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HANSARD

Wednesday, June 7, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2017 Spring Sitting

SPEAKER — Hon. Nils Clarke, MLA, Riverdale North
DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun
DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Sandy Silver	Klondike	Premier Minister of the Executive Council Office; Finance
Hon. Ranj Pillai	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
Hon. Tracy-Anne McPhee	Riverdale South	Government House Leader Minister of Education; Justice
Hon. John Streicker	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
Hon. Pauline Frost	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
Hon. Richard Mostyn	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
Hon. Jeanie Dendys	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

GOVERNMENT PRIVATE MEMBERS

Yukon Liberal Party

Ted Adel	Copperbelt North
Paolo Gallina	Porter Creek Centre
Don Hutton	Mayo-Tatchun

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Yukon Party

Stacey Hassard	Leader of the Official Opposition Pelly-Nisutlin	Scott Kent	Official Opposition House Leader Copperbelt South
Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
Wade Istchenko	Kluane	Geraldine Van Bibber	Porter Creek North

THIRD PARTY

New Democratic Party

Liz Hanson	Leader of the Third Party Whitehorse Centre
Kate White	Third Party House Leader Takhini-Kopper King

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Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, June 7, 2017 — 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.

TRIBUTES

In remembrance of Martha Collins

Hon. Mr. Streicker: I rise today on behalf of all members of this Legislative Assembly to pay tribute to the late Martha Collins.

I first met Martha 10 years ago when she was a spry 90 years old. Today is the Seniors Tea from 2:00 p.m. to 4:00 p.m. over at the Convention Centre. I always looked forward to the Seniors Tea and one of the reasons is that Martha was always there with her warm smile and her bright eyes.

She wouldn't dance with me anymore in the last couple of years, but I always got a hug. Martha lived in Marsh Lake with her daughter, Penny and her son-in-law Don, and all three were always volunteering in the community. In particular, Martha used to crochet a lot of afghans to raffle or act as door prizes or to donate to someone in need in the community, a practice that continues on with our knitting circle today, by the way. I was amazed at Martha, and then Penny told me that when she was 84, she was still cooking at a gold mine outside of Dawson.

This past September 4, Martha turned 100. It was a lovely affair and my family was pleased and honoured to be there with her to celebrate. She enjoyed well-wishes from the Premier, the Commissioner and the Queen, but what I think she liked the best was walking in with her RCMP escort.

The family has asked that I read her memorial here in the Legislature.

So Martha Burian Collins: The family of Martha Collins is deeply saddened to announce her passing on December 27, 2016 at the age of 100. The community has lost one of the true pioneers of the Yukon. Martha Burian was born in Brightview, Alberta on September 4, 1916 to Freda and Amandus Burian — the fifth oldest and the first girl of 10 siblings.

She ventured north in 1936 and settled at Stewart Island to be with her brother, Rudy. Together they ran the Roadhouse Restaurant and Hotel on Stewart Island. It was busy, being one of the stops for the British Yukon Navigation Company steamboats on the journey to Dawson City.

Martha met her soulmate, Phillip Collins at Stewart Island and they were married in Dawson City in 1938. In the winter, Phil trapped two weeks at a time and Martha had a day-line.

Summers found him cutting wood for the steamboats and Martha cooking for the Roadhouse. By the way, Martha was famous for her berry-picking skills. I think one time she picked 500 pounds of blueberries in a season.

They raised their six children with a lifestyle that taught them good values and a respect for nature. One year, Phil and Martha were at their trapping cabin. It was minus 30 and Martha went into labour. Phil loaded the children in his dogsled and Martha went in hers and they mushed across the Yukon River for 100 miles to Dawson City, where she delivered her son Phil Jr.

In the late 1950s, Martha worked for the RCMP in Dawson Creek at a boarding house for single RCMP members as well as a duty guard.

Both she and Phil worked as prison guards in various detachments in BC and Yukon. The family is so grateful that they were able to celebrate her 100th birthday with her on September 4th, 2016 with over 100 family and friends. She was treated like a queen and she was beaming with joy — and she was.

Martha was a charter member of the Yukon Order of Pioneers Ladies Auxiliary and a member of Beta Sigma Phi Yukon Masters Chapter. Martha is survived by her children Freda and Richard MacMillan of Osoyoos; Penny and Don Sippel of Whitehorse; Toni and Ron Wykoff of Errington, BC; Otelia and Darren Collins of Kelowna; and her sister Amanda Rendell of Whitehorse. Predeceasing her were her parents Freda and Amandus Burian, husband Phil Collins Sr., son Phillip Collins Jr., daughter Wilda Webster, siblings Reinhold Burian, Walter Burian, Meta Davis, Rudy Burian, Karl Burian, Eric Burian, Alfred Burian and Otto Burian.

I will add just one more personal story to this list. Yesterday in the Legislature we paid tribute to the Yukon Ride for Dad and we were visited by the Gold Wing Road Riders Association of Yukon.

When I was running the Marsh Lake Community Centre, Martha was always making those afghans and, one year at the Mother's Day brunch, at which Penny and Don were volunteering — and I was there as well — Martha knit an afghan and we decided to put it up as a raffle for the Mother's Day brunch. The Gold Wing Riders came out as they often did to our brunch and they came out en masse.

One of the fellows who had organized it won that afghan, and he wore it as a cape, riding down the highway. Maybe not safe, but it was a real tribute to Martha and my mother-in-law, Freda. She crocheted me this little flower, sort of in honour of Martha today.

The family would like to give a heartfelt thank you for the compassionate care provided by the staff of Macaulay Lodge. They are forever grateful. A celebration of Martha's life will be held this summer. In lieu of flowers, donations in Martha's name may be made to the Yukon Order of Pioneers Ladies Auxiliary.

Six amazing children, 15 beautiful grandchildren, 34 loving great-grandchildren, two caring great-great-grandchildren, 19 wonderful nieces and nephews, and one blessed family — 100 years of love and laughter.

Mr. Speaker, I would like us all to welcome — in the gallery today we have Katherine Sippel, granddaughter-in-law; Paul Sippel, grandson; Donna Milne, granddaughter; Ken Milne, grandson-in-law; Colin Milne and Jordon Milne, great-grandsons; Penny Sippel, Martha's daughter; Don Sippel, Martha's son-in-law; and Mr. Cairns, a long-time family friend; and my own mother-in-law, Freda Walton.

Applause

In recognition of Yukon graduates

Hon. Ms. McPhee: I rise today on behalf of all members of this Legislative Assembly in recognition of all the Yukon graduates who are celebrating this spring season.

Graduates from Yukon secondary schools, graduates from Yukon College, graduates from grade 7 on their way to high school, graduates from kindergarten across the territory as they move into grade 1, and graduates from Purple Stew, a much-beloved preschool program here in Whitehorse. I remember that graduation myself — not for me.

Graduations are a wonderful celebration. Like all ceremonies throughout our lives, they mark an ending and a beginning. It is a true privilege as Minister of Education to attend as many of these ceremonies as possible and I cherish that opportunity. Whether finishing high school or a diploma, certificate or degree program, our graduates have a lot to be proud of. They have faced personal and academic challenges; they have studied and learned skills that will help them succeed in the Yukon and the world beyond. Some have had to find a balance between work, family responsibilities and the demands of study. Our graduates have now been prepared with a strong foundation for their future pursuits. They have new credentials that open doors to a world of choices. They are ready for new opportunities, either working in new professional fields, continuing their education, travelling or spending time with their families in communities that are out on the land. Whatever their futures hold, these graduates are prepared for the adventures and challenges ahead because of their education.

At recent ceremonies, graduates have been encouraged to remember where they come from, but to take every adventure and opportunity open to them. They have acquired the skills they need to recognize those adventures and opportunities and to meet them head-on. They have achieved an education — something that can never be taken away from them — and a wonderful foundation for all of their dreams.

Also, it's very important to recognize all of the parents, families, friends, mentors, teachers, staff and volunteers who have helped the graduates — each of them — reach their goals. They have guided, supported and loved their graduates and also deserve to be proud.

Congratulations to all of our Yukon graduates at this special time as they celebrate their achievements and pursue their dreams. Merci beaucoup. Shaw nithän.

Speaker: Are there any further tributes?
Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Pillai: I would like to recognize some of the members from the Yukon Minerals Advisory Board who are here today. In just a second, we'll be tabling our 2016 report. I would just like to have us welcome Mr. Keith Byram, who is here today; Mr. Mark Ayranto, our chair of the board; Sue Craig and Heather Burrell.

Just a quick background on our visitors — I believe it was in 1999, through the *Economic Development Act*, there was a legislative advisory board that was put in place. The role is to take advisement or provide advisement to the minister. Certainly in my conversations with my critic — the previous minister — he has assured me that this group of people don't candy-coat their advice. I think that has been the case before, and certainly I got this year's report.

Also, Brent Bergeron from Goldcorp; Marc Blythe from Yukon Chamber of Mines is on our board; Diane Garrett from Wellgreen Platinum; Neil Loveless from the Klondike Placer Miners' Association — some people who couldn't make it today; Clynton Nauman from Alexco and Paul West-Sells. This is all put together by Mosaic Communications' Amanda Leslie.

I just want to thank all of those people for providing this report to us. I want to thank them for their guidance. It's a small world. It's neat to take this role on. The chair and I haven't seen each other in almost 25 years, but we spent part of a summer at a bunch of rocks, trying to plant trees in between them, many years ago in another part of Canada, so it's nice to reconnect.

Thank you, Mr. Speaker, and thank you for coming today.

Mr. Istchenko: I would like to introduce someone who probably doesn't need introducing in the gallery today — former MLA for Vuntut Gwitchin, a fighter for the cause out there, for sure, and a mediocre hockey player, but a great guy — Darius Elias.

Applause

Hon. Ms. Frost: I would like to also acknowledge Darius Elias, the former MLA for Vuntut Gwitchin, for your many years of dedication and support to our community — just my appreciation. Thank you for being here.

Applause

Speaker: Are there any further introductions of visitors?

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Pillai: As I just alluded to, I have for tabling the 2016 annual report from the Yukon Minerals Advisory Board.

Speaker: Are there any further returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?
Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to ensure representatives of the Yukon Housing Corporation and the Yukon Workers' Compensation Health and Safety Board appear as witnesses in the Legislative Assembly during the 2017 Fall Sitting.

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

THAT this House urges the government to direct the Yukon Housing Corporation to meet with the tenant association and the residents of 600 College Drive to address concerns raised in the letter dated May 26, 2017, to the Minister responsible for Yukon Housing Corporation.

Speaker: Are there any further notices of motions?
Is there a statement by a minister?
This then brings us to Question Period.

QUESTION PERIOD

Question re: Financial Advisory Panel

Mr. Cathers: Mr. Speaker, previously the Premier stated that he didn't want to leave a cent on the table when it came to federal infrastructure funding. Some of the federal infrastructure funds do require the Yukon government to spend its own money to use all of those federal dollars on projects in the territory. Earlier this week, the Minister of Community Services indicated that there were several new federal funding pots that the government is also looking to access.

My question is: How much will the Government of Yukon have to spend to fully subscribe to all the pots of federal infrastructure funding available? Do they plan to borrow money to do this, and if so, how much?

Hon. Mr. Streicker: As I stated in the Legislature, we have not yet heard from the federal government what the size of those funding pots are for the Yukon, and so it's premature to talk about what kind of spending there would be. We are well aware of the constraint on the future budgets, and that was one of the reasons why there was a difference between what we had anticipated in future spending on capital budgets. I believe the number, year over year, was \$45 million more that we intended to spend on the future budgets, which is the reason that we would be wanting to have this conversation.

While I appreciate the member opposite's question, I am just not able to provide a response at this point in time, but I have, of course, already given assurance to this House that I would share the information as soon as it is available.

Mr. Cathers: We know in the long-term forecast that this government has put in their budget that they are predicting to go into debt. During this Sitting, we have repeatedly expressed concern with the government's future

spending plans showing \$216 million in red ink midway through this mandate.

Do the current projections assume that the Yukon government will fully subscribe to all of the federal infrastructure funding, and if not, how much further into debt will the government have to go to keep their promise to not leave a cent of federal infrastructure money on the table?

Hon. Mr. Streicker: There is a lot of federal funding, and I would like to thank our federal partners for investing because there has been a strong, or a deep, infrastructure deficit in the country and here in the Yukon. We've heard that from Yukon communities, from the municipal governments and from the First Nation governments.

This is a real opportunity for us to invest. We anticipated that this would put a strain on future finances, and that is exactly why we developed the Financial Advisory Panel, which is in front of us now and with which we will work with Yukoners to find a solution forward — how to have a sustainable future both financially and through our infrastructure.

Mr. Cathers: The government has basically outsourced financial planning to the Financial Advisory Panel, and it sounds like they may be outsourcing infrastructure planning as well. This week, the government finally released the terms of reference for the panel, which took over a month to write, but they are in fact pretty thin soup and don't really provide Yukoners with much in the way of detail.

The government told us the panel will start consulting later in June, take a break and have final recommendations to the government by October. Summer is about the worst possible time to do public consultations, with the possible exception of March break.

Yesterday the Minister of Community Services talked about government not rushing things and taking time to get it right. Since they say the Financial Advisory Panel will be reviewing options on how to get the government out of debt and consulting with the public, does the government not think this important task and the public consultation should not be rushed but, in fact, done right?

Hon. Mr. Pillai: A couple of points that I would like to raise — first, what we have heard over this session is a real need in many communities for infrastructure. I have heard from the members opposite — they have wanted us to look at replacements of infrastructure in Dawson City with the school, with Ross River, and the list goes on and on — projects that weren't really on the books per se.

I know there is a real interest from the opposition on ensuring that we use all of these dollars and that we rebuild this infrastructure.

On the advisory panel, I find it very interesting as well — the Member for Lake Laberge talks about this outsourcing. I would really like to hear from him. In 2007, he implemented the health advisory board — I think it was an advisory board or council. He can help us clarify that. Essentially what he did — he put terms of reference in, and he identified a number of people outside the organization to help advise because of the staggering costs of health care. The exact actions for the exact

same sort of reasons — but now we see a different prerogative on this. Maybe it worked for him — and I think there was another minister involved. I would really like to hear why now getting some great advice and implementing it in to work with our Finance department, as was done by the Member for Lake Laberge with the Yukon Hospital Corporation and others — why that's a different story.

Question re: Land development

Mr. Istchenko: One of the initiatives of the previous government was very successful. It was the development and sale to Yukoners of waterfront cottage lots. During our mandate, we put out 20 lots on Bennett and Tagish lakes and a further 10 lots on Kluane Lake at Dutch Harbour.

Do the Yukon Liberals have any plans to develop and sell titled cottage lots during this mandate?

Hon. Mr. Pillai: I think we're going to have some good discussion today as we go through the Energy, Mines and Resources budget. We're going to talk a bit about some of that rural development, but most of that is truly focused on rural residential and then some interest in agriculture and commercial or industrial.

At this particular time, we're taking a look at some of these projects. Some of the lot development that occurred still needs some infrastructure in place that wasn't completed. Some of the other development that we're looking at, such as Grizzly — there are still deficits in place and we're looking now to actually subdivide lots that are there so we can pay for deficiencies and some of the infrastructure and roads. We're trying to work on those things.

This summer, as we sit down and speak with communities across the Yukon, taking into consideration land planning and local area planning, we're going to be working with the communities, as well as First Nations, to see where there are opportunities to look at either leased land or land development for cottage lots.

Underway — and we'll keep the Assembly apprised of that after we consult throughout the summer and see what the need is. We certainly know there is an interest.

Mr. Istchenko: I thank the member opposite for his answer. I will tell you that cottage lots were a huge success in the Kluane riding and for anybody who had the opportunity to get one.

These land developments would not have been possible without partnerships with First Nations. The Bennett and Tagish lots were the result of a partnership with the Carcross/Tagish First Nation and the Kluane lots were done under an agreement that was reached with the Kluane First Nation.

So I'm just kind of curious if, right now at this time, there are currently any negotiations taking place between the Yukon government and First Nations for future development of titled or leased cottage lots.

Hon. Mr. Pillai: As early as last week, we had some great conversations with Carcross/Tagish First Nation, and it kind of built on the conversation that we had here in the Assembly about some land that was there — that was in place.

Certainly, there seemed to be an interest by the previous government to look at land development and it was included in an MOU with Carcross/Tagish First Nation.

What we've heard from Carcross/Tagish First Nation at this point is that, to ensure that some of the infrastructure is completed on that project, they have an opportunity to get some lots out. So they're going to fill that need. On top of that, we'll probably look at a phased approach — then taking into consideration the other lands that are in that area.

That's just one example of having those types of conversations — looking at available land. But certainly I have, early on in the mandate — and to be very fair, you are absolutely correct. There is a huge interest when it comes to cottage lots. So I have spoken with our deputy minister and have asked to really dig and look to see where there are opportunities for Yukon government to provide these types of lots.

I heard it at the door. It's a dream for many, many people. Certainly, as we see this interest in our campgrounds, people are now looking to not just use our campgrounds, but also looking to have some permanent opportunities to be out in the wilderness and to get away from town.

So that's something we'll continue to work on. Certainly the land-planning process, or lack thereof, has made it a bit challenging. A lot of people really want us to not look at spot zoning or spot land aps. So we've made that commitment to not do that, but we'll take that into consideration — a very good point.

Mr. Istchenko: I thank the minister for the answer there. I just want to get a little specific as to a certain type of cottage lots. On Little Teslin Lake, near Johnsons Crossing, there are a number of cottage lots. Some are titled and were done when Canada still had land responsibility in the Yukon. The balance of lots are leased and arose from a partnership between the Yukon government and the Teslin Tlingit Council.

Some of the leaseholders on Yukon government land expressed an interest in converting their leases to title, so a discussion was initiated at the officials level between the Yukon government and TTC on this topic. Does the minister have an update for the House on the status of those discussions and whether or not this is still being pursued as an option?

Hon. Mr. Pillai: On that particular conversation, negotiation or talk, I have nothing to report to the Assembly today. In the first week of July — I have spoken to the member from Nisutlin across the way and asked him to attend meetings with me, if he can make himself available, and he said he would — so having conversations with the municipal representatives there in Teslin as well as the First Nation. So I will make sure that this is a top priority in the conversation and I will bring myself up to speed on that particular file and see if there's any way that we can help that move along.

Question re: Access to information and protection of privacy

Ms. Hanson: Over a year ago, the government started the process of reviewing Yukon's *Access to Information and Protection of Privacy Act*, commonly known as ATIPP. There was a public engagement survey. Yukon's Information and Privacy Commissioner provided detailed input, and a report was published by the Yukon government last December.

A key finding of the report is that overly broad restrictions in the act prevent access to information that could be in the public interest. This in turn — and I quote: "... damages trust in the transparency and accountability of the government."

When will the government table amendments to Yukon's access to information laws to remove the broad restrictions on the public's access to information?

Hon. Mr. Mostyn: I thank the Leader of the Third Party for the question. We have had discussions about ATIPP previously in this House, earlier in the session. The Yukon government is committed to amending the *Access to Information and Protection of Privacy Act* to meet the needs and expectations of Yukoners. The member opposite and I have both used the act. We know some of the frustrations with using the existing legislation. We want to make it better.

In 2016, we consulted Yukoners on access and privacy and heard about their frustrations with our legislation. It is not efficient. People want to make it easier to use. A lot of people have expressed interest about the cost of using the act and that type of thing. They want it to be more innovative, and it has to reflect the needs of modern society and that has changed dramatically in the last 10 years. So we will develop thoughtful amendments to the act that offer better privacy protection, better access to information, less bureaucracy and fewer unnecessary processes. We will consult with Yukoners on these proposals and we will take their feedback into our amendments.

Ms. Hanson: The question was when. This government did promise more transparency. Changing our access to information laws is a key first step in delivering on this commitment.

When the previous government gutted access to information in 2012, one of the key measures was to prevent access to briefing materials for ministers. The Information and Privacy Commissioner has recommended repealing these sections of the act. In fact, the MLA for Klondike — now Premier — said at the time that these changes fly in the face of government's promise of an open and accountable government. He also said that these changes are a step backward and only serve to keep information from the public. We couldn't agree more.

Will the government commit — whenever it finally gets around to repealing these provisions — to allow Yukoners access to information and actually allow access to information and not just talk about it?

Hon. Mr. Mostyn: The specific question of when — I'll come back to that in a minute.

The member opposite is talking about access to information and, honest to goodness, the access to information should be an act of last resort. The information that we provide to the public should be provided freely upfront. We shouldn't have to go through an actual formal request for information and all the bells and whistles and things that go with that.

When a citizen of this territory comes to this government and says, "Can I have said report?" this government should provide that report to the public without having to go through all this rigmarole. Quite frankly, Mr. Speaker, that is what this government, my colleagues and I have endeavoured to do.

While the amendments to the ATIPP act are necessary, while we support them, while we are going to work toward them and it is on our legislative agenda although there are a number of things — Canada's legislation and other things have cropped up in the meantime that are having us look at our legislation and there's a heavy legislative agenda because it has been ignored for a long time. I agree with the Leader of the Third Party that this stuff has to be addressed and so we are going to do so.

Ms. Hanson: The question at the first part was to try to get a sense of when this might fit on this government's legislative agenda. We still don't have that.

So how about going to another aspect of information? In December 2016, physicians and the Yukon Medical Association raised concerns about the privacy of their patients' records. Doctors were being required by the Department of Health to provide access to their patients' health records in order to be paid. In some cases, complete files were being requested for auditing. Refusal to share this information resulted in non-payment. More than one health professional refused access to files or information and was left with outstanding billings owed by the department. The department spokesperson at the time insisted that files and sensitive information could be redacted.

Has the department met with the Yukon Medical Association to clarify how health professionals can provide only the information necessary for payment without disclosing sensitive patient information?

Hon. Ms. Frost: Just to confirm: On August 31, 2016, the *Health Information Privacy and Management Act* came into force, so not a lot of time has passed. The HIPMA sets out rules on how personal health information can be collected, used, disclosed and secured.

Keeping in line with the previous question on the access to information and privacy protection, the information practices apply to Health and Social Services and prescribed custodians — doctors, pharmacists, Yukon Hospital Corporation, Kwanlin Dün Health Centre and Emergency Medical Services — applies to this act. Now the act creates a number of statutory obligations largely focusing around how custodians may collect, use and disclose and that's really important. So most definitely, the department will take the necessary steps to ensure that privacy and privacy obligations are met.

Question re: Land development within City of Whitehorse

Mr. Kent: Thank you very much, Mr. Speaker. I have some questions for the government regarding lot development in my riding of Copperbelt South. I have previously raised this issue in the House with the Minister of Community Services as well as outside the House with the Minister of Energy, Mines and Resources.

Speaking of the City of Whitehorse announcement that it was planning some infill lots in Mary Lake, Cowley Creek and Whitehorse Copper, I have a number of constituents in my riding who are quite concerned about this issue. I'm just wondering if one of the ministers of either Community Services or Energy, Mines and Resources can elaborate on the role of the Yukon government with respect to these infill lots.

Hon. Mr. Pillai: The member across is absolutely correct and has appropriately reached out to me, supporting his constituents who have some concerns. Certainly, from my time in city council, some of these infill strategies certainly from time to time are sensitive issues.

I have had the opportunity as well to drive through the riding and see the area, but certainly the history of land development and land planning in the city goes back to — and I think some of the members opposite would remember this very well — I think 2006 when there was an MOU signed with the Yukon government. Really that was because there seemed to be some tension between, I think at that time, the Yukon government and the City of Whitehorse when it came to land planning.

Certainly, what Energy, Mines and Resources is doing in this particular case is — there is a lot of land that is being provided, but the actual planning of land inside the city limits falls to the City of Whitehorse, so they're undergoing some consultation right now. I did see some signage in a number of areas where there is potential development. I think it's going through that piece, but to be very clear about what the Yukon government is doing is that we're in a position to supply land to the city, which happens in many cases, so they can plan it and then of course look to develop.

Mr. Kent: When I asked the Minister of Community Services about this during departmental debate earlier this week, he did say the Government of Yukon is working in partnership with the city on the infill issue. I will in fact quote what he said. He said — and I quote: “The infill project does not include transfer of land between the city and the territorial government. We agreed with the City of Whitehorse that this was a step that would add unnecessary time and process if the desired shared outcome is to put these lots on to the market for future development.”

That seems to be in contradiction to what the Minister of Energy, Mines and Resources just said with respect to the transfer of land.

My question for the minister is: Is the desired outcome for the Yukon government to put these lots on the market for future development?

Hon. Mr. Pillai: Yes — you know what? Let me carry this conversation because the information that was provided to

the Minister of Community Services — certainly I tried to assist him in answering the question, so when we talk about our shared interest on lots in the City of Whitehorse, what we know is that there is an interest and a shortage of lots. We walked into this role and job and there is a shortage of lots. Our shared interest, as we've talked about, is making sure there are available lots.

Contractors are coming to us and that's why we're still moving ahead on the Whistle Bend phases, but also some of these early strategies are to make sure — we're trying to expedite the process so that there are lots available. Contractors are saying it and people want to build. We're seeing the economy start to speed up and grow. Within that, we're supporting the process.

I think the key to this is land planning. As my friends across the way know — the critic, who had this job previous to me, and the Member for Lake Laberge — when it comes to land planning, it should be directed through the MOU, unless previous to that, it wasn't respected. I know I'm going to respect that MOU. I knew it was a hot topic when I was on city council. Once again, with land planning, we're trying to assist the city.

Mr. Kent: I thank the minister for clarifying that there is a role for Yukon government with respect to these infill lots. As I mentioned, however, there are a number of constituents of mine who are concerned about this issue. They rightfully believe there has been a lack of consultation with them on whether or not this is an appropriate way to move forward. I recognize and understand the role of the City of Whitehorse, and they are going through their planning process and are doing their due diligence.

I would like to ask the minister if he would commit to slowing this process down and speaking with residents of Copperbelt South before anything goes forward with this initiative.

Hon. Mr. Pillai: I want to see the constituents of the Member for Copperbelt South have an opportunity to share their prerogative on this issue. I think the city, from my experience, has always done a good job when it comes to land planning and a consultation process.

What I will do is reach out with my Minister of Community Services to ensure that the city is made aware there are some individuals in the riding of Copperbelt South who want to make sure they have their voice heard. We can ensure that, but slowing the process down, which essentially means breaching a protocol — the start of the question — I understand there is land planning. So for me to reach into the city activity and start to change the process would kind of be breaching the MOU. I don't want to do that, but I certainly want to make sure that people's voices are heard. I know there has been some concern in that area. I would ask that you work with me, minister, and we'll ensure that the city understands there are some people they need to talk to in Copperbelt South.

Question re: Water quality

Ms. Van Bibber: In Porter Creek, there is an environmental issue of black sludge being discharged into the creek and the water table. There has been media coverage, and I have also spoken with constituents about this issue. Originally, I wrote to the Minister of Environment on April 13 and received no response.

On May 25, our staff e-mailed the minister's office seeking an update and again no response. June 1, I e-mailed the minister directly regarding this issue and again no response. At the time of my letter, there had been no cleanup of the site. Could the minister let us know what she has done on this file since my original letter in April, and when can I expect a response?

Hon. Mr. Streicker: I believe the project the member opposite is asking about is one that is being carried out by Community Services on behalf of the City of Whitehorse.

I was made aware of some concerns this week and I will be happy to send a letter around describing the situation. The project is about the Porter Creek water main extension. This is to provide a secondary water main to Whistle Bend to service future phases of the subdivision. In particular, it is required to meet fire flow demands for the continuing care facility that is currently under construction.

My understanding is that, following construction of the water main, the area will be returned to the original condition and will remain an unimproved trail. I will do my best to make sure that the member opposite gets the information.

Ms. Van Bibber: I think we're talking about two different areas. This area I'm speaking about is on Lodgepole Lane. The owner of the neighbouring property would like to develop his property; however, there is no assurance that there is no environmental damage. The government should certainly take this matter seriously and look into it quickly to prevent it spilling into Porter Creek. One concern that is heard is that the owner of the property in question where the sludge and oil is spilling may not have the resources to clean it up himself.

Has the government done anything to end the discharge into Porter Creek and can they help this owner clean up the property?

Hon. Ms. Frost: I would like to thank the member opposite for the question. The question that is being asked with respect to Lodgepole Lane certainly is being case managed within the department. I received the letter and that was forwarded on and the department has taken the necessary action and I will be happy to provide a verbal update to the member opposite with respect to where things stand right now with the concerns that are being raised today.

Ms. Van Bibber: In the letter of April 13, I asked the government to engage in discussion with the City of Whitehorse to ensure cleanup and remediation of his property. Due to the potential impacts on the environment and surrounding water table, the government should have moved quickly on this. As she mentioned, she forwarded it on to her department.

Could the minister commit that her government will take immediate action to prevent any further discharge of sludge into Porter Creek?

Hon. Ms. Frost: What I can commit to is that whenever there is an environmental issue or concern that is being raised with this government, most definitely we will take the necessary action. We will follow through and ensure that we do good case management and that we will work with the departments that are responsible in trying to get to the mitigation measures that are needed and are necessary, so that we are not confronted with these types of situations in the future.

As we expand and develop lots, as expressed earlier in this House, we want to look at expanding our infrastructure in our communities. We want to look at expanding our municipalities. We want to look at our subdivisions and take the necessary measures to advance those things. The local service infrastructure certainly needs to be addressed on those deliverables. That means that if there are any environmental concerns or contamination that happens, the department is obligated — legally obligated — to ensure that we take the measures necessary and identify them to the client and with the client. That is what I have committed to and what I will commit to is that the department will ensure that we take the full measures necessary and engage and react to the situation in a timely fashion.

Thank you to the member opposite for the question.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY**MOTIONS OTHER THAN GOVERNMENT MOTIONS****Motion No. 79 — adjourned debate**

Clerk: Motion No. 79, standing in the name of Ms. White; adjourned debate, Mr. Cathers.

Speaker: Member for Lake Laberge, you have 18 minutes and 30 seconds remaining.

Mr. Cathers: Thank you, Mr. Speaker. I am pleased to rise today. This motion came up at the very tail-end of a day and was the fourth motion in line, which is quite unusual on a Wednesday — to get even to a third motion, let alone a fourth. In the interest of providing members time to research this, I did talk at the end of that day on the last opposition Wednesday.

Generally speaking, I think most of the motion is something that has merit. The one concern I have personally regarding the content of it is the specific reference that seems a little bit like a predetermined outcome. I would just add my personal view that, if government is doing public consultation, including reviewing penalties under the *Motor Vehicles Act* for distracted driving, Yukon citizens really want to know that their views are going to be heard and considered, and that

government hasn't simply already determined the outcome and is consulting to just check the box in this area.

With that in mind, this is an area where, on the one hand, I have heard from constituents who definitely recognize the increase in the rate of accidents across the country from distracted driving; on the other hand, there are some jurisdictions, notably British Columbia, that have gotten fairly strong in their administrative and roadside penalties that can be administered without going through a court process. I have heard concerns from constituents who feel that type of approach goes too far and becomes an infringement on the right to due process by levying fairly significant penalties on the spot.

Depending on the nature of fines and penalties that are being contemplated, I know constituents who would be concerned about the possibility if measures like, for example, roadside vehicle impoundments were being considered, or on-the-spot licence suspensions. My constituents, along with others, especially in the Whitehorse periphery, but across the territory, depend on motor vehicles as part of getting into town in some cases for the purpose of their livelihood; in other cases, for everything from purchasing groceries to taking kids to school.

I just want to note that context that I think if government is doing consultations — if this motion passes — it's important to recognize that most Yukoners want to see some degree of balance. They want to see appropriate penalties, but also see that not taken to extremes to the point where it becomes an unreasonable penalty or an undue financial hardship if they're caught in an infraction of the *Motor Vehicles Act*.

That is about all I have to add on this particular topic. I would just, in wrapping up my remarks, note that I think that, if this motion does pass, it's important for government to actually genuinely be consulting with the public, considering the range of perspective and concerns on whether increasing fines for distracted driving and potentially other penalties referenced by the Member for Takhini-Kopper King in her motion — if there are some Yukoners who we certainly know who see that as an effective measure. There are others who may have concerns about it, particularly when it comes to the potential non-financial penalties that have taken place in other jurisdictions.

I know I have heard concerns from Yukoners who have travelled to places like British Columbia, in particular, who feel that some of the penalties they were not aware of when driving there caused them to have hardship during a vacation or travelling through there due to something — they would be the first to admit they should not have been speeding, for example, at the rate they were. But people who have found themselves suddenly vehicle-less have expressed their concern to me that they wouldn't want to see the Yukon get as strong in its driving legislation — in the parts, particularly, that can be done on the spot without going through a court process as BC has.

Again, I'm trying to illustrate both sides of the argument. I recognize there are others whom I have heard from as well

who would like to see penalties that are tougher. If the government is genuinely interested in letting all Yukoners be heard as they campaigned on in the last election, I would simply state that I think it's important to listen to everyone. We have already heard concern from the public about feeling that certain consultations have been rushed and, in one case, launched in March break for a mere 11-day consultation period. When Yukoners see things like that, they feel that government has already made its mind up and is consulting with the public just to check the box rather than to actually try to reflect the views of Yukon society. I hope that's not the case in this situation if this motion passes.

Ms. Hanson: Interesting comments — it seems to me that we have a bit of a throwback Wednesday here.

This notion that, when we talk about urging a government to act on distracted driving by reviewing current penalties in the *Motor Vehicles Act*, reviewing and comparing penalties in other jurisdictions across Canada for distracted driving and considering strengthening the *Motor Vehicles Act* by increasing the fines and penalties — that's a consideration. That's not directing or saying that this is what the outcome must be, although I will come back to that in a moment. Because this is what we're talking about — for drivers who put themselves and others at risk by driving while texting or talking on their phones.

I think it was on Monday this week that there was discussion on CBC about the fact that Yukon was one of the last jurisdictions to require the use of seatbelts in 1990-91. It was one of the last jurisdictions where you could drink and drive as long as you weren't drunk. Some of these pioneering ideas are simply dinosaurs. They were not safe then and they're not safe now — nor is distracted driving.

What my colleague for Takhini-Kopper King was doing in bringing this forward for discussion in the Legislature was simply to point out that there is a need to review this because, under the *Motor Vehicles Act*, we don't talk about distracted driving. We refer to it as the use of electronic devices. As we have said in this Legislative Assembly, distracted driving can take many forms. In addition to talking on the phone while driving, eating, drinking, applying makeup, and kids, pets, loud music — in other jurisdictions, those can be called "distracted".

Mr. Speaker, in our legislation, it is with respect to the use of cellphones and hand-held devices while driving. I don't think I need to review the prohibitions that are there and the fact that drivers with a full-privilege licence are not allowed to use hand-held electronic devices. That is one aspect of distracted driving. Nor are drivers in a graduated licence program — young drivers, new drivers — allowed to use those devices, including any hands-free devices.

The Member for Lake Laberge is concerned about some of his constituents who use motor vehicles to drive their kids places and for work. I think that would probably apply to most people in this Legislative Assembly and most of our constituents as well. There are workers and there are people who do use their vehicles for work purposes, and the

legislation as it is right now allows drivers with a full-privilege licence to use hand-held electronic devices if these are configured and used for a hands-free manner — CB radio, two-way radio as long as they're not used in a telephone function or they're not used to transmit or receive e-mails and texts. You can also be sitting there in a parked position and using your hand-held device as your electronic device.

Mr. Speaker, we're talking the fact that — although there are a modest number of demerit points associated with a number of infractions of the *Motor Vehicles Act*, it's interesting to note that, for use of an electronic device, you get three demerit points — failure to yield at a yield sign gets you four points. It seems hardly commensurate with what the consequences of distracted driving are.

The National Safety Council has given us statistics about the number of car crashes that involved distracted drivers' phone use, including hands-free. Over a quarter — 26 percent of all car crashes involved phone use.

My colleague has spoken at length about some of the research that has been done, and one that struck me was looking at — and the Member for Lake Laberge is concerned about potential penalties. I would suggest that, if he is going to use a cellphone in Alaska, he be very, very cautious because in Alaska, on their Alaska state highway safety media page, they note that — and I'll quote: "Distracted driving is a dangerous epidemic on America's roadways. In 2009 alone, nearly 5,500 people were killed and 450,000 more were injured in distracted driving crashes. You're 23x more likely to crash if you text while driving."

Their response, in the land of Alaska where people think it's the land of the free and where there are no laws, is: for texting and driving only, the penalty is up to \$10,000 and one year in prison; if you injure somebody while texting and driving, or calling on a cellphone, you get up to \$50,000 and five years in prison. In Alaska, if you seriously injure someone while you're texting or using your cellphone, you can get up to a \$100,000 fine and 10 years in prison. In Alaska, if you're using your cellphone or texting while driving, and you kill someone on the highway — and given the fact that people die every day because of this — you'll get up to a \$250,000 fine and 20 years in prison.

I don't think anybody is suggesting that here. Mr. Speaker, can you imagine, though, the consequence of one \$10,000 fine in the Yukon? I'll bet you there would be very few people waiting or sneaking to text or use their cellphone after that. That would be a landmark case.

Mr. Speaker, my colleague from Takhini-Kopper King has put forward this motion that seems very straightforward. I think that it's common sense that we would expect that, after a period of time — as we've seen these devices and seen more and more people just assume that somehow they're not like anybody else and they're not distracted by taking a cellphone call or by texting while driving — none of us are capable of doing that without being distracted. We think it's reasonable to expect — and we hope that all members of this House will unanimously support the motion put forward by the Member

for Takhini-Kopper King. We look forward to that unanimous support.

Mr. Kent: I'm going to be brief in speaking to Motion No. 79. I wanted to thank the Member for Takhini-Kopper King for bringing this forward. As I was reflecting on what I was going to say today, I thought back to 2002 when I was the Yukon's transportation minister and attended Transportation Association of Canada — or TAC — meetings in Winnipeg at that time. I believe it was Newfoundland and Labrador that brought this very issue to the table — not the issue of whether to review current penalties or any of the things that we're talking about today, but just to the issue of banning the use of cellphones in their vehicles. I remember at that time that many of the jurisdictions talked about distracted driving in the way that the Member for Whitehorse Centre spoke about it with respect to all of the distractions — whether it was having a cup of coffee, eating a sandwich, or perhaps having a child in the backseat and those types of things. There was some concern from many of the other jurisdictions about that, but to Newfoundland and Labrador's credit, they persevered and I believe they were one of the first jurisdictions — if not the first — in the country to ban the use of cellphones in their vehicles. I think that set the stage for other jurisdictions in the country, including ours. I mean, it took awhile, but it was in October 2010 that Yukon MLAs in this Assembly passed legislation that banned the use of hand-held cellphones while driving.

They made amendments to the *Motor Vehicles Act* at that time, meaning that Yukon drivers would not be allowed to talk or text with their cellphones while behind the wheel of a moving vehicle, which started on April 1, 2011. That's when they brought the legislation into effect. Government officials at the time were determining what fines and demerit points should apply to drivers caught violating that ban, but something the Highways and Public Works minister at the time, Archie Lang, said in the Legislature is that the law cannot legislate everything. People must be educated regarding the risks they are taking in trying to multi-task while driving. That's something I read in a local media report from the time that stood out at me.

Everyone has to take some personal responsibility, but that said, the Yukon Party, through Minister Lang at the time, brought in this legislation. Like any legislation, there is the necessity, I believe, to review it. Our party and our government at the time believed strongly enough to bring this legislation in. The thing I like about private members' day in this Legislature is that we're also able to bring some personal perspective to the debate.

Most or all members know that I moved out to Marsh Lake last year, so I spend about 120 or 130 kilometres on most days on Yukon highways. I love living out there and I wouldn't change it. Oftentimes, for at least half of those kilometres, I would have some pretty precious cargo in the back seat in the form of my five-year old son. I want to make sure he is as safe as he possibly can be on the highways of the Yukon as we travel back and forth. He spends, as I mentioned,

time with me and time with my wife, and distracted driving or anything that could jeopardize his safety or my family's safety is something that I take very seriously.

Just to reflect on what the Member for Lake Laberge said, the wording of the motion does talk about reviewing current practices and reviewing and comparing penalties. I think what we're looking for is that those reviews aren't just an exercise done by officials, but also include opportunities for the public to provide input. Oftentimes we get great ideas when we consult our citizens, and we get different perspectives that we can balance when we're determining the best course of action.

That said, Mr. Speaker, our party will be supporting the Member for Takhini-Kopper King's motion. As I said, I thank her for bringing this forward. It did allow me to cast my mind back to an entirely different time in this country when these amendments to motor vehicles acts or fines and penalties were being instituted across the country for this.

I thank the Member for Takhini-Kopper King. We will be supporting this motion today.

Speaker: If the member now speaks, she will close debate. Does any other member wish to be heard at this time?

Ms. White: I thank my colleagues for their comments and the shared stories. Right now, I would just like to draw our attention to Charles Behan, who is in the back of the Assembly.

Charles and his wife suffered an incredible loss due to distracted driving. Since then, he has been championing the issue. I, of course, have received letters — as has his MLA, the Member for Lake Laberge, when he was the Minister of Highways and Public Works. I'm sure the current Minister of Highways and Public Works has heard some communication.

The reason why this is so important is because we want to make sure no one else goes through this loss. By opening this up and having the review — of course, maybe \$10,000 is too much, but if it saves a life, is it too much? I thank everyone for their comments. I thank Charles especially for making sure that this was a relevant topic and he hasn't stopped. He continues to write letters to the editor, he continues to share information and he asks everyone to consider their actions.

I thank you, Mr. Speaker, and I thank my colleagues.

Speaker: Are you prepared for the question?

Motion No. 79 agreed to

Motion No. 73

Clerk: Motion No. 73, standing in the name of Ms. White.

Speaker: It is moved by the Member for Takhini-Kopper King:

THAT this House urges the Government of Yukon to contract with an independent air-quality expert to test Closeleigh Manor according to the American Society of Heating, Refrigerating and Air-Conditioning Engineers standards for indoor air quality with regard to:

(1) air particulate accumulations;

(2) mould;

(3) adequate ventilation rates; and

(4) volatile organic compounds.

Ms. White: Thank you, Mr. Speaker. I appreciate that this is an interesting topic to bring to the floor of the Assembly. For members who have been in this House previously, they'll understand this is not the first time that I've brought the issue of Closeleigh Manor to the floor.

The challenge with this is that the previous government did make changes to the building. The air intake was moved and fuel trucks are now delivering from a different spot, so it's not going into the air intake. But the truth of the matter is that concerns still exist within the facility. I wish it was an easy thing to identify. I wish I could say that this was the problem. I wish I was an expert in the field who could put all of these things forward. The problem is that I'm not. There have been various things done over the years to try to figure out what the problem is or if there's a problem. But I can tell you, based on my personal experience in the time that I've spent in the building, there really is something going on with the building. The reason why I continuously bring this up — although at times I wonder at this point in time if it just doesn't make me sound like I'm a little off my rocker — is that in the time I spend with seniors in that facility, I understand that there's something not quite right.

I had a friend who had children who went to school in Abbotsford. A brand new, beautiful, shiny building was built and the school moved in. Almost immediately there started to be problems and people who didn't have asthma started having breathing difficulties. The problems progressed and progressed and progressed and progressed.

It turned out in the end that there were a few of the female faculty who ended up developing breast cancer. There were kids who had long-term respiratory issues and there were serious issues about the building. It's because it became known to have sick building syndrome. Sick building syndrome is a medical condition where people in a building suffer from symptoms of illness or feel unwell for no apparent reason. The symptoms tend to increase in severity with the time people spend in the building, and improve over time and even disappear when people are away from the building.

In the last number of years, in trying to figure out what was going on there, I actually spent quite a bit of time in that building going door to door and having conversations with seniors. I can tell you that some of the questions — so at one point in time, my colleague and I actually went into the building with a questionnaire based on research about how to identify whether or not something could be going on in the building. The questions included things like: If you spend a long period of time in the building, how do you feel compared to if you go away on vacation? How do you feel if you go out for a walk? Some of the questions you ask are: Do you feel more fatigued when you're at home? Do you feel heavy-headed? Do you have a headache, nausea or dizziness? Is it hard to concentrate? Do you have itchy eyes, an irritated nose and a hoarse or dry throat cough?

The interesting thing was in that building almost everyone said “yes” to those things and then they would say that they felt better when they left the building and then they all said, “But I’m getting older. I’m not moving so well because I’m older than when I moved in.” Then you would say: “Well, have you been on vacation?” “Oh yes, I went and visited family for two weeks.” I said, “Well how did you feel when you were gone?” “Oh I felt great. I felt much better.” “How do you feel today?” “Oh, I woke up and my eyes were itchy and my nose was stuffed.”

I realize that this is not concrete. I’m not trying to say it is, but what I am trying to say is that if you have a multitude of units and people have shared symptoms that do not exist when they have time away, there may be something going on. This motion is trying to expand that.

I can say that I would like us to check for thermal bridge testing because that is the difference between the outside air temperature and inside air temperature and it can identify points where maybe there is mould because that’s the one thing we haven’t asked for. We’ve asked for air testing particulates. We’ve asked for the moving of the air intake. The chimney has been extended. It’s still has oil-fired appliances, but it’s just that the problems in this building continue on. It’s important to note that it was one of the first R-2000 buildings built north of the 60th parallel. It’s important to note that it was recognized many years later that it had too many — it had six boiler systems in it when it was first put in and that was overbuilt, so those were removed. It’s important to note that it still has oil-fire appliances. I’ve urged the government before to put in electric baseboards — to put in independent ventilation systems, so that it goes each unit to the outside because right now it is a shared ventilation system.

So the request that I’m making in this specific motion is that we actually look outside and we get an outside expert in to test based on this level of expertise. I can’t tell you what the answer will be, but I know that when I speak to seniors, they won’t say that there’s something wrong with the building, but they’ll say that they feel better when they leave for the day or that they feel great when they’ve been gone on vacation, and they don’t feel so well when they come back — these are reasons enough to look at it.

I appreciate that we are having the opportunity to talk about this today. I appreciate that, in the budget briefing I got from Yukon Housing Corporation, there is a commitment to test for air quality. Again, they were going to do it this summer. I raised concerns because it’s not the heating season and I was assured that they would put that off. I brought forward my concerns about the thermal bridge testing. It has been said that they will look at it.

But the point is that all these one-offs aren’t solving the problem. I still go to that building and, in a half-hour or 45 minutes, I don’t feel quite right, so I’m asking that we look at it because it’s a vulnerable population. It’s not people who are going to work every day. They are not leaving for eight hours at a time. If anything, when the heating season is in full bloom, people tend to stay at home even longer. Interestingly enough, it coincides to when they feel the least well. Then

they don’t feel well and so they don’t leave the building, and it’s a cycle that continues.

My hope is that government can hear this request and understand that it’s coming from a position of caring for the seniors who are within this complex — that it’s my hope that, if any of us end up in that building, by the time we get there the air quality will be addressed and it won’t be an issue. I look forward to hearing other people’s comments but, more importantly, I look forward to this action being taken.

Hon. Ms. Frost: I would like to thank the member opposite for the motion she has put forward today.

The overall wellness of our tenants and workers in Yukon Housing Corporation facilities is paramount and something we take very seriously — so most definitely recognizing the comments where the member mentioned that she is not an expert. We do have the expertise in Yukon Housing to do the assessments and the quality assessments, and we have brought in the necessary expertise to do that.

With respect to the fielded questions, I will get into that later on in my presentation, but I just wanted to note that the Housing Corporation has been investigating and measuring, mitigating and complying with all air-quality standards and best practices in the field, according to Health Canada standards, and have done so for many years. This is nowhere more true than with the attention that the government has paid to the Closeleigh Manor building. We commend the previous government for undertaking the changes that they have taken over the course of the years.

Over the past few years, the government has made significant improvements to various parts of the heating and ventilation system at Closeleigh Manor. We moved the air intake and extended the chimney to increase the air quality being brought into the building. We had air-quality tests performed by independent contractors that showed the air quality is safe.

Additionally, we will be conducting another round of indoor air-quality testing once some fire-alarm systems work has been completed. This testing includes all components listed under the Health Canada guidelines. There are no specific standards or targets set by regulations in the Yukon for indoor air quality. However, the Yukon Housing Corporation follows the guidelines set by Health Canada. The approach has been to improve the ventilation system, conduct testing, and investigate concerns as they arise.

I would also like to direct the members’ attention to the following ventilation and indoor quality reports available on the Yukon Housing Corporation website: Closeleigh Manor ventilation system report, dated March 2014; Closeleigh Manor ventilation system test, adjust and balance report from January 2015; Closeleigh Manor air-monitoring report from April 2015.

In addition to these reports — upgrades and reports — the government has focused its efforts on ensuring Closeleigh Manor meets the needs of those who live and work there. To date, the following work has been completed at Closeleigh Manor: Yukon Housing Corporation technical staff have

tested various suites; their ventilation system and common-air, ultrafine-particulate readings and carbon-monoxide levels reports are available; pre-set the air-handler unit number 1 motor electrical frequency, which is the motor speed; adjusted boiler appliance combustion air ducting; cleaned all exterior-door unit heater filters; changed all ventilation air filters; replaced unserviceable air-handler drive belts; replaced various heating zone valves, thermostats, insulation valves and bleeders; cleaned related heating fluid leaks; inspected and sealed leaks found in the air-handler unit's cabinets and air ducting; tested tenants' cooking ranges for particulate production — there were no health issues found. They replaced individual tenants' cooking ranges where requested and counselled individuals on indoor quality signs and particular issues.

A mechanical engineering consultant assessed the complete ventilation system for design, performance and condition, measured air at various locations for ultrafine-particulate and carbon-monoxide levels, provided the Yukon Housing Corporation with the report of system deficiencies, existing airflows, and repair and upgrade recommendations.

They installed upgraded primary ventilation intake air filters, which increased the minimum efficiencies reporting value rating; rebalanced the complete ventilation system of the entire building, testing, adjusting and balancing in January — that is defined in the January 2015 report. They performed the testing adjustment and balance follow-up on indoor air-quality testing and provided the Yukon Housing Corporation with the testing report on March 18. This was followed by a further independent air-quality assessment completed by Summit Environmental Consultants in April 2015.

This report found no issues with air quality, and all levels of contaminants and particulates tested were below the parameters set by Health Canada. The Yukon Housing Corporation has provided the tenants of Closeleigh Manor with three separate in-house project information and report progress sessions and fielded tenant questions on building concerns and issues. As to the earlier comment, they have gone in and met with individuals and fielded their questions and helped to educate them.

They counselled tenants on air-quality issues, common causes and solutions, addressed each of the mechanical consultants' ventilation repair recommendations, and staff went door-to-door in 2015 to seek information from the tenants about concerns. An air duct cleaning contractor cleaned the entire building's ducting and air-moving equipment, which was done in July 2014.

A mechanical contractor relocated the primary ventilation intake location from the side alley to the top of the building on the south side, which was completed in January 2015. Expanding the boiler chimney height by four feet, which was completed with proper bracing to meet code requirements, was done in January 2015. With respect to the chimney — the chimney liner has been inspected and certified by a Wood Energy Technology Transfer Inc. inspector and by Yukon Housing Corporations on-staff red seal oil-burner mechanic. Both deemed the chimney safe to operate. An approved

stainless-steel chimney liner was installed in 2009, simultaneously with installation of three new boilers.

An approved inspection report is on file for the boiler installations. An environmental consultant was hired to perform further indoor quality testing. Testing included all aspects recommended by Health Canada for indoor air quality. All test results were within, or below, Health Canada guidelines for indoor air quality, which were completed in March 2015. Components of air with no set guideline levels by Health Canada are to be kept at the lowest level possible.

Yukon Housing Corporation held a tenant wrap-up meeting with a presentation highlighting work to date and results of air-quality testing, which was completed in March 2015. The environmental consultant was present at that meeting to relay testing methodologies and results.

Additional work included a local contractor who was awarded a contract for the replacement of all faulty isolation valves and air bleeders throughout the building. The contract also included the calibration and pneumatic thermostats, and the installation of strategically placed isolation valves to limit disturbances to tenants, should future work need to be completed. The contract was completed on September 30, 2015. Preventive and routine maintenance work is ongoing to ensure all mechanical systems are operational, safe and efficient.

There are also individuals who work in Closeleigh Manor. In early 2014, Occupational Health and Safety officers performed inspections at Closeleigh Manor. No orders were written. The Yukon Housing Corporation had already identified and initiated remedies for a number of problems with the building's heating and ventilation system. Following the completion of the work — which I have already detailed — Occupational Health and Safety officials reviewed and evaluated — prepared by an independent third-party environmental firm. That evaluation confirmed that the Yukon Housing Corporation's efforts to improve air quality at Closeleigh Manor were successful.

As you can see, Mr. Speaker, the government has paid close attention to the conditions at Closeleigh Manor, especially as it concerns the air quality and ventilation, and it has worked to keep the residents and other tenants informed all along the way. We communicate regularly with tenants on repairs and improvements to the building, as well as educate them on air-quality issues, common concerns and solutions.

I would also like to add that the Yukon Housing Corporation currently has an invitational tender out to three local companies for indoor air-quality testing and mold testing in Closeleigh Manor. The tender will close on June 20.

The corporation will also be conducting radon testing in Closeleigh Manor later this year and the Yukon Housing Corporation will be arranging another tenant meeting in the very near future to listen to and discuss any further concerns. This work is ongoing and we will continue to monitor and upgrade the air and ventilation system as necessary and address the concerns residents pose, as they arise.

Mr. Speaker, as I mentioned earlier, Yukon Housing Corporation follows the residential indoor air quality

guidelines set by Health Canada, the national agency responsible for helping Canadians maintain and improve their health and reduce health risks. We are pleased to be meeting Health Canada guidelines and are confident that they are based on the best evidence and information available. These are the national standards that meet the needs of Canadians and we believe that they also meet the needs of Yukoners.

We on this side of the House see no reason to adopt American standards for air quality. We have Canadian standards and we are upholding those standards in the territory and we will continue to do so. For these reasons, Mr. Speaker, we will not be supporting this motion.

Ms. Hanson: I'm not surprised. I am disappointed at the minister's response to this. I would point out that, in the litany of repairs and various studies that the minister cited, those all came as a result of members of this caucus raising concerns — concerns generated by the residents of Closeleigh Manor.

I first started spending a fair amount of time in that place in 2010. There have been different residents of Closeleigh Manor who have expressed concerns to me. There are a number of thoughts that come to mind as I listened to the minister opposite. When we talk about being satisfied and complacent with the fact that we are confident that the standards that Yukon Housing Corporation has adopted are consistent with what Health Canada is comfortable with, I would point out to the minister that, from time to time, Health Canada has to adjust what are acceptable standards.

For example, Mr. Speaker, with respect to carbon monoxide, which she mentioned in her comments, the CSA standards for what is acceptable for carbon monoxide — the readings, the levels, the standard — at which your carbon monoxide monitor is required to be triggered to go off are set at a very high level, particularly when it comes to those people who are less active. I would point out to the minister that those same CSA standards, which all of us as consumers take for granted, led to the death of five senior citizens in a seniors facility in Saskatchewan, because what they found out was that when people are relatively immobile or not active — running around their homes — that trigger was too high.

As my colleague, the Member for Takhini-Kopper King has said, we are not experts, but we do know that when we visit people and when we talk with them, we see, time after time, changes that are not related to just aging. We are all aging. We are aging in this place.

The reality is that there have been some demonstrable effects. The minister said that Yukon Housing Corporation, in response to questions raised by myself in this Legislative Assembly with respect to the air quality, asking about occupational health and safety because we were concerned, not only for the Commissioner at the time who had his offices there, but for the Film and Sound Commissioner. We asked about what testing had been done there. We wrote to the WCB and asked them, as they're responsible for the health and safety of workers — not just since the Minister of Health and Social Services and the Minister of Yukon Housing

Corporation at the time were two different entities and were not particularly concerned.

We asked WCB and they in turn said, "Oh well, it's okay because Yukon Housing says it's okay," and then they moved those public servants out. There are no other tenants in Closeleigh Manor. The Yukon government will not place its employees in that building, but they will say to seniors, "Don't worry, dear. It's fine," except they don't do it quite so nicely. I'm sure that the minister has seen the correspondence that has emanated from her corporation to those seniors — unacceptable correspondence, Mr. Speaker.

There are other precedents, Mr. Speaker. The Yukon Housing Corporation, at the behest of many, over a period of time, did bring in an Outside independent expert to address the issue of oil-fired appliances and how we determine what safety standards there should be, and what training is required for those people who both install and repair oil-fired appliances. Over a course of a number of years, they had that expert doing assessments throughout the territory of oil-fired appliances in rural and urban locations and in residential and commercial locations, including governments. Over the course of those reviews, they found that over the period of time where the Yukon Housing Corporation and the government of the day were supposed to be making sure that changes were being made — in fact, the situation was getting worse; the people were not complying.

That very same independent contractor said to the Yukon Housing Corporation and the contractors that he met with, "Look, guys. It's not working. It's not working to have self-regulation." I would say it's almost the same thing here with Yukon Housing Corporation. It's not working to have self-assessment as to whether or not we're doing a good job. Unfortunately, the last part of that sentence of Mr. Rod Corea to the contractors referenced that morning was, "Look, guys. It's not working and we should do something before there's a tragedy." As I've said before in this Legislative Assembly, there was a tragedy. There were five people who died in Porter Creek because of a faulty oil-fired appliance.

The minister cites the example of the Yukon Housing Corporation saying that they've looked at the chimney, but as Mr. Corea points out, the oil-fired appliance — the furnace — and the chimney need to be treated as one. You can't look at one without looking at the other, but we don't know that unless we do another press and access to information. We may or may not get it.

So the last correspondence that we have been made privy to by the minister's office was dated April 6 — the summit report that she referenced. Well, on April 3, I received a text message from a daughter whose parents are well-respected elders, contributors to this territory for many, many years who live in Closeleigh Manor. She said to me: "Hi Liz, I was wondering if you know how often Yukon government tests air quality in seniors buildings, for example, Closeleigh Manor." She said, "There seems to be a few people there with fungal infections. My dad recently had a bad skin infection. Now a couple people with lung infections. Who should we ask?"

She goes on to talk about an aunt who is in the same building who was at that time in Vancouver with a cracked hip and lung infection. Her cousin was told by the doctor that they had tested for fungal infection as well because she seemed to be having trouble with breathing ever since she moved in — and I'm quoting: "... ever since she moved into that place."

She talked about the daughter of one of the local physicians in town, whose mother lives in Closeleigh Manor, who, since she has moved in there — "I think she has not been well," she said to me. I said, "This is April. We will try to raise this issue with the minister because we know that there is a new government. We know that they will probably take a different view on this and they won't try to keep putting us off like we have been for the last five or six years."

The daughter said, "Well I'm concerned about my mom and my dad," and the concerns she had — and when I visited her parents before — actually I had visited them before she had written to me, and the concern that the mom had was not only the air quality, but the fact that they couldn't open their window on the back because they live in a back unit. It was not only the noise, but people running their vehicles and leaving them running and the fumes coming into their unit. So she talked about wanting to move to a unit at the front of the building, so they could open their windows. At least they would have some fresh air coming from somewhere because there is no fresh air.

I too know about the cleaning of these ducts because we requested that many times. I too have gone over to that building and looked at those ducts days after — and that's d-u-c-t-s, not a duck — and there is junk on them. Those of us who have had oil-fired appliances, oil furnaces, you know that over time you have to clean your filters and that, but immediately after? That strikes me as strange.

So the daughter has made efforts to work with Yukon Housing Corporation to see them relocated. There seems to be a policy within Yukon Housing Corporation, even though there is a general turnover just by the nature of the population, to refuse relocations within a building. It seems kind of strange to me.

This daughter, in particular, is one of many, but I'm just citing this one because it's an exchange that went on for some time. She says we're just trying and they're trying to maintain their independence as long as possible. She said, and I'm quoting here, "It's such a shame as that building could be so much better with some TLC — some tender loving care."

She goes on to say that her concerns about the fungal infection that the aunt has, who lives on another floor in that building — she lives right next to the air exchanger. She is concerned about that.

Mr. Speaker, my colleague was simply asking that we do this kind of thing. She has asked for this independent assessment. I would like to have the minister tell this Legislative Assembly how much money the Yukon Housing Corporation has spent over the years repeatedly fixing the same thing, or adjusting this. First of all, they denied the chimney was wrong. They denied that the air intake was in the

wrong place. At some point, somebody has to say, here is the correct fix for this building. We're not there yet, but we have spent a heck of a lot of taxpayers' money and caused a lot of stress for a number of good people who moved in as tenants in good faith, thinking that this is a corporation run by their government. They have been citizens here since they were born. Their parents were citizens here before they were born. They would think that they could move safely into a building run by their government. Instead, they are made to feel that somehow when they raise questions about whether or not there's maybe something wrong — they're not quite sure, they can't quite pin it down — that they're dismissed at best or at worst, they are made to feel that they're somewhat less than human and somewhat less than respected — respected elders and seniors in our community.

We spent an awful lot of money going around this, Mr. Speaker. It would be nice to know what the total tally to date is. Maybe at some point we might say value for money would suggest we do the right thing the right way now, instead of deflect, deflect, blame, do a little bit here and maybe do nothing at the end of it.

It's unfortunate; it's not surprising; it's unfortunately what we heard from the Yukon Party government over the last number of years, and I'm not surprised to hear it from — well, I was surprised. As I said, when I wrote back to the daughter of the tenants and the niece of one of the other tenants in that building, I had hope that this government would treat it differently and would treat those elders and seniors differently.

But we will persist, Mr. Speaker, because we're not giving up until there is a correct solution found, until somebody creates a living environment for people in a beautiful location. It is a beautiful location and everybody who lives in that building will tell you that. They simply want to live there and feel good about living there. That's the least we could do. They are paying rent; they're not asking for free, but they do want to know that it's a good place, a safe place, and so do their families. So do I, as their member of this Legislative Assembly.

Mr. Kent: It's my pleasure to rise and speak on Motion No. 73, brought forward by the Member for Takhini-Kopper King.

I would like to start by thanking the Yukon Housing Corporation and the officials, the board members through down to past ministers, the current minister and others. Everyone takes their job very seriously; everyone wants to make sure that these buildings that are occupied by Yukon citizens, whether it's staff housing or seniors housing or social housing properties that are run by the Yukon Housing Corporation, are in the best possible condition for the tenants.

The minister did a good job of laying out all the studies with respect to Closeleigh Manor and all the work that has been conducted there over the past number of years. That's what I would like to start out by doing in response to this motion — thanking those employees who do the annual, monthly or whichever time frame is set up for maintenance,

serving and inspections — not just of Closeleigh but of all the buildings, whether they're in the Yukon Housing Corporation inventory or schools and other public buildings that are in the entire inventory of the Yukon government. I know officials do the best job possible in making sure those facilities have the best possible air quality. I think that is important for us to recognize and thank them for their efforts. That's how I wanted to start my remarks.

Of course, air quality of a reasonable standard is a basic human need. It's not a luxury for people. As buildings have become increasingly airtight in the interest of reducing heating requirements, the supply and control of ventilation has grown to be increasingly important. When ventilation is inadequate, as has been experienced in some Yukon buildings, users are not only uncomfortable, but may experience health problems. The extreme cold experienced during much of the year in the Yukon can make difficult and costly sometimes to achieve adequate ventilation. Toxic and noxious chemicals released by building materials and finishes, as well as air used by occupants, must be removed by the ventilation system.

Building users commonly believe that opening windows provides the most satisfactory form of ventilation in a building, even though this is not really a very effective way of introducing adequate fresh air or ensuring even distribution during our winter months. Blasts of cold air coming in through a window are not tolerated for long. This is not to say that natural ventilation is undesirable; simply that opening windows is probably not the best means of providing it, if users expect consistently comfortable conditions.

A properly designed system relying on natural air flow can provide adequate ventilation without adding to the mechanical and electrical complexity of a building. For occupied buildings that do require ventilation, the harsh climate of our territory can make mechanical ventilation the only practical alternative during the heating season.

I note that the Member for Whitehorse Centre did mention that she, as MLA, and her party did engage with the previous government — the government that I was part of — frequently with respect to Closeleigh Manor and I certainly appreciate her efforts. I think that when she was speaking, she relayed a number of concerns from individuals. I think that sometimes as legislators, we have to ask ourselves how we would feel if those were our constituents — or even as Yukon citizens, we have to ask ourselves how would we feel if that was our mom, our family member, our aunt or grandparents who were in that situation.

That being said, I think it's important that in all of our government buildings, especially those that are facilities that have tenants — particularly seniors — having an independent expert check the air quality as proposed in this motion put forward today is something that we in the Yukon Party agree with. That's why we will be supporting the motion from the Member for Takhini-Kopper King today.

Again, we do have Canadian standards, as the minister mentioned, but why not give those tenants and those seniors some peace of mind and go and contract — I think the minister mentioned that there is currently a tender out on the

tender management system. Perhaps they could look at the American Society of Heating, Refrigerating and Air-Conditioning Engineers standards for indoor air quality with regard to the four particular things that the Member for Takhini-Kopper King mentioned in her motion — those being air particulate accumulations, mould, adequate ventilation rates and volatile organic compounds.

Again, the Official Opposition Yukon Party will be supporting this motion because, as I said, we think that Yukoners deserve that peace of mind for those who have family members who are residing in those buildings. As I said, as members of the Legislative Assembly, we often think of our constituents first and the Member for Whitehorse Centre certainly has a number of seniors' facilities within her riding. She has done a very admirable job over her years in this Assembly of representing those constituents of hers. I think they should thank her and we should thank her for doing a good job of representing the people who live in Whitehorse Centre.

As I have mentioned, there are facilities throughout the territory, whether it's staff housing, seniors housing, or social housing that certainly require some level of inspection. I would ask government members to think about that when they are thinking about voting on this motion. I know that the minister, earlier in debate, mentioned that her government caucus would not be supporting this motion. I would urge her — and I'm hoping that the Member for Takhini-Kopper King echoes my sentiment when she closes debate — that our seniors and those who live in these facilities deserve the best. I'm hoping that looking at these different standards, if it is something that gives them peace of mind or allows the Yukon Housing Corporation to identify perhaps what the problem is and come up with a permanent or a longer term solution, then that's in the best interests of everyone involved.

I thank the Member for Takhini-Kopper King for bringing this motion forward and, as I mentioned, the Yukon Party will be supporting this motion here today.

Speaker: Is there any further debate on this motion?

If the member now speaks, she will close debate.

Does any other member wish to be heard?

Ms. White: I would like to thank my colleague from Copperbelt South for his comments. It's important to note that he was the minister responsible for housing and had to deal with my repeated questions about Closeleigh Manor for a number of years. It was under his tenure that the chimney was changed, and so was the air intake. He is coming at this from a position of having been on the receiving side of these questions.

I also appreciate him saying that we have to think about if we were in that building, or if we had a family member in that building. I have one seniors complex — 600 College Drive. Do you know how often people complain about air quality to me? They don't. There are 48 units there.

In Whitehorse Centre, my colleague represents six seniors units. No other building talks to us about air — except for this

one. It's not just one person — it's not — and now we are getting e-mails from family members.

The fungal infection — I'm not going to be able to say it well — is aspergillosis. It is a fungal infection that sometimes happens when you are near birds. The one person mentioned when my colleague was talking — they were trying to figure out what was wrong, and they were testing for fungal infections. So, why does this senior, who is predominantly house-bound, have a fungal infection that could be caused by bird dander? He doesn't have a bird, but he lives near an air intake in this building. We heard from the minister from across that it's totally fine — but it's not fine.

The minister also mentioned that she didn't think that we needed to look towards the American Society of Heating, Refrigerating and Air-Conditioning Engineers. Maybe, if we had looked a little bit further down, we would understand that "American" is in its name, but it's a global organization with offices across Canada, including a very large chapter in Toronto. Although "American" may be in its title, it's a global organization. They make recommendations for the United Nations when it comes to building health, so I would think that they may have the knowledge that we are looking for.

Asking for someone to test with these standards is not unreasonable. What's unreasonable is the fact that I have to continue saying that there is something wrong with this building, and it feels like I'm speaking into a void. I have seniors who contact us, and I have their family members who contact us, and continue to raise concerns. Between my colleague and me, we represent seven seniors complexes. Out of that, we only have discussions about air quality in one.

The question that I ask the universe right now is: Is there a reason for that? All I'm trying to do is find the solution, so I'm disappointed by the Minister responsible for Yukon Housing Corporation Corporation's response. Sadly, I am not surprised, but I had great hope. I am grateful for the response from the Yukon Party that they will be supporting the motion. The good news is that there are four or five more years for me to talk about this building until we get it right. Thank you for the time, Mr. Speaker, and I look forward to the vote.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Ms. McPhee: Disagree.

Hon. Mr. Pillai: Disagree.

Hon. Ms. Dendys: Disagree.

Hon. Ms. Frost: Disagree.

Mr. Gallina: Disagree.

Mr. Adel: Disagree.

Hon. Mr. Mostyn: Disagree.

Mr. Kent: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. Hanson: Agree.

Ms. White: Agree.

Clerk: Mr. Speaker, the results are five yea, seven nay.

Speaker: The nays have it. I declare the motion defeated.

Motion No. 73 negatived

Hon. Ms. McPhee: 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

Deputy Chair (Mr. Adel): Order. Committee of the Whole will now come to order.

The matter before the Committee is continuing general debate on Vote 53, Department of Energy, Mines and Resources, in Bill No. 201, entitled *First Appropriation Act, 2017-18*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Deputy Chair: I will now call Committee of the Whole to order.

Bill No. 201: *First Appropriation Act, 2017-18* — continued

Deputy Chair: The matter before the Committee is continuing general debate on Vote 53, Department of Energy, Mines and Resources, and Bill No. 201, entitled *First Appropriation Act, 2017-18*.

Department of Energy, Mines and Resources — continued

Hon. Mr. Pillai: We had an opportunity yesterday to get into some opening remarks. I will just move to conclude. Our topic yesterday — we finished off with Land Management, so I will just continue on there.

Once again lots continue to be available in communities across the Yukon, including Dawson City, Haines Junction, Carmacks, Destruction Bay, Teslin, Faro and Watson Lake. The \$131,000 increase to \$3 million for the Land Management branch's O&M budget is due primarily to collective agreement salary costs and an additional \$25,000 for land rehabilitation work.

For capital budgeting, the rural land development program has decreased about \$38,000 from \$3.7 million last year, due to updated work planning for this year. At the beginning of the fiscal 2016-17 year, land held for sale totalled around \$18 million. Amounts appropriated for capital development costs in various Yukon communities for existing or new land development projects totalled almost \$3.4 million.

Development costs recovered from the sale of land totalled \$1.2 million, and the final balance of land still available is just over \$20 million. The Land Planning branch manages the safe and orderly development of land within a local area. It is also responsible for coordinating the Yukon government's input for regional land use planning. A \$28,000-increase in O&M expenditure in this area to \$1.5 million for the Land Planning branch is due to changes in staffing in contracts and reductions. The Land Planning branch is moving forward on several fronts. The development of the Tagish local area plan is well underway in accordance with provisions of the Carcross/Tagish First Nation final and self-government agreements. The branch is pleased to be working collaboratively with Champagne and Aishihik First Nations to initiate a local area planning process for both settlement and non-settlement land along the Alaska Highway corridor from Ibex Valley toward Haines Junction.

The planning process will result in land use policies that will guide orderly development and provide certainty on future land use. Officials from Land Planning are working collaboratively with Ta'an Kwäch'än Council, the Kwanlin Dün First Nation and residents to develop a Fox Lake local area plan as well.

The next phase of the process involves the development of community vision and value statements through a public consultation scheduled for spring of 2017. In collaboration with the Vuntut Gwitchin government, Energy, Mines and Resources is leading government involvement in implementing the *North Yukon Regional Land Use Plan*. A major project for 2017 is developing an access management plan for Eagle Plains.

Under forest management, the Forest Management branch manages the stewardship, use and orderly disposition of Yukon forests and forest resources.

Some Hon. Member: (Inaudible)

Hon. Mr. Pillai: Okay.

Mr. Kent: I will give the floor back momentarily to the minister to conclude his opening remarks before we get into specific questions. I would just like to take the opportunity to welcome Deputy Minister Stephen Mills and Assistant Deputy Minister Shirley Abercrombie here to the Legislature today and thank them for providing support to the minister. I know they did a great job in providing support to me during my time as minister in the previous government. I also want to thank the officials who participated in the opposition briefing. They did a great job of walking us through a number of issues with the budget and I'm sure I will have some questions coming from that briefing, as well as my time as minister. I have a few questions to follow up on as well.

With that, I will cede the floor back to the minister to conclude his opening remarks before we get into specific questions.

Hon. Mr. Pillai: I would like to thank the member opposite. He certainly knows this seat and this process very well. I do appreciate you letting us share this information that the officials worked hard to compile and prepare us for this process.

The 2011 *Forest Resources Act* has resulted in a new forestry regime that reflects a stronger commitment for secure tenure opportunities and a transparent and fair allocation process. Over 7,000 personal and commercial harvesting authorizations have been issued to Yukoners.

Implementation of the *Forest Resources Act* continues with development of a timber-processing facilities regulation, and the *Forest Resources Act* review process will begin in 2017. The mandated review process will be conducted collaboratively with First Nations, industry and stakeholders to ensure resource development is balanced with environmental stewardship and community development.

We continue to work with the forest industry and First Nations on the development of timber harvest plans and roads to access timber. Forest resource roads have been built in Haines Junction and Fox Lake to provide access to commercial harvest opportunities.

Personal fuel wood supply for the public is also included in timber harvest plans and road projects.

The \$53,000 that you see in our budget — the two-percent increase to \$3.6 million for the Forest Management branch is mostly due to the collective agreement salary cost. The branch also budgeted transfer payments to various organizations — \$17,000 to FPInnovations, a national non-profit forestry research organization that specializes in providing science-based solutions to Canada's forest sector. They have really been quite active here with a number of partners in Yukon over the last number of years. I have seen their good work on some early due diligence on projects in the bio area.

There is \$6,000 to the Canadian Council of Forest Ministers. The council is, of course, a vehicle to work collaboratively on common forestry-related issues of Canadian and international concern. Meetings will be held in September of this year — really a broad, robust conversation that will look at bio, the integration of First Nation communities and First Nation youth into the industry, and also conversations with the federal Minister of Environment as well.

There is \$40,000 to the Yukon Wood Products Association. This is a non-profit society formed in 2007 to represent forest industry businesses that manage, harvest, manufacture or sell wood products.

There is \$25,000 to the University of Northern BC to continue a long-term timber harvesting project to identify forest harvesting practices that minimize impacts on the winter range of the Carcross caribou herd.

For the capital development, forest engineering has seen a decrease of \$140,000 — about a 32-percent decrease — to

\$295,000 to develop the timber harvest area access in Yukon. Basically this reflects the amount of work required for 2017-18 to support the timber harvest plan.

Agriculture — the branch manages the orderly disposal of arable land suitable for agriculture and the leasing of land suitable for grazing. The branch also conducts research, seminars and farm site visits to provide production and management advice to Yukon farmers. A \$151,000 — or seven-percent — increase in the expenditures to \$2.3 million for the Agriculture branch is mainly due to funds required to assist with the local food strategy and collective agreement salary costs. The local food strategy for Yukon approved in May 2016 encourages Yukoners to make healthy and local food choices and to increase the production and use of locally grown vegetables, meat and other food products.

Agricultural land development initiatives of the Agriculture branch include — there are three approved lots remaining in Sunnydale that were identified in the West Dawson and Sunnydale local area plan in 2013.

The access road is being constructed in the summer of 2017 with sales of those three lots to follow in the fall of this year. Also, there are four large 65-hectare agricultural lots and two small six-hectare agricultural lots identified in the Ibex plan and are scheduled for release in 2017 as well. There are two more planned agricultural lots available in Haines Junction, and they are in the agricultural subdivision that has been completed. To date, 17 farms have been created in the Haines Junction subdivision through this initiative.

A long-term land-lease option will be implemented to create better opportunities for new entrance to the market. One lot in Sunnydale and one of the small lots in Ibex will be part of a new entrant land-lease pilot program in 2017. We are really trying to give an opportunity for people who are fresh to the sector to get into agriculture without the cash outlay needed previously. The Growing Forward 2 program, which is our third-party funding program, is a five-year federal funding agreement that began on April 1, 2013, and provides about \$1.48 million annually to the department. The program allows the Government of Yukon to continue to support various projects, and some of those include agricultural marketing activities at the Fireweed Community Market.

Between April 1, 2016 and December 31, 2016, 92 agricultural projects were funded. They totalled about \$1,113,670 in government expenditures, and Canada's share was about \$668,000. Yukon's in-kind and financial resources funded about \$445,000. For transfer payments, the branch has provided about \$90,000 for the Yukon Agricultural Association. The capital expenses for agricultural land development have decreased by about 10 percent from last year to \$380,000; 100 percent of the cost is recoverable through the sale of those agricultural lots, so it's certainly a net out for us in the department. This concludes most of the estimates for the Sustainable Resources division.

The energy, corporate policy and communications division has a budget of just over \$6.5 million, which is about \$872,000 — a 15-percent increase from what we saw last year. The increase is primarily due to changes in rebates for

the residential energy-efficiency incentive program, the commercial energy-efficiency incentive program and the collective agreement increases.

We have certainly commended the previous government for some of these programs — there is lots of interest in them — and really just trended out where we saw the rate of interest. We made sure that we budgeted appropriately to be able to provide that same sort of support this year.

The Corporate Policy and Planning branch provides policy support to the department in the development of the Yukon's resource-based sectors. The O&M estimates for the Corporate Policy and Planning branch increased by about \$66,000, or five percent, to \$1.4 million. Once again, the increase is due to the collective agreement increases.

Under Communications, the branch provides strategic leadership in all aspects of communication services to the public and to its employees. The \$33,000, or five-percent, increase in the Communications branch is O&M expenditures to about \$739,000. This is due to salary changes, and that's due, again, to the collective agreement.

Under our Energy branch, which provides energy policy support and program delivery related to energy efficiency and renewable energy — O&M estimates for the Energy branch have increased to \$4 million. This increase is largely due to changes in rebates — like I have touched upon — and the energy-efficiency incentive program, the commercial energy-efficiency incentive program, and the collective agreement increases. The O&M expenses for the Energy branch include personnel travel, contract services, advertising and \$2.8-million transfer payments, which include: \$250,000 for the good energy rebate program, \$1.26 million for the residential energy-efficiency incentive program \$250,000 for the commercial energy-efficiency incentive program, \$950,000 for the Kluane Community Development wind energy project, \$3,000 to support the Utilities Consumers' Group, and \$47,000 of that relates to cost-shared and joint projects.

I would like to speak to these transfers that we have. The Energy branch is providing just over \$1 million to support the Kluane First Nation in the development of and implementation of a wind-diesel project. It is also conducting research into the viability of developing Yukon's wind and solar energy resources, including a wind resource assessment program for private-sector clients.

I would like to thank the member opposite — good work done on this. There are a couple of pieces that have to be put together — certainly the pricing and some of the relationships. There are a couple of hard yards that we have to do — but just a great project in a community that is really quite progressive.

We are also providing funding to support the Utilities Consumers' Group and I touched on that. The Utilities Consumers' Group is a non-profit society that promotes the interest of residential and small business consumers of all public utilities. It participates in and contributes to the public hearings that we need to go through from time to time and other forums on utilities and energy-related matters. That essentially concludes the main estimates for the energy and corporate policy.

I am going to move on just quickly to the Oil, Gas and Mineral Resources Division. It is budgeted for a decrease of approximately \$5 million this year, or nine percent from the previous year, to a total estimate of \$47 million. The main driver — we touched on it at the start of this introduction — was the decrease in Assessment and Abandoned Mines. It also involved changes to funding from the federal government based on current work plans.

The Assessment and Abandoned Mines branch is mandated to direct and oversee the care and maintenance and orderly planning and closure of type 2 mine sites as per the devolution transfer agreement. The decrease of about \$6 million, or 17 percent, to a total of \$30 million reflects the amount of work required for the 2017-18 work plan and agreements with the Government of Canada. Close to 100 percent of this budget is federally funded. The largest part — over half — of the total \$30-million budget for the Assessment and Abandoned Mines branch falls under contracting for the abandoned Faro mine complex, where we are taking care of care and maintenance.

The total O&M estimated costs for four type 2 mines, from the highest to lowest, are: Faro at \$21 million; Ketza, which we have touched on, at \$2.8 million; Mount Nansen at \$2.8 million; and Clinton Creek at \$2 million.

Transfer payments of \$466,000 are provided to affected First Nations to assist with their participation in type 2 mines clean-up activity, and \$50,000 is allocated for the Town of Faro.

The Government of Yukon and the Government of Canada continue to provide engagement opportunities for the Ross River Dena Council, Liard First Nation and Kaska Dena Council on the Faro mine remediation project. Subcontracting and employment training opportunities associated with care and maintenance activities are offered as they become available.

The Government of Yukon is working with the Little Salmon Carmacks First Nation and the Government of Canada on the sale of the Mount Nansen property — moving forward on that.

In 2016-17, \$175,760 was provided to the First Nation by the Government of Yukon for the technical participation on the Mount Nansen remediation project. A funding agreement in 2017-18 is currently being developed in conjunction with the Little Salmon Carmacks First Nation. The Tr'ondëk Hwëch'in and the Government of Yukon and the Government of Canada developed a list of closure options for Clinton Creek in 2015 and reached an agreement on the approach and for the evaluation of these options. We have had ongoing dialogue on Clinton Creek with both Tr'ondëk Hwëch'in proper government, as well as the Chief Isaac corporation.

The Oil and Gas Resources branch is mandated to manage oil and gas resources, regulate activities and support the emerging industry. In July 2016, Yukon received 15 requests for postings for oil and gas rights in the Kandik and Eagle Plains basins. They are currently under review by the affected First Nations. This is an important step in the review of these postings and demonstrates our commitment to

government-to-government relationships with First Nations. That's a standard process in the mix of this. We're having some very rich conversations with the affected First Nations on the commitment to complete that consultation before we move forward on those interested areas.

There's \$535,000, or an 18-percent increase, to the Oil and Gas Resources branch O&M expenditures, to just over \$3.5 million. That's primarily due to an increase on our focus for the well abandonment work that we need to do. This increase is offset slightly by a reduction in the scope of the oil and gas action plan of the previous government. You'll see on the well abandonment a bit more expenditure, but a reduction in the action plan funding.

The regulatory amendments to the disposition regulations and royalty regulations were approved in August 2016. These are to ensure Yukon remains able to attract and retain industry interest, strengthen the ability to protect people and the environment, improve transparency and clarity of information processes and update administrative processes.

The memorandum of agreement on oil and gas established a working group in 1997 to work in partnership with Yukon First Nations on the development of a common oil and gas regime for the public as well as First Nation settlement land. During the past year, the working group met several times to discuss policy intentions and legal drafts of amendments to the disposition regulations and the royalty regulations.

The Strategic Initiatives branch was temporarily established in November 2015 to work on the devolution transfer agreement protocol work, the mine licensing improvement initiative and the mineral development strategy and to support the Yukon Resource Gateway project. There is an increase of \$369,000, or 30 percent, to \$1.6 million, which is required for the Strategic Initiatives branch due to staffing and collective agreement costs.

In early 2017, all Yukon First Nations with agreements, the Council of Yukon First Nations and the Minister of Energy, Mines and Resources signed an MOU to reset the goals and priorities and a process to improve the management of mineral resources in the Yukon.

The mining memorandum of understanding commits the parties to work collaboratively to review and improve legislation and policies for the licensing of all phases of a mine lifecycle in coming up with solutions together. The mineral development strategy, the mine licensing improvement initiative and the devolution transfer agreement protocol are under this MOU.

The mineral development strategy intends to set a course of revitalizing the mineral industry and we will work together with First Nations to set clear goals, backed by key actions that will improve the investment climate for mining in Yukon. I'm happy to say that there's good dialogue moving forward. A list of priorities has been identified by our First Nation partners and our strategic staff continues to move that forward. I look forward to some of the good work that will come from that MOU.

The mineral development strategy also intends to set a course, I think, for revitalizing our mineral industry and, once again, we are going to work together with First Nations on their goals, backed by key actions that will improve the investment climate for mining in the Yukon. I think it is a good initiative and just taking enough time to put that in place is going to be key. The mine licensing improvement initiative is a cooperative effort between accessors, regulators, First Nations and industry to improve the timelines, clarity, transparency and effectiveness of the quartz mine licensing process.

The Government of Yukon and the Tr'ondëk Hwëch'in have made steps toward resolving how consultation should occur for low-level mineral exploration activity within Tr'ondëk Hwëch'in traditional territory. I might add too that I appreciate the officials and our department members reaching out to prospectors here in the Yukon and certainly people on the ground who have some great solutions, so taking into consideration those good dialogues on government-to-government conversations, but also having some great ideas from industry — real common-sense ideas. Everybody is trying to work together to try to come up with a solution on some of these pieces.

In the consent order that was filed in Yukon Supreme Court on March 2, 2017, the parties agreed to work together toward implementing a consultation and accommodation process for these activities by February 2018. We have about a year to continue to work with Tr'ondëk Hwëch'in to work through some of these challenges.

The Tr'ondëk Hwëch'in and the Government of Yukon have also entered into an memorandum of understanding that commits both governments to working together with the other Yukon First Nations that entered into the mining memorandum of understanding to resolve a number of mine-related issues associated with this legal action.

The Yukon Geological Survey provides the geoscience and technical information base to enable stewardship and the sustainable development of the territory's energy, minerals and land resources. The increase of \$294,000, or five percent, to the Yukon Geological Survey's expenditures to almost \$7 million is primarily due to the additional funding that we have that we're putting out to the industry for the Yukon mineral exploration program and collective agreement increases.

As you know, Premier Silver announced at the Mineral Exploration Roundup in Vancouver that the Government of Yukon has increased funding for the Yukon mineral exploration program to \$1.6 million for the 2017-18 fiscal. In addition, three existing program modules —

Deputy Chair: Order.

Mr. Kent: Thank you very much, Mr. Deputy Chair. As members and the minister know, we've split responsibility in Energy, Mines and Resources.

I am the critic for the energy side, the mineral and oil and gas resources, and my colleague, the Member for Lake Laberge, is the critic on the sustainable side, which includes lands, forest and agriculture, so my questions will primarily be

focused on the areas that I have responsibility for. There may be some overlap. We'll get into some of the general questions I have in a bit.

I wanted to follow up with the minister on a few random items that have come up during Question Period over the past number of days, as we have sat here throughout the spring session. What I'll do is start with a question raised by the Member for Lake Laberge with respect to a couple of different YESAA assessments that were underway.

The first one was a project submitted by the British Exploring Society that involved a number of youth camping, canoeing and hiking in an area off the South Canol Road. There was a 50-person camp, I believe, and several smaller camps set up as well. On April 26 of this year, one of the YESAA-designated offices completed its assessment, recommending that the project not be allowed to proceed. I think what has transpired since this question first came up is that the Yukon government decision document, I believe issued by Energy, Mines and Resources, agreed with YESAB and the decision was that the project was not be allowed to proceed. I'm just curious — has there been any contact since this decision was issued by the minister's office or officials with this British Exploring Society? I know that Britain is one of the key markets we're looking at to increase the tourism industry here in the territory. I'm just wondering if this society has made alternate plans for this year or next year with respect to their Yukon experience, and what type of conversations the minister has had with that group.

The second question that was raised with respect to a YESAA assessment by the Member for Lake Laberge that day was on the ATAC Resources all-season road to support mineral exploration to their claims in the Rackla belt. I went on the YESAB website — and the minister can confirm this — but I think May 11 is the actual date the government is recognizing as receiving that recommendation. Can we expect a decision document from Energy, Mines and Resources on that? The minister can correct me if I'm wrong, but I believe it's a 30-day timeline that the board has set up in its rules for the issuance of a decision document. Can we expect that before the House rises?

My final question with respect to YESAA is — I know with previous governments, when the decision document was issued, that role was delegated to one of the senior officials. I just want to make sure that's still the case. I believe it was at the director level that was issuing the decision documents. I just wanted to make sure that's still the process that's being followed by the current government.

Hon. Mr. Pillai: Thank you for those questions — good questions. You are actually giving me an opportunity here to touch on something concerning that first question from the Member for Lake Laberge. That really concerned the British Exploring Society. Actually, the information flowed the day of the question and I didn't have a chance to get back to him on that, so I appreciate that.

Yes, the department had made that decision that you touched upon. Certainly, yes, the protocols within the Department of Energy, Mines and Resources have continued

to be the same. There is that firewall there. But what I will say on this particular one — it is a tough one because it has gone through and it is seemingly an activity that, in some ways, would have been allowed. But certainly, in this case, officials going through it — and YESAB had made their decision, of course, to reject the proposal. The good news is that there is a bit of a history between the exploring society and Na Cho Nyäk Dun, so I appreciate — I'm sure the same thing that you would have done in the role. How do we solve this problem? How do we ensure that somewhere in the Yukon that is suitable — that these individuals had an opportunity to work.

So the British Exploring Society went into discussions — this was awhile back — with Na Cho Nyäk Dun and they had a previous relationship there. They were pursuing the ability — I think there is a privately titled parcel of land near Mayo — to establish their base camp for their summer youth trekking and paddling expedition. That's good news. I would hate to see us in a situation where they didn't have the opportunity.

Now, on that other very interesting question — I wouldn't say interesting. You can imagine that, after sitting in this role, it's a big one. At this time, you're right that we are coming up to the timing on the 30 days. We are in discussions. I'll just give you a little bit of background on this one. Of course, this is the ATAC. We've heard lots about it and there have been a few questions here from the Member for Lake Laberge. Some very significant mineral deposits in that area — significant investment now, balanced with some big concerns from the community in Mayo. That work is ongoing. I know that they submitted the application for the all-season road access to the Tiger deposit in the western position of the Rau trend.

The application went in — July 2016. On May 3, 2017, the Yukon Environmental and Socio-economic Assessment Board issued a recommendation that the project is likely to result in significant and adverse effects to identified valued components, but these significant and adverse effects could be eliminated, controlled or reduced with the application of appropriate terms and conditions.

On May 11, 2017, YESAB reissued their evaluation report for the Rau. The delegated decision body, which is the Mineral Resources branch — as the member opposite knows — has until June 12, 2017 to review the YESAB recommendation and its accompanying considerations and to issue their decision document, either accepting, varying or rejecting YESAB's recommendation.

It is likely that this date will be extended. I think the member opposite can understand, with all the sensitivity, why. Prior to issuing the decision document, the Yukon government will be taking the necessary time to ensure that we consult with the First Nation of Na Cho Nyäk Dun and other decision bodies on the project.

When making these decisions regarding the project, Yukon government takes into consideration all the information provided to YESAB by the affected parties during its assessment process and information received from First Nations during the consultation of the decision document.

Also, the Yukon government — it is not me with the affected parties, however. We do consult with First Nations prior to issuing the decision document to ensure that our obligations are being met.

You are correct. We are getting close to the time of the decision on this but, like I said, it's likely that the decision document will be issued after June 12. At this time, I apologize; I don't have a hard and fast date for you. That is due to the required consultation with Na Cho Nyäk Dun, with a view of courting this in.

Certainly what I hope to see — and I think you would agree with me on this one — that everybody gets this thing right. I don't know what that is going to look like. It is certainly a situation, Mr. Chair. The time that I have spent in Mayo with our officials, the deputy minister, the ADM, directors and others — there are certainly some people within the community who have some strong feelings on this one.

Also, I have sat down with Yukon outfitters and they have some strong feelings on this, and that is balanced. Certainly I don't shirk from my responsibilities on this one. It is a hard situation for our department. I am interested in watching our team work through it and speaking to the Assembly on this as our officials provide us with information. There are others in that community who have some strong, strong feelings about it on access, what infrastructure has to go into place — balanced with the fact that, over the years — the member opposite who is asking the question put a lot of work into making the Yukon a known jurisdiction when it comes to mining.

I think that all three parties in this Legislative Assembly feel that resource development done in a balanced way — at least, from everybody's political platforms, that's what I got. Even the Third Party, I think, believes that.

When you put all of this work, time and effort in, and then you get such a significant player like Barrick there — as a government — EMR and First Nations — how do we show that we have that ability to balance and have the conversation and work together? Certainly some of those answers are still to come.

I know the member opposite knows the professionalism and integrity of the Department of Energy, Mines and Resources as they go through this process. As I get timelines and dates, I certainly will share it with the Assembly.

Mr. Kent: I appreciate the response from the minister. Oftentimes those timelines for decision documents are exceeded and based on exceptional circumstances.

This is going to be an interesting file to watch the minister and his team negotiate. There are people on either side of that issue with respect to that exploration road. It's going to be interesting to watch where the minister and his colleagues land with respect to that particular assessment.

As I mentioned off the top, this first little bit will be a bit of bouncing around with respect to seeing some clarifications from earlier comments from the minister during Question Period, but I wanted to follow up on the issue that we talked about in Question Period today, which is the infill lots in Whitehorse. Today in Question Period, I focused on those

ones that are located in my riding of Copperbelt South, but there are also some, I believe, in Copperbelt North or Whitehorse West that I have seen on the city's website.

Just to quote what the Minister of Community Services mentioned to me in departmental debate the other day — and I'll quote it: "The infill project does not include transfer of land between the city and the territorial government. We agreed with the City of Whitehorse that this was a step that would add unnecessary time and process if the desired shared outcome is to put these lots on to the market for future development."

The minister mentioned it in Question Period today. I recognize that land issues are always a little bit tricky to deal with. I had my share of those when I was sitting in his seat. Obviously the work that is being done by Community Services with respect to the Whistle Bend subdivision — we talked about it earlier. There are a number of lots coming out — single-family, duplex, multi-family lots — this fall — another amount of land coming out next year, I believe, in phase 4 of that development.

I just wanted to get some clarification. As I mentioned, there are a number of constituents who have reached out to me. There are some active conversations in social media with respect to these particular lots in Copperbelt South. I believe there is a public meeting that is being held tonight for residents of that area to talk about this development. Obviously the City of Whitehorse is spearheading this work, but maybe I could just get the minister to clarify — and I think he did earlier in Question Period today. I haven't had a chance to look at the Blues yet, but he did mention, I think — and he can clarify for me — he mentioned there is a transfer of land between the territorial government and the city. I just wanted to give him the opportunity to correct the record on that, based on what I had heard from the Minister of Community Services the other day.

The Minister of Community Services mentioned that we agreed with the City of Whitehorse that this was a step that would add unnecessary time and process. I know the minister, during QP today, mentioned that he didn't want to interfere in the process, but it sounds like perhaps that happened — again, to give him a chance to clarify that — by potentially removing a step of a transfer of land between the city and the territorial government.

This isn't a series of trick questions or "gotcha" questions. I'm just trying to get a handle on what the role of the Yukon government is with respect to these land transfers and these infill lots so I can inform my constituents and other interested Yukoners with respect to what's happening.

What I asked in Question Period today was whether or not it was a desired outcome for the Yukon Government to put these lots on the market for future development — again, notwithstanding the need to provide land for contractors to build. I just wanted a little bit of clarification there just so I can direct constituents of mine to perhaps an official, or if he could identify an official within his department that I can direct constituents to with concerns with respect to YG's role in this.

As I mentioned, I fully respect the city's process. It is a process that engages Yukoners — obviously, in particular, Whitehorse citizens, with respect to zoning and land development. I am just curious as to what the Yukon Government's role is, if they have one, and whether or not there was indeed a transfer of land between the city and the territorial government, which it appears to me that there was. I recognized some of those parcels of land from my time as EMR minister as vacant Commissioner's land that perhaps was OCP-compliant for the development that the city is intending to do there.

Hon. Mr. Pillai: I want to thank the member opposite for the chance to touch on this one. Certainly, as the MLA for Copperbelt South, he has the obligation — and does it well — of ensuring that the voices of the constituents are heard in that area. Maybe he can let me know — the deputy minister next to me may be calling him as well — who is also affected by this development. I understand it's a democratic process if you have some concerns.

On this topic, first and foremost for clarity we have two types of land that we are dealing with here. We have city-owned land, and we have Commissioner's land. The member opposite is correct — part of what has transpired here is — we're concerned. We're concerned that we really need to support the city to come up with a series of options.

We have Whistle Bend, which is moving forward, Mr. Chair, as contracts continue to come out. Walking into the season, looking at the rate of growth in our community, taking vacancy rates into consideration and trying to support the City of Whitehorse — I know what it's like to be on the other side of that. I'll make sure I answer the member opposite's question. For clarity, there's no need for a transfer. We have two types of land that are going to come out.

We have committed to having the Commissioner's land that's controlled by the Yukon government planned by the city and then disposing, so there will be two different sets of dispositions that happen. On this particular topic, I think that it's good that people get together and they get their concerns together. That's the only way that they're going to be able to table things and for people to understand these topics. Really, I think that we made a commitment here today — and I say "we" meaning myself and the Minister of Community Services.

I have a note here from today to make sure that Minister Streicker reaches out to the city and that the city understands that there is concern and that there are people in Copperbelt South and Copperbelt North, maybe or Mountainview or a series of areas — that they make sure that those individuals get their opportunity to voice their concern.

It's a challenging one. I know that, as tough as it is on days in the early stages of doing this job to come in and have somebody hand questions over, never knowing what they are going to be, having 50, 60, 100, 200 — whatever — 150 people in a room that fits 75 who are extremely angry at you because you're dealing with infill is one of the most challenging things you can do. I certainly remember those days and they don't mind chasing you out the door as you

walk to your vehicle. I can understand where the concern is, but that's the challenging job that the City of Whitehorse takes on and I commend the mayor and council for their strength to make those decisions, because it's tough work.

I will commit again to ensuring that I'm sincere and that we'll move quickly. I have a note here and I will talk to Mr. Streicker, but also I asked the member opposite to — and I think the Member for Copperbelt South has — just take into consideration that we're really trying to address a series of situations. It's very difficult to develop anything anywhere in the Yukon without having tough conversations. That's the hard part about this job, especially even on the energy files. It doesn't matter. There will always be people who have big concerns, so you have to listen and inevitably make some decisions.

When we talk about Whistle Bend, the reality is that those numbers are starting to be very clearly defined on how many people need to be hired. I'm not going to get into — all I'm saying is there are a lot of people and I don't know if all the people who are going to work in that facility are here in the Yukon right now. I hope a whole bunch of them are, but if they're not, they're going to have to come and move here. When they move here, we need space and I'm looking at what's happening.

I remember the trend in growth rate in 2009 to 2012. I remember working with Mr. Gau at the city on this and I have to admit that I challenged what we thought the growth rate was going to be and he has hit his marks. This is what he thought was going to happen. People feel that I respect that opinion and I have seen some of the spots. I know it will affect areas out there but, once again, I respect the city on their planning. I know they take into consideration the voices of people in Whitehorse and then they make tough decisions — certainly real grassroots work and very difficult decisions at times.

I hope that answered the question. Once again, the public consultation, which the city does very well — they're leading that — and what we owe everybody in this Assembly who is affected by this is that we will ensure, through our Minister of Community Services, that we provide information so that affected constituents have the opportunity to go and be part of that process.

Mr. Kent: I thank the minister for that. I will certainly clip parts of the exchange today in Question Period as well as the further exchange that we have had here and send it to the groups that are concerned. There may be some follow-up by them with members opposite or officials in their department. I will leave that to them. Of course, they will be following up with the city. I should mention as well that I did correspond with one of the city councillors on this early on, when some of the initial concerns started to arise. Then, as mentioned earlier today in Question Period, I exchanged texts with the Minister of Energy, Mines and Resources on this just to flag it as a concern of some of my constituents. Some will, of course, also be in favour of this type of development, but I'm hearing from those who are concerned and wanted to pass that on through the Chamber here today.

I thank the minister, and I will look forward to him keeping me up to date on what the Yukon government is doing with respect to this. I continue to encourage constituents in Copperbelt South and wherever else they have concerns to be engaged with the City of Whitehorse through their process and make sure that their voices are heard there — as well as continuing to reach out to me as the MLA to represent them, not only with the Yukon government, but also with the City of Whitehorse on this issue that is important to many of them.

I am just going to move to a couple of mining-related questions before we get into the series of questions that I have. The first is with respect to the free-entry staking system. I brought that up with the minister here in the Legislature — of course, mentioning that it has been for an awfully long time the way that mineral claims are staked and mineral rights are initially acquired here in the territory. One of the prospectors whom I have a lot of respect for — a long-time prospector in the territory — mentioned to me that the free entry is an extremely important part of having a healthy, competitive and successful mining regime in the territory and indeed wherever it is used.

I apologize to the minister. I don't believe he mentioned it on the floor of the House at the time. Perhaps it was in media comments after Question Period, but I just wanted to get the minister on the record with the government's position on free entry. Should any reviews of the *Placer Mining Act* or *Quartz Mining Act* occur during their mandate, will they ensure that free entry is essentially off the table — that it is protected? I know it is something that is extremely important to everyone I speak to in the mining industry, whether it is that prospector whom I have a lot of time for, or the guys in Toronto or Vancouver who are at the other end of the mining chain on the developers' side.

I'm just hoping to get a commitment from the minister that free entry is, I guess, essentially here to stay.

Hon. Mr. Pillai: Thank you for the opportunity to speak to this. The day that we had our exchange in Question Period, the question was really focused, for the member opposite, on free entry and I think I might have drifted into a little bit of class 1 notification too.

What I've learned about the perspective from the people who are really impacted in Yukon by this, which is interesting — are certainly the prospectors. I think we share the same perspective, and I'm not sure if that's your perspective. I know that the work that I've seen in the mining sector that involved it and projects that I have watched go forward have been things that really — it has been local prospectors using a free-entry system, in many cases with very low impact — a pickup truck driven a couple hours outside of Whitehorse and a backpack and going in and looking for something and then using the free-entry system to find the deposits. What we're seeing now with real increased investment and some exciting news over the last while — that both the member across and I have had the chance to be involved in. It didn't just happen. These are things that have been good news for the last while. All of those projects started with the free-entry system.

I was actually quite intrigued — in discussions with prospectors. My belief was that it was so sacred — the free-entry system. Certainly I support — and I'll say that. I think that's what the member opposite wants. He wants me on the record saying: Do I support this? Certainly, I do. I support this system.

But it's interesting — there are long-time Yukon prospectors who have come and talked about other systems, which I found really intriguing. The reason they do is that, in other jurisdictions where they work, it's a different system. Some of the different, more innovative systems — maybe not innovative but different types of systems that they find, in some cases, more efficient. For them — really for prospectors — it is people going out and doing that initial work but also it is individuals — where they create value is by enhanced exploration. Where do you put your dollars?

Walking into this position, I know there will be differences of opinion — probably at different tables where I sit and work. But certainly, at this particular time, we have to deal with some of the other issues on access and ensuring it, but certainly there is no interest right now in having a discussion about this.

But I will state for the Legislative Assembly that I have had some very strong conversations from people in the exploration industry in this territory, asking for us to revisit that conversation. At this point in time, I'll say that some of the long-time prospectors — that's where my position lies with them, but it will be interesting to see how this conversation evolves and I'm sure the member opposite knows that it's an evolving conversation.

Deputy Chair: Would the members like to take a short break?

All Hon. Members: Agreed.

Deputy Chair: We will recess for 15 minutes.

Recess

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

Mr. Kent: I will follow up with the comments made by the minister just prior to the break. Another time on free entry, I would be interested to hear what prospectors or others whom he was talking to — but we don't have to do that on the floor of the House. We can do that another time.

I just wanted to move on to an announcement made by the Yukon government, Council of Yukon First Nations and the Yukon Chamber of Mines with respect to Bill C-17. Members know — Mr. Deputy Chair, you, as the Member for Copperbelt North, brought forward a motion that we debated on government private members' day here in the House. We unanimously passed it with an amendment that was put into place.

We in the Yukon Party had initially proposed an amendment with wording taken from that news release that the Yukon government put out jointly with CYFN and the chamber. It talked about the collaborative framework to work on the issue of reassessments and timelines, and I know we

spoke at length here on the floor about concerns that industry players have, particularly with the reassessment piece and section 49 of the Bill S-6 legislation, which will be in effect until Bill C-17 passes the House of Commons and I believe the Senate in Ottawa.

I'm just wondering where the government is at with their partners — the CYFN and the Chamber of Mines — with respect to this collaborative framework to deal with reassessments and, potentially, timelines. I know the timelines exist in the YESAB rules with respect to how these go forward. I have heard less concern on the timelines. There is still some concern out there from industry players, but more of the initial concern is focused on the reassessment piece. I'm interested in hearing from the minister on what work has been completed to date on this collaborative framework that they announced.

One of the things that we brought up during the motion debate was with respect to grandfathering projects that are in the system right now and the procedural fairness aspects of having those projects enter assessment under one specific type of rules or the regime that exists under Bill S-6, but potentially exiting the process under the new rules associated with Bill C-17 and perhaps, especially when it comes to — that's an area where timelines certainly are something that could be affected. So you have a couple of projects that right now — Kudz Ze Kayah and Coffee — the proponents are of course BMC and Goldcorp. They have entered the YESAA process with one set of timelines and that may change halfway through their assessment, so we raised that as a concern with the minister, asking him to potentially reach out to his colleague in Ottawa — I believe this would be Minister Bennett — asking if, at the committee level, they could potentially reconsider whether or not these projects could complete their assessment under the Bill S-6 rules for timelines, rather than essentially moving the goalposts — I guess that's what I would see this as.

I'm interested if the minister, or perhaps the Premier or any of his colleagues, have had a chance to have any conversations with Ottawa about that specific clause that does not allow for grandfathering, and then an update from the minister on the collaborative framework initiative and any work that has been accomplished to date with respect to that initiative.

Hon. Mr. Pillai: Certainly there has been some back and forth between the Member for Copperbelt South and me. This has been a key topic as we move forward in really quite a challenging topic.

Certainly, as we know the history — we have the implementation of Bill S-6 — there were really some sensitive feelings and a tough and real erosion of trust occurred walking into this position in December.

As the member opposite knows, I started getting briefed on the many aspects of Energy, Mines and Resources and some of the other departments and started to have a dialogue. We're really talking about what has been done, what the plan is and talking about all the players.

On this particular topic, my perspective — it's something where we're looking to the industry. The mining industry had concerns about timelines and reassessment. When it comes to timelines, some of the biggest reasoning for timelines is that all parties involved need an amount of time to be able to look through the information and be able to assess it. I don't think people want to stall anything; I think parties want to work through it.

Under Bill S-6 — and I apologize; I don't have all the language for Bill S-6 here — I do believe there was a component that had committed funding for First Nations. I believe that there was in there. Dialogue with individuals involved with the federal government brought that fact up.

What we have to take into consideration on this topic is, first of all, the standpoint is that industry is standing there. Working with industry — and I don't mean this in any disrespect toward industry — I'm here working with industry and really taking my time to sit down with each and every company and try to let them understand what is happening when these projects are moving forward. For instance, if you look at Goldcorp, they have worked in lots of jurisdictions and are very respectful in how they proceed, from what I have seen.

When you are a small First Nation and you have two people in your lands department and 7,000 pages of information show up, that's a lot. That doesn't mean there aren't a lot of other things happening. We have to step back and really understand what the whole process is. I'm not trying to work around the questions — this is the fact.

We went into a process with Bill S-6 — and today, I'm sorry — I don't care where Bill S-6 came from, but it happened. The only thing I can compare it to in this position is: You are driving down a road and it's a big rocky, bumpy road, because you're going to have to have lots of honest conversations with all the stakeholders. You're going to have to figure out — which is what we need to do at the MOU table — solutions for all these things, as in reassessment and timelines, or you can take the shortcut. If you take the shortcut, it's kind of through this little side road and it's really muddy and boggy. What can happen is one of two things: either you're going to get through there, but your truck is going to be full of mud, or you're not going to, and you're going to get stuck. That's what just happened. Then you are going to have to get towed out and go back and start down the road again.

That's what I feel on a lot of these situations. I'm not saying it's my friends across the way — whatever, federal legislation. I'll leave it at that — federal legislation. What we're trying to do is get back to a point, back up and build a good conversation with our First Nation partners. The Chamber of Mines has done a phenomenal job.

The Chamber of Mines is having discussions with CYFN. We're not privy to those. They are building a great relationship. I think the message from the opposition was phenomenal. I think everybody appreciated it — and from the Third Party. I think everybody in the Yukon appreciated it. It was all of us getting together to say something that happened

before — we're trying to fix this. What we have been able to do is start to define the terms referenced around discussions with First Nations at the MOU table.

I believe that our strategic team has just received some information on priorities. This has certainly been a priority. Today, we tabled the Yukon Minerals Advisory Board report. I think that will probably lead to some questions over the next couple of days. The report certainly talks about real optimism on relationships, but it does focus on that, Mr. Chair. It does focus on this piece.

The member opposite — and I would do this for any member of the Assembly. We have had some communications. How do we look into this piece — on the grandfather piece? What we see at this point is right. We are looking at two different processes, as I understand it, but I'll make a commitment to work with the Minister of Justice and continue to have conversations with her federal counterparts.

We had an opportunity to sit with the senior advisor for the Minister of Indigenous and Northern Affairs — Carolyn Bennett's senior advisor. We had an opportunity to sit with him, and these are some key issues that we have had to talk about — making sure that YESAA has enough resources. We're in a situation where there are different entities that all make decisions. I think I and the member who is asking questions — both of us, in these roles, want to see efficiency. We want to get rid of duplication. I want to make sure that, when we're having conversations with affected parties, they have the resources and time to be able to properly respond. The reality is — unaffected areas for thousands and thousands of years, and things that are going to happen are going to affect them — people not having proper resources to respond to it. That's a big ask. It's inappropriate.

We have to ensure that we look at what's happening right now on these files. Some of the work we're doing is having discussions with Na Cho Nyäk Dun and having discussions with Tr'ondëk Hwëch'in. You can imagine, in a four-month period — I come into this Legislative Assembly, and I wave the flag as Minister of Economic Development and EMR — about some of this interest, but I also drove to Mayo with our deputy minister. The first thing I walked in and said was, "I'm worried — I'm worried about where people are in the First Nation." I've said it to the members of the municipality — that I'm concerned, because I'm seeing some potential effects. What is your perspective on those things?

What we're doing right now is that we are continuing to work at the MOU table. I have made a commitment to the executive director and the chair of the Chamber of Mines about a week ago — I think it was a week ago, but within the last 10 days where we sat down. I said: "Please, just give me an opportunity to sit at the table as I have committed to, to chair those discussions on the MOU piece." They want to be part of that discussion. I have committed to them that they will be part of that discussion, and essentially they are respectful of that.

Meeting with the Klondike Placer Miners' Association — a very long-time miner, very successful there — I really appreciated his comments — Mr. Schmidt — and just

identified, saying: “Hey, we want to be part of the discussion but we also understand it’s a government-to-government relationship, but we want be there.” My response was: “I need you there to be able to give your perspective.”

One company in the Yukon, which the member opposite and I know very, very well, has gone through a lot of reassessment and probably waved the flag the most on this topic. The commitment I have made to their leadership is — they were open with me as they saw what was happening here within the Legislative Assembly, not really supportive of the position of all three governments when it came to Bill C-17. But what they did say was — a commitment I had made to them — they are trying to run efficient businesses and they’re trying to be respectful, so you have to get people to the table.

They are a leader within their organization. There are different roles, but I made a commitment to have that individual come in and speak directly at the MOU table and for people to hear that side of the story — not a Senate hearing where it is already adversarial, but just being able to say, “This is why I think this way. I’m just trying to make my projects go forward.” I think, through that dialogue, we can get to a good place.

KPMA discussions — and the direction and feedback from the Klondike Placer Miners’ Association and Chamber of Mines — continue to work through the work plans for the MOU — commitments on that. Watching what has happened federally — I think the month of June is going to be interesting on what happens with Bill C-17.

I think we’re at 88 percent of all of these assessments that we’re dealing with at EMR — so out of all of them. I don’t think anybody, whether it’s Yukon government, First Nations, municipalities, NGOs, and especially Yukoners — and the Member for Lake Laberge brought up a good point — a power pole — you’re going through YESAA.

Getting to the table — and it’s hard work because we’re backing up, like I said, and then starting again. I wish we didn’t have to do that first but that’s what we’re doing, and that’s what the MOU table is — so continue to work on that, the work plan being defined, the priorities for First Nations — understanding after running probably one of the biggest, well-staffed, robust lands department of any First Nation in Yukon, extremely strong individuals whom I had a chance to work with — but between placer activity, land development, mining activity — five or six people — overwhelmed. So we need to figure this one out.

It’s not just about expediting timelines. It’s about making sure capacity is there, and we’re looking at timelines at the same time.

I will also openly work with the Minister of Justice to gather some information, and I’ll share that with the member and figure it out. This is just going to be a big conversation. The companies and proponents that are going through this process right now are going to want to talk about it, and it’s going to be a very public conversation about what happens after this legislation changes in Ottawa.

Mr. Kent: Obviously this is important. It’s not only important for the industry, but it’s important for Yukoners.

Obviously the YESAA process was put into place to protect the environmental and socio-economic aspects for the Yukon when it comes to projects. We have a one-window approach for assessments. We could have ended up with multiple assessment regimes if each of the First Nations had brought in their own — and the federal government and the Yukon government. We’re fortunate that was worked into the *Umbrella Final Agreement*, and the specific chapter that led to the development of the YESAA process is a good one.

With respect to reassessments — as I mentioned, Bill S-6, there were over 80 projects that went in under that section 49 and it was determined that they didn’t require a reassessment because, obviously, they didn’t have any adverse or environmental or socio-economic effects that required mitigation. When we were in government dealing with this particular section, we made it clear that there would be consultations with First Nations on these particular ones. The minister mentioned it himself — capacity at First Nations is often a challenge when it comes to dealing with YESAB submissions. Some First Nations are a lot busier than others, for sure. It’s something we can certainly get behind as well.

I believe it was a motion that was put forward in the previous Legislative Assembly, the 33rd Legislative Assembly, that talked about increased funding by the federal government to First Nations to support their YESAA work. When YESAA first started, it was \$100,000 per First Nation that was provided. It is difficult to use that amount of resources to manage multiple YESAA applications. Some First Nations, like the one in the Member for Mayo-Tatchun’s riding, are extremely busy. There’s a lot of activity. Tr’ondëk Hwëch’in is another one where there is a lot of activity taking place in their traditional territory.

If there is an opportunity for us to get behind getting the federal government to increase the amount of resources they provide to First Nations with respect to YESAA responses, I would be more than willing to get behind any efforts the Yukon government is looking at with respect to that.

Again, the reassessment piece is not only important to the mining industry; it’s important to a number of project proponents. The minister mentioned in his response that this is being dealt with — I believe he said at the MOU table. He has also mentioned that industry and First Nations are working together at another table on this, so we’ll be interested to monitor the process of this going forward. Hopefully I’ll get a sense from the minister and industry and First Nations and others how those discussions are going, because if we want to remain a competitive regime that attracts investment on the resource side, we have to look at some of these concerns that are being raised. Especially as our mining industry matures and we get more established projects that will require reassessment, we want to make sure that we’re assessing projects that have the potential to have an adverse environmental and socio-economic effect, and for those that don’t, we can free up First Nation time, we can free up Yukon government time and we can free up assessor time to focus on those projects if there are some that are coming through that it’s deemed don’t require some reassessment. Hopefully the

minister is successful in his discussions and industry and First Nations can come together to put that collaborative framework together. As the minister mentioned, it is obviously our interest in moving forward as well and making sure that we come up with some sort of mechanism to address these concerns.

I'm not sure if the minister, when he is on his feet again, can just perhaps touch on that grandfathering piece. I'm not sure if he was mentioning that with the senior advisor to Minister Bennett or if that was wrapped up in his conversations with the Minister of Justice, or whether or not he has brought up that concern because, as he mentioned, Bill C-17, I believe, will be in committee sometime later this month. I am not as familiar with the federal legislative process, but it is my understanding that if there are changes to be made, they will be made at those tables, and again, that is a concern we have heard from a number of proponents — it is that particular clause.

Before I sit down, hopefully I'll get a couple of responses from the minister on those two, but I am going to move into Assessment and Abandoned Mines. I will focus project by project just so we don't get an overload of questions.

My first questions — and I apologize to the minister if he mentioned this in his opening remarks. I know he did reference a number of these particular type 2 sites, but I just have a couple of questions on each of them.

The first one is Clinton Creek. In May of last year, the Yukon government had intentions to issue an RFP for the preliminary design for the remediation at Clinton Creek. I'm just looking for an update from the minister on where that is in the process and any cost estimates that have come from that design, whether they're reflected in this budget or in future budgets. Again, if that RFP has advanced, whether a successful contractor has been chosen and when we can expect that remediation to be complete for Clinton Creek — apologies to the minister again if he mentioned this in his opening remarks — I didn't catch it.

Hon. Mr. Pillai: No, there is no apology necessary. I touched on abandoned mines, but just on some sort of high-level financial reporting, not into the detail that you have requested.

Going back to that original question, just to ensure that these questions are answered, you touched upon a couple of pieces. One was really about reassessment. It was the 49(1) clause that exists in the current legislation federally. To clarify, I think there has been interest from different parties — industry and others — to look at what the effects are on reassessment post-legislative change. That discussion is not a discussion that I've had with the federal advisor. What we discussed with the federal advisor was really about two things: (1) ensuring that First Nations have appropriate resources, and (2) ensuring that YESAB does. The discussion took place around the time of the intergovernmental and what you could see on the horizon was a tremendous amount of activity about to happen. Honestly, I commend YESAB at this point. I can't imagine the level of activity in the district offices or their central office. There is a lot going on and it's all moving

through there. With that being said, just for clarity, no, I think I owe it to the members opposite and others in the industry to just get a proper report on what we're looking at after Bill C-17 goes through its final processes. How does that affect people? That's what I meant, but that wasn't something I discussed.

I think the second part of it is — really the reason behind that — you know, it's a very difficult position. We are in budget discussions, but we're having sort of a policy discussion as well. It's difficult being in this position because I look at the 43 times in 2016 — and the member opposite is right that there has been another almost 40 times, I believe, in 2017 — that this particular clause has been used. I'm not going to get into challenging conversations, but I know there are some giggles from across the way. Honestly, when you think about where we are, it's true. I mean, it's the only analogy I can quickly come up with but you are backing up. We are in a situation where we have a clause that a lot of people have used and First Nations have used. Part of me stands here today sort of openly wishing that — there are elements of that clause that work really well, but I'm not in a position to walk into an MOU table where I'm resetting trust, and in my first or second meeting, saying, "By the way, the whole Legislative Assembly supports Bill C-17." Eleven First Nation chiefs signed on to an agreement — a lot of them because we have some reciprocal trust from days gone by, working together, then being able to say, "Hey, by the way, Bill C-17 is in committee and the industry feels that there are elements that are good." This is true. I mean, the Member for Copperbelt South is right. But then saying, "By the way, can we do an amendment" after we all sat in here — my gut instinct tells me that would absolutely erode any trust and respect at the table, so I can't do that. I have to go the long route. I'm going to work with industry and work with First Nations.

Part of what I will state for the House and go on the record as saying is: I don't know from a legislative process, taking into consideration where the federal government is in their legislative agenda, watching the time that this has taken with Bill C-17 — I'm not sure. I'm not sure what the time frame is, but I know we have to get it right. If we don't, it's going to change the whole dynamic again between First Nation governments, as much as it's important to have a jurisdiction that has efficient assessment.

I will state that the member opposite is so correct. When you sit at a table in this country and people are looking at investment, part of the reason they invest in the Yukon and what they're starting to learn is that the YESAA process, because it's that one process, is highly touted. As you see in other jurisdictions, you get differences between the provincial and federal government on issues. We're seeing it now in British Columbia, so having the one piece, as the member opposite said, is great.

I wish I had a better solution but, right now, if industry and First Nations through this improved collaborative relationship they're building — hats off to the chamber and CYFN for the work they're doing together — if they come up

with some solutions, great. I have to take the long road on this one and continue to build good relationships.

I hope that answers some of the questions we started with.

Clinton Creek — the mine site has been closed since 2012. I think the member opposite touched upon some of the work the member opposite was associated with. Just for other members in the Assembly, the site will remain closed until the risks are sufficiently mitigated to protect public health and safety and the environment. The Government of Yukon is working with the Government of Canada and Tr'ondëk Hwëch'in to develop a remediation plan for the Clinton Creek mine site that meets the objectives of the three partners and recognizes the importance of sound, long-term environmental management.

I and the Minister of Highways and Public Works had specific meetings with the Chief Isaac corporation on this one. They had some concerns about some of the stuff that happened previously that we don't need to get into and had voiced their view, as the development arm of the Tr'ondëk Hwëch'in First Nation, on this particular project.

As part of the remediation planning, we have baseline studies that are underway to facilitate the selection of a preferred option, as well as the development of a project proposal for submission to YESAB. That's underway. The Yukon government continues to be responsible for the care and maintenance of the Clinton Creek mine site, with funding provided by the Government of Canada.

The Government of Yukon — I once again emphasize the importance of the business employment opportunities for Yukoners and affected First Nations. I think there was approximately \$1.1 million spent with local contractors at Clinton Creek in the 2016-17 field season as part of the \$3.2-million engineering contract and so work at the abandoned mine site is completed in an effort to manage long-term environmental risk while providing opportunities to local communities, First Nations and Yukoners.

If the member opposite will just give me a second, I want to make sure that if there is anything else we can pass on — so far, just on the local contract, the Ecological Logistics and Research Ltd., of \$49,000 — that's focusing on the spring aquatic and terrestrial baseline surveys at Clinton Creek, local; Fireweed Helicopters, \$4,000 for site inspection; Hemmera, which of course has an office here and is also based out of Vancouver, but it certainly has a presence here, contributing to our economy and Yukoners working with them, \$49,700 for the spring water quality and hydrological monitoring surveys at the Clinton Creek site. Also, there is \$1,165 and that was just paid to Tr'ondëk Hwëch'in and that was the attendance of the community coordinator at the independent peer review panel meetings for Clinton Creek.

That's what has been completed so far in 2017. The work continues. I will keep the Assembly apprised of that and certainly commend the member opposite for some of the work that was done on that site before I took on this role.

Mr. Kent: Just for clarification and just to be clear, I wasn't speaking about section 49(1) with respect to the committee. It was the clause respecting grandfathering. That is

just to clarify the record. That's what I was asking — if the minister had talked to federal colleagues about Bill C-17.

Thank you for the responses on Clinton Creek. I have just a couple questions on Mount Nansen for you.

Mount Nansen — of course, the type 2 site near Carmacks — originally when I started as Minister of Energy, Mines and Resources, I think they were going down the more traditional route of doing design and remediation for that site — obviously the federal government paying that money — care and maintenance ongoing at that site. But then the federal government made a decision, I believe, in talks with Little Salmon Carmacks First Nation and the Yukon government, to go a different route more based on the Keno Hill model to turn the project over to a private sector entity to conduct the remediation.

Last fall, I believe, was when they were advertising the request for proposals, and we've heard since then that they've shortlisted. I'm just curious if the minister has any further updates on where that process is at, recognizing of course, that it is a federal process.

I have just a quick question on the water licensing for Mount Nansen: Is there currently a water licence in place there, or is the plan to pass the water-licensing responsibility off to whoever the successful proponent is with respect to that project?

Hon. Mr. Pillai: It's interesting to talk about the type 2 abandoned mines. As we try to diversify our economy and we continue to support what looks to be the jurisdiction moving into a robust cycle on resource development — but we have these other opportunities. Everybody here in the Assembly — these are things that we have inherited and now, through negotiation with Canada, we are being supplied money to clean them up. I would love to think that we have a real opportunity to be about the best there is when it comes to reclamation because we sure have a lot of opportunities to hone our skills.

I commend the department and the team working on this file and the work that they have done working with the Little Salmon Carmacks First Nation on this project.

I have just a couple of points. I hope I can touch on some of the questions on the Mount Nansen site — an exciting opportunity that is coming from this project. Through the care and maintenance activities, the Government of Yukon continues to manage our short-term risks at the Mount Nansen site to protect human health and safety and the environment.

It is interesting — I also want to thank our team. The morning of the earthquake — I woke up that morning and the first things I thought of were making sure my family was okay and the dam on the Yukon River. I have to say that we made sure we reached out to Yukon Energy. But taking into consideration that all of these sites as well that our team was on top of right away — all of these sites have to be monitored because of potential risk from earthquakes. I commend our team for the work that they did — quickly assessing and ensuring the integrity of all the structures that are there.

We're planning to submit a proposal for ongoing care and maintenance activities at the Mount Nansen site to the Yukon

Environmental and Socio-economic Assessment Board this year and this spring — and followed by a Water Board application. There is a water licence application going in in the summer of 2017. The plan, as requested, is that we transfer that water licence so we don't slow this process down — the water licence we transfer to the successful purchaser of the site once the sale and the site have been finalized.

The Government of Canada is pursuing the sale of Mount Nansen site due to the high cost of remediation, and both the Government of Yukon and Little Salmon Carmacks First Nation support this approach. It's a great approach and hopefully there are lots of opportunities for people in the area.

It is part of the sale price. The purchaser will be required to complete the remediation work at the site as per the remediation plan approved by the Government of Yukon, Government of Canada and Little Salmon Carmacks First Nation. So, regardless of the sale, the financial responsibility and environmental liabilities for the site still reside with the Government of Canada.

It's an interesting one. I'm sorry for using that word over and over, but I'm trying to be polite. We're working with Little Salmon Carmacks and we heard it at the Yukon Forum last week. It is very difficult, and I think it has happened before — maybe in the past — to have conversations on one topic. It really has to be a broader conversation.

Right now there are some concerns in Little Salmon Carmacks with some different types of resource activity — so addressing those things and ensuring there is a comfort level, because it is pretty hard to sit with a group of people who might be concerned about one thing, and then you switch to another topic — something like this project — and think that they're just going to switch how they feel and their mood. It's all about being able to put all these things on the table. Good conversations — the last conversations, we had with Deputy Chief Schultz — their GA is this weekend, I believe. I'm going to try to have an opportunity on Sunday to get up there and spend a bit of time with them and continue the discussion.

Once again, I think the department has done a great job. I think the previous minister is doing a good job supporting this project. The work of the type 2 abandoned mine sites is completed. In an effort to work on those long-term environmental risks and really pushing the opportunities piece — I'm really pushing the opportunities piece and you can talk to people in the department — I want to see opportunities through CNIM. I want the Centre for Northern Innovation in Mining working with contractors who are on remediation with Shelagh's guidance there — a former co-worker, Shelagh Rowles — as they move through on CNIM, it's not just about extraction; it's about remediation. Those are really good opportunities that we have on all these type 2 sites, ensuring there are local First Nation individuals who are affected who are part of that work as well.

For the member opposite — I hope I touched on it — we will definitely make sure the water licence gets transferred going to YESAA. I think we have had the RFQ process and we understand who the interested parties are for the record here. The short-listed bidders to date are: 536086 Yukon Inc.,

led by Merit Consultants; Alexco Environmental Group; and Morgan Construction and Environmental Ltd. That's who we have right now.

The qualified bidders have nine months to develop a detailed proposal on how they would complete the chosen remediation option in a cost-effective manner. The evaluation of the three proposals is expected to take place in winter 2017-18. That's our timeline. We have to work on the water licence and get the proposal in, and then these companies will continue the work so we can ensure this site gets cleaned up.

Mr. Kent: I thank the minister for his response. We'll look forward to monitoring that file, as the months carry on here going forward.

I wanted to ask some questions specific to the Ketza River mine close to Ross River. At the time of its abandonment in April 2015, it's my understanding that there was \$3.3 million held in security for the exploration work that had been done at that mine site by the proponent under the Yukon government's watch. As a type 2 site, anything previous to that is covered off by the federal government.

I'll just get the minister, when he's on his feet, to confirm that number and whether or not any of it has been spent on remediating the environmental impacts of the exploration that took place, or whether some of it has been spent on care and maintenance.

It's my understanding that the feds are covering off the care and maintenance there, but I could stand corrected. I will look forward to getting an update from the minister.

Also with respect to the Ketza mine, I believe the care and maintenance contract that is held by a local contractor was extended last year for a year, under terms of the contract, but I think it's coming up for retendering this year. I'm just curious as to the minister's thoughts on that contract. I know there were ongoing discussions with Liard First Nation, Ross River Dena Council and the Teslin Tlingit Council, as well as the Kaska First Nation, with respect to that project. I'm kind of curious about the minister's views of the First Nation roles going forward and whether or not he anticipates that care and maintenance contract to be publicly tendered or whether there's some other tendering process that he is considering — perhaps a direct award to a First Nation. Or is that just going to go back out to public tender? Again, I think it comes up in August of this year, but I could stand corrected. The minister can correct me when he's on his feet.

Hon. Mr. Pillai: For those in the Assembly, just on this particular file — we've both had a chance to work on closely, but for others — the Government of Yukon has been responsible for care and maintenance on the Ketza site. I will ask the member opposite — just so I get clarity about what the question is. The security that is in place specifically for the exploration activities — so I think the question — actually, I'll just let him clarify if it was if any of that money was allocated toward remediation.

Mr. Kent: Again, it's my understanding and sort of recollection that, when the project was abandoned in April 2015, there was \$3.3 million in security for the exploration work that had been undertaken by the company that was in

there last. So I'm just curious if we still have that \$3.3 million or if any of the remediation has taken place with respect to that work, or if some of that money has flowed into the care and maintenance activities. I guess I'm just seeking clarification on how much was in there and how much is left.

Hon. Mr. Pillai: I appreciate that, Mr. Chair. So diving into it — the \$3.3 million was specific for the mining activity. Those dollars were exhausted before I had the opportunity to take this post. But there is \$800,000, and that's why I wanted to just clarify. The \$800,000 in security is still in place but it's for exploration activities. We are not in a position, through our structures, to expend that on the mine itself. If there were other activities or disturbance on the side of exploration, we could.

You're right: the engineering firm's contract for the provision of care and maintenance services at the site ends on August 31. There is an option for extending the contract for an additional year.

I have been informed by the officials that they are just preparing a series of options and recommendations, Mr. Deputy Chair. I haven't had the opportunity to see them yet, but I am sure that, through fulsome conversations that they have had with the local contractor, as well as the Ross River Dena Council, the Liard First Nation, the Kaska Dena Council and the Teslin Tlingit Council, those options are also integrated in. It seems as though we have had a potential leadership change in the Liard First Nation and I don't know how that will affect the conversations between the officials as well.

We'll be able to comment on that further as I get the options on how to proceed on this. We are in a situation where — we can get into it in line-by-line debate — but we can talk a bit about what we're expending at this point, because the \$3.3 million is gone. I think we have a bit that we're going to have to expend at this particular time, and then as we move through. I remember in our discussions with the officials that we do have the ability to receive some.

YG was responsible for a payment of the independent assessor; it is currently estimated to be between \$5 million and \$6 million — we have, within our framework, been working on that — for a preliminary level of design, so about 30 percent, and then INAC has agreed to contribute up to \$750,000 toward the advancement of the design.

I am sure my friends from the Third Party will have questions for me on this one too as we move along. That's a little bit of an update on it — taking all opportunities for locals. I think we have touched on it. I hope I answered that one.

Mr. Kent: That amount with respect to 30-percent design is something that was one of my Monday morning earthquakes when I was in your chair. It was a bit shocking for me in recognizing that, as great as the devolution transfer agreement has been for the Yukon — and all parties in this Legislature had a hand in getting that to sign off — one of the clauses in there was that the Yukon government would be responsible for that particular site, for paying for the preliminary remediation design.

I didn't ask you that question, so if you get questions from others on that, that one is for you. Again, my understanding is it was part of the DTA. There were some negotiations previously, and it sounds like you have been able to secure some funding from the federal government — which our initial talks weren't successful in getting — so congratulations on that.

I do have a series of questions on the Faro mine site, but I think I'll leave them today — just seeing the time — and ask the minister one specific question with respect to Keno Hill.

The Alexco group that he spoke about earlier through the Elsa Reclamation and Development Company, or ERDC, is responsible for remediation design and getting that through.

When I visited the mine site — I think it was in September 2015, with the Member for Kluane — we had a good opportunity to talk to the CEO and COO of Alexco. They walked us through at that time where they were, and it seemed to me that they were getting close to being ready to submit that project proposal to YESAB. I'm just wondering if the minister has any updates for the House on Keno Hill and where ERDC is at. Obviously they work more closely with the federal government than the Yukon government on this project, but any information the minister can provide would be welcome.

Hon. Mr. Pillai: Thanks for the member opposite for giving me an opportunity to speak to this, because I think the last time I was asked this question about Keno, I was all excited and answered a bunch of questions about Faro. I think the Leader of the Official Opposition and the member opposite kept their laughter to a minimum but made me aware later. I appreciate that.

The Elsa Reclamation and Development Company continues to be responsible for the care and maintenance activities at the Keno Hill mine site with funding provided from Canada. The remediation approach for the Keno Hill mine site was selected in 2015 by the Government of Yukon and project partners, including Government of Canada, Na Cho Nyäk Dun and the Elsa reclamation.

The Elsa Reclamation and Development Company is still preparing a remediation project proposal, which will be submitted to the Yukon Environmental and Socio-economic Assessment Board. All the project partners, including the Government of Yukon, are supporting the process through its review of the application. The Government of Yukon participates in licensing and the assessment processes, as appropriate, given its regulatory and devolution responsibilities.

I think we're still underway on that one. I know that — in some quick discussions that we had — I think they are moving to that point. The question was actually from the Leader of the Third Party and I didn't give the proper response. They are at a point right now where I think it is at the peer review stage and then moving forward on that. Good news there — and I think they are also continuing to go through some of the work — maybe even have submitted more on their project through the water licensing process —

anyway, hopefully some good news out there when it comes to re-opening the production side of things.

We can get back into this tomorrow, if there is anything else that I can add to that — I'll leave it at that.

Mr. Chair, I move that you report progress, as it is 5:25 p.m.

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

Motion agreed to

Hon. Ms. McPhee: Mr. Chair, I move that the Speaker do now resume the Chair.

Deputy Chair: It has been moved by the Government House Leader 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 Deputy Chair of Committee of the Whole?

Chair's report

Mr. Adel: Mr. Speaker, Committee of the Whole has considered Bill No. 201, entitled *First Appropriation Act, 2017-18*, and directed me to report progress.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Ms. McPhee: Mr. Speaker, I move that 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 5:28 p.m.

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(Pillai)