introduced to southern Yukon are also classified as a transplanted population in the Yukon First Nation *Umbrella Final Agreement* and are exempt from First Nation subsistence harvesting rights. Elk are not listed as a species at risk in the Yukon or elsewhere in Canada. The introduced Yukon populations were classified as an exotic species in the 2005 conservation ranking of Yukon wildlife, and those that may occur in southeastern Yukon are classified as "undetermined" because of our lack of knowledge of those populations.

When I was reading through the elk management plan, it said that there is currently no management program to address

conflict between elk and agriculture. The Yukon *Wildlife Act* specifically identifies that there is no right for compensation from property damage as a result of wildlife. However, there are programs available through the Yukon government Agriculture branch to assist with crop losses and to secure forage crops against damage from wildlife. Other options were being discussed at the time.

Future land dispositions near elk ranges need to recognize and address the potential for elk conflicts when planning developments. The Carmacks Renewable Resources Council has developed a fish and wildlife plan that includes plans to zone areas where agriculture is acceptable and recommend other areas where it is not suitable. This zoning could help manage conflict in elk ranges.

My first question is in relation to the minister's last comment. When is the updated elk management plan expected? I understand that there have been reported conflicts between elk and the holders of agricultural leases. What options is the Department of Environment looking at to help with those concerns? What options have been discussed to mitigate the elk-agriculture disputes?

Hon. Mr. Istchenko: During the plan update and through the public review and consultation with our stakeholders — I listed all those stakeholders, which we are in the process of doing right now. I know there are follow-up meetings soon and the work is continuing to go on. We are anticipating that the plan should be completed by fall 2015. The department, the local renewable resource councils, the local First Nations, farmers, the department of agriculture and the agriculture association were all key stakeholders in this. This is what we're doing right now — we are commenting on the plan — we are looking for solutions moving forward. The updated plan isn't ready yet, so I cannot tell you what is going to come out of it, but I am pretty confident that, with all the hard work that is going on with every one of these organizations, we are going to see some solutions moving forward.

When it comes to land disposition, that falls under the Department of Energy, Mines and Resources. I know that is something that the local First Nations — and actually, I as the MLA — have also had a conversation about with the local EMR, just making sure that, as we proceed forward, we pick areas that we don't have as much agriculture-elk conflict.

Ms. White: In waiting for that plan to be developed, are there any steps being taken right now to mitigate the elk-agriculture conflicts?

Hon. Mr. Istchenko: This has been a topic of conversation in the department quite a bit, and I have been briefed on some of the stuff. There is not much elk-agriculture conflict right now. The elk have gone off to have their calves, so they are out of the farmers' fields. That is why this is a key time to go forward with this. Then, whatever we come up with in the plan, we can move forward on it. I'm excited to see what comes out of these meetings, but I also understand that there are many factors that contribute to managing elk. We will make sure that it is a balanced approach to include everybody who is involved.

Ms. White: I thank the minister for that and I am sure that the long list of members who the minister listed who are involved in that consultation process will do their best to figure out a way forward. It's interesting because our human-elk contacts are substantially less than in places like Banff, where I can tell you that there was more than one time that I wanted to get back in the vehicle a lot faster than I expected, just because the elk kind of roam free everywhere. They are just like dogs in that area.

We have talked a lot about the Wolverine mine shutdown and the operation at Yukon Zinc and how that went down. When Wolverine mine shut down and Yukon Zinc Corporation went into creditor protection, Yukon Zinc left nearly \$3 million in outstanding mine reclamation security. When the mines are approved, their planned operations are assessed, and the cost of decommissioning of operations and reclamation of the site at final closure are assessed. A security is then established to ensure that the funds are available to decommission and reclaim the site should anything happen to the operator — and then if they are unable to remediate the mine.

My first questions are: What, if any, input does the Department of Environment have in developing estimates for the costs of decommissioning and reclaiming mines? Do they give their opinion on a proper number for securities to the proponent or to the Department of Energy, Mines and Resources?

Hon. Mr. Istchenko: No, that falls solely under the Department of Energy, Mines and Resources.

Ms. White: To understand that the department that is responsible for the natural habitat and the health of the environment — I guess I am a bit surprised by that answer. Does that mean that the Department of Environment gives no advice or estimates to EMR for things like the Wolverine mine security? Do they give no input or feedback at all into that process?

Hon. Mr. Istchenko: To answer the member opposite, we review and provide input, but that determination on the dollar amount for securities comes out of the Department of Energy, Mines and Resources.

Ms. White: So in the review and the input process of the Wolverine mine security, did the Department of Environment recommend a dollar figure for the remediation of the Wolverine mine site?

Hon. Mr. Istchenko: No. We don't specifically make recommendations on dollar amounts.

Ms. White: What kind of recommendations does the Department of Environment make?

Hon. Mr. Istchenko: We make recommendations on the adequacy of the mitigation, but we make those recommendations to the Department of Energy, Mines and Resources and they continue on with the work that they do.

Ms. White: In part of that — making the recommendations on the adequacy of the mitigation — does that include a costing and breaking down of the value that Energy, Mines and Resources has subscribed toward the remediation, or is that based on the process, the steps required

or the final expectation of what that remediation would look like?

Hon. Mr. Istchenko: The member opposite is getting into some pretty technical stuff and I don't know. The department does that technical stuff, so I guess I will commit to getting back to the member with something.

Ms. White: I look forward to getting that technical stuff submitted. I look forward to having a chance to go through it.

There was a recent account of a Yukon woodcutter pouring water into a bear den to root out a bear that he felt was being a nuisance on his operations. The operator found a bear den on his woodlot in the Haines Junction area last winter and wildlife authorities imposed a 300-metre no-cutting zone around the site. Later the Department of Environment reduced that to 100 metres. Looking at other jurisdictions, a 100-metre setback for bear dens appears to be the lowest in the country.

The Northwest Territories has a minimum 800-metre setback for general industrial activity around grizzly bear and black bear dens. How did the Department of Environment decide that a 100-metre setback from a bear den was an appropriate amount of space?

Hon. Mr. Istchenko: It was based on the conditions. Then after further assessment and the type of activity that was going on, I think that's where they came up with the actual number.

Ms. White: In the case of the Haines Junction woodcutter, why was the setback reduced from 300 metres to 100 metres? Was this done after some sort of assessment or formal review? Was that done just for that one case, that one bear den, or is that now the parameter set out for that woodlot, or is that now the parameter for the rest of the territory in the setback from bear dens?

Hon. Mr. Istchenko: I believe it was case-specific. It's not something that's now set across the board. They looked at the conditions after assessing it and the type of activity that was going on. It was based on that individual case.

Ms. White: I think it's important to note that this did get taken to court by the Department of Environment and the Department of Environment won. Now, knowing that even a 100-metre setback was not respected, will this individual be given another minimum setback, or will they stay at the 300 metres that it was originally set at?

Hon. Mr. Istchenko: I'm not going to comment on the court case or on the specifics of who gets what permit and who does what. That's not what the minister does here.

Ms. White: What is the absolute minimum setback for bears in the territory? If we're not talking on a case-by-case basis and we're looking at the territory as a whole, what is the minimum setback from bear dens from the Department of Environment?

Hon. Mr. Istchenko: When it comes to the guidelines, like I said earlier, I think it's based on the type of land activity and the type of activity — after we assess it. That's it.

Ms. White: The Department of Environment has a cap on the amount of contributions they can give to an Outside organization. For example, this includes groups like the

Yukon Conservation Society or universities or others. These agreements are usually results-based agreements — for example, the party receiving the contribution is doing some form of work that is of benefit to the department or is work the department would otherwise be doing. These amounts are capped under the 300-line funding — for example, I believe that the Yukon Conservation Society receives \$15,000 — and the minister can clarify that.

A long time back, the Yukon Fish and Game Association was given a contribution agreement for services that are somewhat unclear in how they meet the aforementioned criteria, and that contribution amount was for \$80,000 in comparison to the \$15,000 for the Yukon Conservation Society. Can the minister explain what this funding is for and whether the Yukon Fish and Game Association is providing the services agreed to in the agreement?

Hon. Mr. Istchenko: In terms of the specifics of the agreement, I don't have that information here but I can get back to the member opposite with that.

Ms. White: I'll just ask the minister if, in his next chance up, he can confirm. If he will give me a copy of that agreement, that would be fantastic.

INTRODUCTION OF VISITORS

Ms. White: In the meantime I would like to take a quick opportunity to ask the House to join me in welcoming Anna Duru to the gallery today. She is the proud mom of our page, Naomi. So thank you so much for being here.

Applause

Mr. Silver: I would like to thank the official from the department for his time here today and the minister for his as well.

I will be referring to you as Madam Chair, not Madam Chair, which I have been noticing both members were calling you earlier, so Hansard have fun with that.

I have only a few questions here folks. I want to start with the Ddhaw Ghro Habitat Protection Area plan, the one the minister spelled earlier today. On May 13, 2013, I tabled Motion No. 474 urging the government to publicly explain why the recommended Ddhaw Ghro Habitat Protection Area plan submitted to the government at the end of June 2006 for final ratification had not been signed off. In December of 2013, the minister at the time reported that it had not been signed off due to — and I quote: “issues in past years with regard to fire protection within that particular protected area”.

At that time, the minister indicated that those issues have been worked out. The department website still has this listed as an in-progress management plan, so the question would be: Where are we with this habitat protection action plan and has it been signed off or not?

Hon. Mr. Istchenko: The member was exactly right. The fire protection zone was what was — for lack of a better word — stalling it, but we're working with our partners on it but it hasn't been signed off yet.

Mr. Silver: I'm assuming there's no new news. Okay.

As far as bison hunting, it was in the fall, I believe, that it was released that the Aishihik bison herd was near 1,500, which is 500 more than the government's target population of 1,000 animals. Over the winter, there were nine additional hunting zones opened, as the minister knows. The question is: How many additional animals were actually harvested? Also, what is the government planning to do to get that population back into the targeted range?

Hon. Mr. Istchenko: Hunting is the primary method used to manage the herd size. On average, I think, 142 bison have been harvested each season if you average it out since 2008. Again, through the management plan, working with the key stakeholders — the local First Nations, the local resource council and all other key stakeholders — we did some of the opportunities — we dropped the price of the tag, the seal fee went to \$10, we're working on including guiding for bison, but also, like the member opposite said, we opened some zones earlier and we're looking at some other options moving forward, maybe looking at some of the ideas that have been tossed around — it's not official yet, but looking at group hunts or looking at different timelines for it.

The approved 2012 bison management plan provided direction on a course accepting the herd size of 1,000 animals. The wood bison, we know, is threatened under species at risk and is listed under the federal legislation. When we introduced them, they have been quite a success and a great hunting opportunity for Yukoners.

Some of the stuff that's key to this is using the best that we can — using hunting as the primary method to manage the herd size. But then, the bison tech team — that's what they're called — on the annual meetings they go to, they look at information. I think we had 176 bison harvested this year, which was a great number. One of them wasn't me, but they are good eating for all Yukoners. They're a great source of food.

They look at the harvest models and work with the key stakeholders on it.

Mr. Silver: If the minister needs some bison, I have some in the freezer for him. I'm sure he's fully stocked.

I just have one more question and it's on hunting as well. Last summer, the Ross River Dena Council filed a statement of claim, seeking declaration that the Yukon government has a duty to consult and accommodate the Ross River Dena Council when it comes to hunting licences and tags. I requested an update on this in the fall. The previous minister told the House at that time that the Yukon government statement of defence was filed on September 2, and a case management conference was held October 2.

The Yukon Fish and Game Association was seeking to intervene, and that application will be heard by the courts December 3 — is what we were told. We were also told that a further case management conference is set for December 15. Madam Chair, I was wondering if we could get an update on the status of this case.

Also, what was the outcome from the hearings in December? If we can get our answer, then that is my final question for the day, Madam Chair. I would like to again

thank the minister for his time and that of his department officials.

Hon. Mr. Istchenko: I do have some information for the member opposite.

The geographical area named in the statement of claim as Ross River area covers over 63,000 square kilometres and it does include numerous management zones and outfitting and trapping concessions. At this time, we don't expect licensed hunters who choose to hunt in the area to be affected by the court action. The government consistently — in the past and in the future — makes efforts to work collaboratively with the Ross River Dena Council and the community of Ross River in wildlife management.

The Yukon government, the Ross River Dena Council and the community work together, of course, in many ways and some of the stuff that we do — the community members have participated and moved some caribou surveys over many years — most recently in 2013. The Yukon government worked with RRDC on a traditional territory-based fish and wildlife plan. All non-subsistence hunting is regulated under the *Wildlife Act* and regulations.

I'm not going to comment on the specifics of the litigation, because we are currently before the court, but to answer the member, the Yukon Fish and Game Association — the intervener application — was heard on February 18 and their application to intervene was granted, so it was granted. The only other thing I can say is the next case management was scheduled for April 9, 2015.

Mr. Silver: Just a clarification, Madam Chair. Is that new information the results from the hearing in December? Is that the new information that you shared with us today?

Hon. Mr. Istchenko: Yes.

Mr. Elias: It has been quite some time since I got up in Committee of the Whole and actually asked the minister a question about something that is important to my riding.

I would like to ask the minister for a status update on the implementation of the Porcupine caribou harvest management plan within the range in Canada that was, I believe, signed off in 2010. I just require a status update.

Hon. Mr. Istchenko: To answer my fellow colleague — good news. The herd is currently estimated at approximately 197,000 caribou. That is up from the estimated 169,000 in 2010. During the 2015 annual harvest meeting in February, harvest data was available from all the parties for the third year in a row: total Canadian harvest — licensed and First Nation/Inuvialuit — was estimated to be 2,920 caribou for the 2013-14 season. The Canadian harvest rate is considered sustainable at 1.5 percent; Alaska's harvest is anticipated to be much lower than Canada's, suggesting that the herd as a whole is harvested at rates within sustainable harvesting limits.

Yukon communities have had limited harvest opportunities in 2014-15, due to herd remaining in Alaska for the fall and winter. The community of Old Crow is actively seeking out caribou and moose, due to a shortage in the community, but I understand maybe that might change. The field work planned by the department, the Government of

Northwest Territories and other partners this year, includes the deployment of satellite GPS collars, an estimate of productivity in the herd in June and July, and photographing the herd in July to update the population estimates.

That is basically your update.

Mr. Elias: I only have only one more question. I was listening to the members opposite today ask about all the charismatic megafauna that we have in our territory, because they're nice to look at and they're big, and some of them are nice to eat. But there's a little critter that has come to my attention that rarely gets any attention, and that's about our territory's bat population and, more specifically, the risk that the white nose syndrome may pose to the Yukon's population.

Hon. Mr. Istchenko: I thank the member for the question. The Department of Environment is monitoring select bat colonies in southern Yukon for evidence of this westward spread of the white nose syndrome, a fatal disease that does affect bats in eastern North America.

To date, no bats in the Yukon — good news — or western Canada have been found to be affected by the white nose syndrome. This Yukon government is engaged with the federal, provincial, territorial and Alaskan governments, as well as other experts at various universities, to develop plans that may lessen the impact or stop the spread of white nose syndrome.

These plans will include a national recovery strategy for Canada.

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

Chair: It has been moved by Mr. Istchenko that the Chair report progress.

Motion agreed to

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

Chair: It has been moved by Mr. Elias 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 Committee of the Whole?

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 18, entitled *First Appropriation Act, 2015-16*, and directed me to report progress.

Speaker: You have heard the report from the Chair of Committee of the Whole.

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Mr. Elias: 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 now stands adjourned until 1:00 p.m. tomorrow.

The House adjourned at 5:24 p.m.

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Standing Committee on Appointments to Major Government Boards and Committees Sixteenth Report (May 26, 2015) (Hassard)