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HANSARD

Thursday, October 21, 2021 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

YUKON LEGISLATIVE ASSEMBLY

2021 Fall Sitting

SPEAKER — Hon. Jeremy Harper, MLA, Mayo-Tatchun
DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Annie Blake, MLA, Vuntut Gwitchin
DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Emily Tredger, MLA, Whitehorse Centre

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

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Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
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THIRD PARTY

New Democratic Party

Kate White	Leader of the Third Party Takhini-Kopper King
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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 21, 2021 — 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 with the Order Paper.
Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Mostyn: Hon. Speaker, this afternoon we have a lot of folks from our Yukon Libraries and Archives. I would like the House to please welcome them robustly when I finish reading out their names.

We have today Melissa Yu Schott, who is the director of Yukon Public Libraries; we have Fiona Munroe, who is the Whitehorse public librarian; we have Roreigh Eftoda, the acting finance and administration assistant; we have Andrea Bols, the library assistant; we have Linda Fair, the Carcross librarian; we have Keith Seaboyer, chair of the Isabelle Pringle Library Board in Carcross; we have Alison Lindsay, who is the circulation supervisor; and we also have David Schlosser — apologies for my pronunciation — territorial archivist of the Yukon Archives — if you could all give them a robust welcome.

Applause

Ms. White: I invite my colleagues today to join me in welcoming two very special guests. We have Lennox and his dad, Adam. You may recognize that Lennox is seven months older than the last time he was here, but they are here to hear a response to a petition. Thank you so much for being here.

Applause

Speaker: Tributes.

TRIBUTES

In recognition of Canadian Library Month and Yukon Libraries Week

Hon. Mr. Mostyn: This afternoon I have been asked for poetry or interpretive dance. I am sorry to disappoint; you will find none of those things this afternoon.

What you will find is an earnest tribute to our great folks at the Yukon Libraries and Archives branch.

I rise to pay tribute to Yukon Libraries Week, which is happening from October 18 to 24 around the territory. Our Yukon celebrations are part of Canadian Library Month, which is being observed around the country. This year, “one million possibilities” is the theme for this celebration.

It is fitting, as the range of library services in our territory is remarkable. Our territory not only has public libraries, we also have the Yukon Public Law Library, the EMR library, Yukon Archives and Yukon College library, as well as school

libraries in all our communities. Each of these facilities is unique, with their own resources and programs.

Each of them provides the staff space and resources to help Yukoners explore ideas, find information, and share knowledge.

Hon. Speaker, I am proud to be the minister responsible for the public libraries. Whenever you walk into a library, which I did a couple of weeks ago, and look at all the materials, tools and resources, or go online and roam the e-catalogues and magazines, there are indeed one million possibilities.

New worlds open up — new skills, new knowledge, new connections. They are literally endless. We are very fortunate to have a public library in most of our communities. In all, we have 15 across the territory. Beyond borrowing books, these public libraries allow Yukoners to access learning opportunities, workspaces, meeting rooms, and make connections within the community.

They also provide Yukoners with more access to e-books, audiobooks, music, movies, and digital magazines and newspapers — those old hand-dirtying things that I used to work for. You can now access library materials from the comfort of your own home. Our Yukon public libraries also offer a broad range of programming as well. For instance, Yukon Public Libraries has a strong partnership with the Kwanlin Dün Cultural Centre to virtually host the popular indigenous book club. You can also visit Yukon Public Libraries’ social media accounts to interact with library staff and find out about programming and services.

That’s not all. Library staff can search libraries across North America to find a copy of what you need, if your local library doesn’t have it.

Hon. Speaker, they did have the book that I recommended within their own collection.

Let me wrap up by saying that I’m amazed by the passion I have seen in our Yukon librarians and their teams as they go about their work. I welcome all Yukoners to visit their local library. A visit to any one of our libraries could open up a new world of possibilities. It could, in fact, open up one million possibilities, and every month can be library month for Yukoners across the territory; all it takes is a visit to one of our incredible libraries.

Thank you very much.

Applause

Ms. McLeod: I rise on behalf of the Yukon Party Official Opposition to recognize October as Canadian Library Month and October 18 to 23 as Yukon Libraries Week. This week, I encourage Yukoners who have never visited one of our many libraries to take a look. Visit a library and check out a book or three.

This year’s theme for the national celebration is: “One card, one million possibilities”. Whether you are new to reading or an avid bookworm, like the Member for Porter Creek North, books offer something for everyone.

We have 15 incredible public libraries throughout the territory. They are all connected. If you can’t find what you’re looking for, chances are it’s available in another community

and will make its way to you for your reading pleasure. If you are a travelling reader, feel free to borrow and drop off books at any location.

In addition to your traditional public and school public libraries, we have specialty libraries, such as the Energy, Mines and Resources Library and their seed library, the law library, and Yukon Archives. We have the Yukon Family Literacy Centre, home to an incredible array of children's books.

I would like to thank our librarians and library assistants across the territory who dedicate their careers to fostering a love for stories and adventures in their communities, schools, universities, literacy centres, and more. Thank you to the Yukon Library Association for their role in promoting library service in the Yukon.

I encourage Yukoners to visit one of our many libraries this week and check out a book or three. Take your kids to visit the reading nooks and instill in them a love of stories. Get them their own library card and teach them how that one little library card can unleash one million possibilities.

Applause

Ms. White: Mr. Speaker, I rise today on behalf to the Yukon NDP to celebrate Yukon Libraries Week.

This week, we celebrate all of the ways that libraries mend and uplift our community. For so many of us, public libraries were the door to other worlds, to literacy, and play.

I remember when the Whitehorse Public Library was just at the other end of this building where there was program after program for young Yukoners to discover parts of themselves and the world in the books around them.

But libraries are also about so much more than literacy. They are, and continue to be, socialism in action. Public libraries are funded by everyone in our community for our community. Regardless of your income or status, libraries are a place for everyone to access support, knowledge, and tools, with no barriers and no cost.

Anyone can go to the library for free. They can browse the shelves of books, movies, and magazines — no questions asked. Anyone can access a library, and everyone cares for it.

Public libraries are also a place for free access to the Internet. COVID has shown us just how essential it is. The Internet is our social infrastructure. It's how we stay connected with friends, find out about events and news, and, more recently, where to go for COVID information. But to a lot of Yukoners, the Internet is far too expensive so, again, libraries fill that gap.

In the midst of a housing crisis, libraries are one of the only places where people can go to get warm and dry and use a washroom with no costs or expectations. People in insecure housing can go to a library, browse collections, watch their kids play with free toys, and rest without judgment.

The people at the forefront of these magical places are library workers, and across the Yukon, we are fortunate enough to have libraries across the territory, and it is our responsibility to make sure that everyone who works in the public library is paid a living wage, is working fair hours, and has the support that they need to keep the local libraries running.

Because even in the face of rising costs and private interests, libraries stand strong as the best of socialism. If this model can work for libraries, then it can work for many other systems too. Libraries don't make a profit, they can't be sold off to a corporation, and they give social goods without a price.

It's one of the few environments that doesn't judge anyone or take advantage of anyone. It offers people dignity and nobility by empowering the disenfranchised. Public libraries treat goods like a commons, they are a collective, they are compassionate, and, most importantly, they are essential.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Silver: I have for tabling the Government of Yukon's financial accounting report for the period of April 1, 2020 to March 31, 2021.

Hon. Mr. Streicker: I have for tabling today a legislative return in response to questions from the Member for Porter Creek North last week on October 14.

Hon. Mr. Clarke: I have for tabling two legislative returns.

Speaker: Are there any reports of committees? Petitions.

PETITIONS

Petition No. 1 — response

Hon. Mr. Streicker: Hon. Speaker, I rise today to respond to Petition No. 1.

This petition is calling on the Government of Yukon to incorporate a climate change lens into all Government of Yukon decision-making processes for policies, programs, and projects that include estimated greenhouse gas emissions and, in consultation with the promised and newly formed Yukon Climate Leadership Council, launch the promised information and social marketing campaign outlined in *Our Clean Future* to meet Yukon's commitment to reduce greenhouse gas emissions by 45 percent over 2010 levels by 2030.

I am pleased to speak to this petition, and I thank the people who are passionate about climate change and are lobbying their government to address it. This is a top priority of our government. We are working aggressively to reduce our greenhouse gas emissions and assist Yukoners and businesses to do the same.

We have an ambitious goal of reducing our territory's greenhouse gas emissions by 45 percent by 2030. This is not an easy goal; it is a necessary one. That is why we all need to do our part, and our government is here to help everyone in this regard.

With respect to the first item, I can reassure the petitioners and all Yukoners that the Government of Yukon has already started the implementation of a climate change lens onto

government decision-making processes. This is the smart thing to do. *Our Clean Future* commits to continuing territorial climate-risk assessments for all transportation infrastructure and building projects. While this is just one example, we recognize that our policies, our programs, and our laws have an impact on our climate. This is why a climate change lens is important across government so that our decisions work together toward solutions.

Under *Our Clean Future*, we have committed to set greenhouse gas reduction targets in law under a clean energy act. This legislation will set reduction targets, energy standards, and reporting requirements to increase access to renewable energy, help the Yukon to adapt to climate change, and build our green economy.

We look forward to hearing from the public on how best to set reduction targets under the act, like whether we should legislate sales targets for zero-emission vehicles.

I am happy to announce today that an engagement on this new legislation will be starting soon. The clean energy act will aim for a target reduction of 45 percent by 2030. We will work with the Yukon Climate Leadership Council to identify additional actions, alongside of those already established under *Our Clean Future*, to meet this target.

I would also like to thank the Youth Panel on Climate Change, which developed recommendations to inform Government of Yukon actions committed to under *Our Clean Future*. The Minister of Environment tabled those recommendations earlier this week. We are reviewing their climate change recommendations in detail and have committed to report back to the panel.

The Department of Energy, Mines and Resources is implementing 42 key actions from *Our Clean Future*. These include seven energy initiatives that target the Yukon's largest sources of greenhouse gas emissions: transportation and heating. In the past 10 months, the Government of Yukon issued rebates for 57 zero-emission vehicles and 319 electric bicycles. Rebates for zero-emission vehicles are expected to make a significant contribution to lowering our transportation-related emissions.

Yukoners installed 25 heat pumps in 10 months, and participation remains high. These renewable heating systems reduce our heating emissions and lower our demands for electricity. The Government of Yukon set a target of 97 percent of electricity on Yukon's main grid to be generated from renewable sources by 2030. This is supported by the Yukon Energy Corporation's 10-year renewable electricity plan. We are planning to communicate our work and encourage Yukoners to take action through a multi-year information and social marketing campaign that is in development as we speak.

Information on current greenhouse gas emissions and progress on climate action can also be found in the recently released *Our Clean Future 2020 annual report*.

These concerns expressed by the petitioners are ones that my colleagues and I share. We see evidence of the climate emergency in our backyards and around the world. Working together as Yukoners, I know we can achieve the goals that we

set out and do our part to solve one of the most critical issues of our time.

Petition No. 2 — response

Hon. Ms. McPhee: In response to Petition No. 2, tabled in the House on May 31, 2021, I would like to first acknowledge and thank the petitioner and the over 900 signatories to the petition. Expressing their collective support for parents as full-time caregivers of children with disabilities reflects the person-centred, relationship-based care that Yukoners are seeking in the reform efforts that are underway right now, and come from *Putting People First* and our amendments to our health care system based on that.

The Department of Health and Social Services is committed to supporting the well-being and inclusion of people with disabilities. The department's policies and programs support individuals and families in a range of ways, including direct services, funding to families, and support for NGOs. We are building on this as we implement the recommendations of *Putting People First* and its final report.

There are a number of recommendations specific to improving people's experiences through development and delivery of person-centred, integrated programs and services for Yukoners with disabilities.

Recommendation 5.12 recommends combining adult disability services and child disability services into one needs-based program and developing a new eligibility and assessment framework for services based on the needs of the adults and children with disabilities.

Recommendation 5.13 seeks to expand the mandate of adult programming to cover a broader range of disabilities and create new services as appropriate to meet the needs of this expanded group.

Recommendation 5.14 is about providing self- or family-managed care funding to enable adult Yukoners with disabilities to live at home for longer.

Our Disability Services unit supports families to care for children living with disabilities. In-home childcare is one of the supports offered to families of children with disabilities in the event that out-of-home care is not available or appropriate.

We recognize the benefit of choice for parents and their care networks. Currently, in-home childcare funding allows a family to hire someone to provide care for their child, including extended family, but currently excludes parents. The funding is \$25 per day for up to 40 hours per week.

Our government supports the continued pursuit of alternative and equitable options that support care providers of children and adults with disabilities. Yukoners have asked for change, and we hear you.

Meeting the needs of caregivers of Yukoners with disabilities must consider expanding the current in-home childcare policy to include parents and other best practice policies. Those can range from care allowances to care provider wages with various eligibility criteria to consider.

We recognize the need for equitable inclusion of parents as full-time caregivers and programs that support families with

children who live with disabilities. Parents must be central to the scope of options available to them.

Together, with continued input from families and the disabilities services community, we will continue to improve the lives of Yukoners with disabilities and those who play such critical roles in their lives.

This must, and will, include parents of children with disabilities.

Speaker: Are there any petitions to be presented?

Petition No. 2 — additional signatures presented

Ms. White: Thank you, Mr. Speaker, and thank you for that reminder. I have additional — probably just about 50 — signatures to go along with the petition that we just heard the response to about supporting families with children with a disability.

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

NOTICES OF MOTIONS

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

THAT this House recognizes that permitting and licensing delays are eroding investor confidence in our mining sector and urges the Government of Yukon and the Government of Canada to prioritize the issuance of outstanding decision documents for projects in the assessment process, such as the Kud Ze Kayah project in the southeast Yukon.

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

THAT this House urges the Deputy Premier to clearly disclose to the public when she was made aware of the 2019 sexual assault at Hidden Valley Elementary School and what direction she gave Department of Education officials, including any direction communicating about this serious incident to parents.

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

THAT this House urges the Government of Yukon to get back to the table with the Yukon Agricultural Association and support Takhini River valley farmers by addressing their concerns with elk management in the area.

Speaker: Is there a statement by a minister?

MINISTERIAL STATEMENT

LGBTQ2S+ inclusion action plan

Hon. Ms. McLean: Hon. Speaker, this year our government released the Yukon's first ever *LGBTQ2S+ Inclusion Action Plan*. This five-year action plan represents our commitment to inclusivity and equality and ensuring that government programs and services are meeting the needs of the LGBTQ2S+ community.

We recognize that LGBTQ2S+ Yukoners have faced discrimination for far too long, and we have taken significant

action to create a more equitable territory. The LGBTQ2S+ community has always told us, "Nothing about us without us", and we have stayed true to that principle.

Three years ago, we began an extensive public engagement. From those results, we worked internally to draft a plan, then worked closely with LGBTQ2S+ organizations to review it and get it right.

It is thanks to years of hard work and dedication from this community that we finally have an action plan. A physical space was one of the top priorities shared with us during our public engagement. We heard loud and clear that having a safe physical space to deliver education, access programming, find resources, and build community and connection is critically important.

Our government has committed to work in partnership with the Queer Yukon Society to establish the first pride centre in the territory. The opening of the Yukon's very first pride centre — the first in the north — is a historic milestone that Queer Yukon and the entire LGBTQ2S+ community can be very proud of. We are honoured to be a partner in this work.

The establishment of the Pride Centre is just one of more than 100 actions included in the inclusion action plan. The inclusion action plan intersects with some of our other major strategies across government, including Yukon's MMIWG2S+ strategy, the aging-in-place plan, the *Putting People First* plan recommendations, the *Yukon Tourism Development Strategy*, and the review of inclusive and special education — just to name a few.

The plan is also a living document. We are committed to regular review, which will include hearing directly from stakeholders, LGBTQ2S+ organizations, and community members at key intervals. We will adjust, as needed, based on what we hear and what we learn. Our government is committed to a territory where everyone feels safe, welcomed, valued, and celebrated. The inclusion action plan will help to create a more equitable government and a safer workplace and will improve programs and services for LGBTQ2S+ Yukoners. Our territory's diversity is a strength, and when we remove barriers for LGBTQ2S+ Yukoners, we all benefit.

In closing, I would like to thank all citizens, organizations, and public servants who were involved in the development of the *LGBTQ2S+ Inclusion Action Plan*. Whether you partnered in a survey or a focus group, provided input, or are now supporting the implementation, your involvement matters. Thank you for your time, knowledge, and experience. Thank you for believing that we can indeed make things better for LGBTQ2S+ Yukoners. This inclusion action plan represents a major step on a journey toward a more inclusive society.

Applause

Ms. Clarke: Thank you, Mr. Speaker, for the opportunity to respond to today's ministerial statement.

We all want the Yukon to be an inclusive territory where all Yukoners are treated with respect and dignity, a place where everyone is treated fairly and without discrimination, no matter if you are a new Yukoner or one whose family has been here

for generations or a Yukoner who is part of the LGBTQIA2S+ community.

All are welcome to live, work, and play in our beautiful territory. That is why we are pleased to see this ministerial statement come forward today and the announcements and commitments that have been made.

During the last territorial election campaign, we heard from members of Queer Yukon about the need for a new pride centre. We were proud to make the commitment to help this group to fulfill their plans of building a new centre that would be community driven and collectively imagined, a physical space where community members can gather and access resources, programs, and supports — a safe community space.

Mr. Speaker, we believe that every Yukoner deserves to be safe — safe to live how they want, safe to express themselves how they want — and to freely congregate with whomever they so choose. That is not just the basis of Yukon, Mr. Speaker, but the freedoms of Canada. I have to acknowledge that there may be some Yukoners who still have questions for the LGBTQIA2S+ community. I encourage those people to reach out to Queer Yukon, ask the tough questions, and learn about this exciting and vibrant community.

From what I have seen, they are definitely open to answering any and all questions, no matter who you are. In June, I joined with my colleague, the Member for Porter Creek North, on the wharf to help kick off Pride Month. After some remarks, participants broke into groups and joined in a circle to get to know a little about each other. I could see how difficult it was for some members of the queer community to talk freely in an open space, and this was on the wharf, Mr. Speaker — a place for all Yukoners. This is why the Yukon Pride Centre will become such an important place for our community. The centre is also a main pillar of the government's inclusion action plan, developed in conjunction with Queer Yukon.

The Yukon Party welcomes the Yukon Pride Centre, and we sincerely wish Queer Yukon all the best in building a space where everyone is welcome.

I would like to thank the minister for this statement and for their support of the new Pride Centre, as well as the inclusion action plan.

Applause

Ms. Tredger: I want to start my response by providing some context for this plan. Until very recently, the LGBTQ2S+ community was entirely supported by volunteers. Volunteers organized events like Pride with piecemeal one-off grants. They attended meetings and consultations with government, advocating for the needs of their community, but always in a volunteer capacity because there had never been funding for a staff position. It has been about a year and a half since the very first funding was provided to an LGBTQ2S+ organization in this territory, and that's a big deal.

I want to quote from the message from the minister that is written at the beginning of this plan. She writes: "We acknowledge that so often, changes do not happen simply due to the goodwill of the government but through direct community action and hard-won challenges to unjust

legislation and procedures." I was very happy to see these words included and acknowledged, because the truth of it is that this plan is long overdue and there has been a heavy cost to that.

When individual people are forced to stand up to fight against governments and institutions, even when they win, they pay an enormous personal cost.

I have watched people under immense stress as, on their own, they have competed with the full force of government. I have watched volunteers burn themselves out as they tried to be what their community needed. The people whom I really credit with this plan are the people who finally decided that they had enough and repeated over and over to government, "We will not do your work for free."

So, it's these people whom I really want to thank. Some are visible; some are not. I see the sacrifices that you have made, the things you have given up, the stress you have taken on. I see what you have done for our community, and I am so, so grateful. We are so grateful. I'm so proud of what we have fought for and gained.

What Queer Yukon Society and All Genders Yukon Society have been able to accomplish with their funding is incredible. The resources available for queer and trans Yukoners today versus even what there was a year ago — it is night and day. There are so many things that I could highlight, but I'm going to pick one. That's the engagement that was done to plan the Pride Centre.

The Pride Centre knew that queer and trans Yukoners were tired of having their time taken for granted by being asked to consult for free, and so they adopted a model where, every time they asked people to participate and to contribute their time and labour to this project, their efforts were honoured by providing something in return. Our community was consulted at bonfires and drag shows and trivia nights. It was a lot of fun and it was wildly successful.

I have talked a lot about the sacrifices made because they got us to where we are now and to where we will be in the future. But I also want to celebrate our successes and share my absolute joy and delight about the opening of the Pride Centre.

I would have given a lot for something like this space when I was growing up here when nothing like this existed. I'm so proud of my community for making this happen. I'm so proud and so excited about the ways that we are going to support each other, the ways that we're going to shake up the world, and we're going to have so much fun doing it.

So, thank you. Thank you to everyone.

Applause

Hon. Ms. McLean: Thank you, Hon. Speaker, and thank you to my colleagues from across the way. Thank you for the emotion. I think it is important that we show our emotion in the House, in our Legislative Assembly. I am so proud of the work that we have done together and that we were able to deliver on the commitments that we made as a government.

Since taking office in 2016, we have prioritized modernizing legislation, policies, and programs to ensure that government is serving all Yukoners. Our Liberal government has taken significant action to make the Yukon a more inclusive

and welcoming society. I think back to early days and the early meetings that we had with the LGBTQ2S+ community and to the emotions and the commitments that we three women leaders made to the community. We delivered on them. Today is a really huge milestone that I am proud of, and I am proud to have worked alongside our fellow Yukoners to accomplish this.

I am proud to share some of our other accomplishments. There are many, but I really want to put this on record. We passed the *Sexual Orientation and Gender Identity Protection Act* to ban conversion therapy in the Yukon. In the early days, we changed our *Vital Statistics Act*. We changed the *Human Rights Act*. These are important pieces of legislation. We passed the *Gender Diversity and Related Amendments Act*. We changed so much language that was outdated and unacceptable to have in our laws in the Yukon. We changed the Yukon *Public Service Labour Relations Act*, and we passed an act on the equality of spouses and a statute amendment act, which was, again, long overdue.

We have recently formally changed the name and mandate of the Women's Directorate to Women and Gender Equity Directorate. We expanded health care insurance coverage for trans and the transgender community, extended coverage for gender-affirming therapy for trans Yukoners, extended coverage for trans-affirming medical therapies, procedures, and surgeries.

We now provide free of cost PrEP and PEP for HIV pre-exposure. We offered World Professional Association for Transgender Health training at no cost to Yukon government clinicians and non-governmental organizations. We continue to modernize legislation. We will continue to do better. We made LGBTQ2S+ awareness and inclusion training available to all Yukon government employees. We offered mental wellness funding to All Genders Yukon Society. We renovated the Yukon Visitor Information Centre to provide the first newly renovated gender-inclusive washroom. We provided operational funding to Queer Yukon Society. We are now working in partnership with all LGBTQ2S+ societies to support the establishment of the Yukon Pride Centre. These are just a few highlights of the work that is happening to advance inclusion across the Yukon. We need to keep working with our partners to advance gender equality and to end discrimination.

Thank you, Hon. Speaker, and thank you to members of this House for your support.

Applause

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Student behavioural issues at Jack Hulland Elementary School

Mr. Kent: Mr. Speaker, I want to return to a number of questions about Jack Hulland Elementary School. Yesterday we mentioned that, on April 5, 2021, the Yukon Liberal Party put out an election press release regarding supportive education. In that press release, the Liberals said that they would look at behavioural support programs such as the Grove Street program to ensure that they are meeting the intended

purpose. We asked a couple of times if this review had started, but the minister did not answer that question.

I will ask again for a third time: Has this review of the Grove Street program started? When will it be completed? Can we see the terms of reference for the review, or is the minister abandoning this promise that her party made to the Jack Hulland school community?

Hon. Ms. McLean: Mr. Speaker, I am happy to rise today to speak about and continue on with the discussion that we have been having about Jack Hulland school. I want to go again to the work that we've done around the review of inclusive and special education and the child advocate review on attendance that highlighted a number of areas where we can do better.

It took many decades for Yukon's education system to become what it is today; however, right now, I, as the minister, and the staff in the Department of Education and schools are assigned to carry out many responsibilities on behalf of Yukoners.

I am excited about the work that has happened to review inclusive and special education, which will bring significant change to our system. We are working collaboratively with the First Nations Education Commission and the Advisory Committee for Yukon Education. We have now a draft work plan to implement the recommendations from the review of inclusive and special education. We will be hosting an education summit on November 12 to further advance this work at the community level and with all partners. We are working with partners to collaboratively develop a student outcome strategy, as well, to ensure that we are tracking action that we take together and making the impact that we want.

I will continue on with my answer.

Mr. Kent: So, the question that we asked was specific to the review of the Grove Street program and the commitment made by the Liberals during the election period to review that program.

The minister has also mentioned that there is to be a facilitated meeting with staff at Jack Hulland Elementary School that was scheduled for this week. I understand that, at the October 6 school council meeting that she attended, there was a commitment that staff could speak at this meeting with no fear of repercussions or discipline from the department. So, I understand that the meeting is scheduled for today at 3:30 p.m.

So, can the minister commit that she will attend that meeting in person and that staff can speak openly and freely at that meeting?

Hon. Ms. McLean: Yes, I have met with the Jack Hulland Elementary School Council, which included a number of parents and staff members, and I have heard their concerns. I am meeting with the teachers this week. We have made other commitments at this meeting, which I believe we have met.

Actually, I will go back. The commitments that were made around the review of the Grove Street handbook and the protocols for communication were made at a September meeting, and I delivered those to the meeting on October 6. It was at that time when I heard directly from teachers the

concerns that they have. I made the commitment to have a meeting so that they can be heard, and that is happening. I am looking forward to further work with the school community, and I look forward to continuing this discussion, of course, on the floor of the Yukon Legislative Assembly.

At the heart of this is the well-being and the education of our children, which we all take very seriously, and we are committed to doing the best job that we can.

Mr. Kent: The question that I asked the minister was with reference to the staff meeting scheduled for today — that she will attend in person and that the staff there will be able to speak without reprisal — and I never got a response to those questions.

We continue to hear about stories of violence toward staff and students and bullying and vandalism at the school. One parent who reached out to us said that the focus has shifted at her dinner table from: “What did you learn at school today?” to “Was everything okay today at school?”

Families are desperate and looking for action and leadership from the minister and from the Liberal government. The next school council meeting is scheduled for November 3, and we understand that many members of the school community are planning to attend. So, will the minister commit to attend the next Jack Hulland school council meeting and bring forward concrete steps to address the concerns of the school community?

Hon. Ms. McLean: It is vital that our education system meets the needs of individual students in a way that reflects the diversity of learning needs in our schools. We continue to improve how we provide education to support all of our students. It is vitally important to me that our schools are safe and welcoming spaces for our children and for the staff who work hard to provide education to our students. I know that the specific question on the floor is whether I will attend the next Jack Hulland school council meeting. I will, of course, attend if I am invited. That is what happened for the October 6 meeting. I was invited to attend that meeting, and I did so at the request — I had asked to come to the September meeting, and the school council had asked that I come in October instead because they had other business that they wanted to deal with at the school level.

I really want to thank the school councils across the Yukon Territory. I have had a chance to meet with many of them. I’m aiming to meet with all of them in the near future. They do an incredible job and have a huge responsibility to undertake on our behalf.

Question re: Physician recruitment and retention

Mr. Cathers: Over 2,000 people do not have a family doctor. This summer, the only walk-in clinic closed, leaving thousands of people with no alternative other than going to the emergency room.

Yesterday, the Minister of Health and Social Services talked to media and gave the impression that fixing this problem isn’t really a priority. That’s concerning for us and thousands of Yukoners who don’t have a family doctor. It’s also concerning that, despite the previous success of the

physician recruitment and retention officer position in the Department of Health and Social Services, the position was abandoned by this government.

Will the Minister of Health and Social Services tell us why the physician recruitment and retention officer position was dropped? Will she now agree to re-establish this important position and increase the government’s focus on physician recruitment and retention?

Hon. Ms. McPhee: Hon. Speaker, I had the opportunity yesterday to speak to media about this very important matter, and I was pleased to do so. The importance of everybody in the Yukon being able to have access to personal medical care and eventually, we hope, a personal medical care team is absolutely critical. That is the focus of *Putting People First*. The implementation of polyclinics in that report is all about making sure that every Yukoner has a medical team in place to provide primary health care services that they need.

We are aware, from *Putting People First*, that approximately 21 percent of individual Yukoners do not have a family physician. This is a national and global shortage. We continue to recruit through the national and online forums and to support and supplement staff here at this time during the pandemic with agency nurses and out-of-territory resources.

Mr. Cathers: That response sounded like the minister is planning on moving away from doctors rather than supporting the retention of doctors. We know that she is growing her department substantially this year but has neglected to make physician recruitment and retention a priority.

People who depended on the walk-in clinic were upset when it closed, and they are concerned that the minister doesn’t seem to see fixing the family doctor shortage as a high priority. Her government abandoned the physician recruitment and retention position and is not putting nearly enough focus on encouraging family doctors to move to the Yukon.

We know that this Liberal government has had a rocky relationship with the Yukon Medical Association, including treating the YMA as a minor stakeholder during their health review. Worse, the government’s commitment to move away from fee-for-service doctors has created uncertainty about the future.

Doctors are reluctant to move here and establish new practices or buy into existing clinics when it forces them to make a major personal financial commitment without certainty.

Will the minister agree to make working with doctors to improve and enhance physician recruitment and retention a high priority and repair their relationship with YMA?

Hon. Ms. McPhee: In 2019, our government instituted a “find a doctor” program, which has, since that time, connected over 1,050 individual Yukoners with a physician here in Yukon. We have expanded access to virtual care alternatives. We have increased the number of pediatricians, psychiatrists, and surgeons who live and work here in the community. We, of course, need more nurse practitioners. We plan, in January 2022, to open the bilingual health centre, which we expect to take some of the pressure off, currently, of the physician shortage.

We are working with the YMA to address the physician recruitment and retention policy and plans — that we can move forward together to have more doctors come and live in our community. We already have financial incentives, in that we — here in the territory — pay physicians about the same rate of pay that they earn in British Columbia, plus 30 percent.

We have a vacancy — I'll stop there.

Mr. Cathers: Well, Mr. Speaker, that is cold comfort for thousands of Yukoners without a family doctor. During the minister's speech about their fall budget, she didn't even mention the family doctor shortage or the importance of attracting more doctors to move here. I talked about it during my budget response, as did our colleagues to the left in the Third Party, but the Minister of Health and Social Services didn't even mention the issue. From her comments here yesterday, she implied that she wasn't even aware that the walk-in was closing, despite the fact that it was widely reported on by media.

This issue is something that the government has paid lip service to, but they abandoned the physician recruitment and retention officer position and haven't done nearly enough to work with the YMA. In fact, it is fair to say that, for most of their time in office, their relationship with the YMA was distinctly frosty.

Will the minister agree to work with the YMA on jointly developing new recruitment and retention efforts to attract doctors to move to the Yukon and end the family doctor shortage?

Hon. Ms. McPhee: Unfortunately — I am sure that the member opposite didn't hear my last answer, which was that we are working with the Yukon Medical Association to move forward and have their best advice about how we can recruit and retain physicians here in the territory.

Hon. Speaker, the very best possible recommendation to get doctors and nurses to come to the Yukon is our lifestyle here — the proximity to outdoor activities, to arts and culture, to community services, to things like the track or the Canada Games Centre. In fact, the federal president of the Canadian Medical Association is a Yukoner herself. I know that we have lots of profile, and people are interested in coming here.

The characterization, if I can say that, of either what I said yesterday to the media or of our priorities for looking at the absolute requirement that medical professionals are needed here in the territory — and we will continue to recruit them — is simply incorrect from the other side of the House.

This is not a problem that will be solved. We will work on this long term because of people's choices to move back and forth, and it is a priority.

Question re: Mining project oversight

Ms. White: The recent Alexco mining inspection report highlighted a lot of unauthorized activities. There were unauthorized settling ponds being constructed on the tailings site, illegal burn sites, unauthorized backfilling, and many other environmental violations. It is hard to comprehend how the government could let things get that bad.

Can the Minister of Energy, Mines and Resources tell the House what, if any, consequences will be imposed for these violations?

Hon. Mr. Streicker: I can say that we have a great group that deals with mining inspections. Whenever there is a spill, first of all, the mine is required to report it. If they don't and our inspectors find that spill, then the mine is considered offside. There are specific consequences around spills when they happen. The first thing that happens, almost always, is that work is done to make sure that the spill is contained and that the environment is safe. Then, depending upon what happens afterwards — and in a review that is automatically put in place — there is work that is followed up.

I will work to get a specific answer for the member opposite about spills or incidents at Alexco, but I can say that our mining inspectors work closely to make sure that the mines are safe whenever there is an incident or an accident.

Ms. White: Well, Yukoners are hopeful that it will be more than a \$240 fine.

Here we have a mining company with a long list of environmental violations, and this was not the first inspection that found problems — illegal burn sites, burning unauthorized materials, unauthorized backfilling, unapproved settling ponds, discharges into the creek that exceeded TSS standards, and debris blocking public access to a trail.

We are talking about a mine site that overlooks a Yukon community, and we are talking about residents who have worked hard to transform the community into a tourism destination, a town that has lost their water well due to contamination, had their fire truck removed by government, and is now facing the closure of their transfer station. What is the minister doing to ensure that the residents of Keno City get a fair shot at saving their community instead of slowly being taken over by a mining company that keeps violating its permits?

Hon. Mr. Streicker: Mr. Speaker, what I want to say to the folks in Keno is that I'm always happy to work with them to make sure that the mine that is happening there is happening in a safe fashion. I'm not sure that I would characterize it in the way that the member opposite has. I know that there have been incidents. The incidents that have happened have all been ones that have been dealt with and addressed. I look forward to getting some specific information for the member opposite.

The way in which this works, Mr. Speaker, is that whenever there is an incident within a community or wherever that mine incident happens, it is reported. If it is not, then the mine is offside of the rules. Our inspectors go and look at it. They make sure that things are safe, and then they work to correct the situation. Fines or sanctions are then applied as necessary, according to the severity of the incident. I'm happy to get some specific details for the member opposite, but, in general, I believe that the system is working properly with respect to Alexco.

Ms. White: Mr. Speaker, I think that the minister would find that Keno City residents have a completely different understanding of the situation.

Let's sum it up again. Two parent companies are operating in the Keno area and both seem to be getting away with environmental violations. On top of this, the government continues to cut services to Keno City but seems to have very little interest in making sure that the mining sites follow the rules. Keno residents are asking themselves a very important question, and others are wondering the same thing: Does the government care about the residents of Keno, or are they waiting for them to get tired and give up so that the government can just simply walk away?

Hon. Mr. Streicker: I'm trying to recall how many times I've travelled to Keno and met with the residents. I think it is three or four times. Certainly, I do care about the residents of Keno.

The member opposite talked about water. Well, when the well was found to be contaminated, what the Department of Community Services began to do was to deliver water to the community so that they could have safe drinking water. That's not about abandoning Keno.

Keno asked, previously, that we work to resolve some of the conflicts and encroachments around land. I know, again, that the Department of Community Services worked to support the folks from Keno. I know that the Premier himself travelled to Keno to meet with residents.

I will look into the specifics of Alexco for the members opposite and for the residents of Keno. I think it's important that we make sure that things are done well there. I have not had it flagged to me by the department that Alexco is offside from the work that they are doing. I look forward to ensuring for everyone — Alexco, Energy, Mines and Resources, the residents of Keno, the members of this House — that I report back on the status of those spills and make sure that things are working well.

Question re: Fuel-wood supply

Mr. Istchenko: In early June, the Wood Products Association met with the minister to inform the government that there was a pressing shortage of firewood for commercial woodcutters. They gave the minister plenty of notice to try to address the issue. Yet, here we are in late October and we are hearing from many Yukoners, especially in rural Yukon, who are very worried about the availability and cost of firewood.

Can the minister tell us what steps he has taken to address this issue since he was made aware of it almost five months ago?

Hon. Mr. Streicker: I believe that we met with the Wood Products Association in the month of June — so four months ago — and we began working that day. The response from the Wood Products Association — and they heard me say it to the deputy minister and the forest resources branch — was please work with the Wood Products Association to support them in order to try to get the supply of firewood, but also timber, in the short term, medium term, and long term. It is a very important issue.

Specific steps that we took — we got two interim cut blocks approved around Haines Junction for woodcutters there. We met with YESAB to try to talk to them about how we could

move ahead on processes. There was a large application in for Quill Creek around Haines Junction, and that one now has the recommendation in — thank you to YESAB for getting that done — and it's now with the Department of Energy, Mines and Resources, and I know that they are working hard on that.

We met with Community Services to talk about how to work with the wildfire protection areas — the work to protect our communities — whether we could use that for firewood, and there are several other steps that we have been taking. I am happy to get up again and talk about the work that the department is doing to support access to firewood.

Mr. Istchenko: We have heard from several commercial woodcutters this week that they are either relying on commercial wood coming from British Columbia or they are deciding to shut down. We only need to look around the Yukon to know that there is plenty of wood out there, but there is a shortage of urgency and willingness by this Liberal government to allow Yukon woodcutters to access that wood. We have heard that more than 90 percent of the firewood that will be used this winter will have to be imported from British Columbia, Mr. Speaker. That makes no sense from an environmental perspective, and it certainly doesn't make from a cost perspective.

What is the minister doing about the critical shortage of available firewood here in the Yukon?

Hon. Mr. Streicker: First of all, there is some wood coming from British Columbia, and I completely agree with the member opposite that, if that wood is coming from places far away — Fort Nelson or Smithers — that is a problem. As I have said to the forest resources branch and the Wood Products Association, we don't want that. If the wood is coming from Lower Post, that is different. I asked the department, even this week, to confirm — I know that they had spoken with the woodcutter in Watson Lake and talked to him about where the wood was coming from and where he was sourcing his wood from and also whether the blocks that we were identifying — whether they were good blocks for him to do that firewood-cutting work.

What I said, Mr. Speaker, is that I asked the department to do all they could. So, we have done a series of things. For example, I approached Highways and Public Works because they were doing some roadside clearing and there was a bit of wood in there, and I asked whether that would be an accessible way to get at wood. There was a block that was being identified near Mount Sima for some work, and I asked whether that could be used, and we connected up one of the wood producers with the group that was getting the clearing done.

So, Mr. Speaker, I have asked that they work on all fronts to try to support the access to firewood across the territory.

Mr. Istchenko: We have heard from several seniors in rural Yukon who are struggling to access firewood, and what little is available is extremely expensive. One of my constituents sent the minister an invoice that showed that she paid \$4,000 for eight cords of wood. We have heard of waiting lists that go way into late January. Many Yukoners are genuinely just worried about freezing this winter.

I will ask the minister: Can he give some suggestions to Yukoners who are having trouble accessing firewood so they aren't left to freeze this winter?

Hon. Mr. Streicker: As I have said, I asked the departments to work closely with the Wood Products Association and also on personal-use firewood permits to provide as much access as possible. I will also note that, apart from the other ways that I have already enumerated, we have been working to try to approach — I also had a call with several First Nation chiefs to talk about the issues and to talk about how we could work together to support access to more firewood.

Broadly speaking, there has been a short-term slowdown, and when that was brought to our attention, the department began to work on it right away. I think it is also true that there are some costs that have gone up broadly — like the cost of diesel and gas have gone up — so the costs for our woodcutters have gone up. I think we should anticipate some of those costs being there. They are outside of our control, but I agree that we are working hard to get access to more wood block lots for cutting. I talk to the department weekly about this issue to see the progress on the file.

Question re: Yukon Advisory Council on Women's Issues membership

Ms. Clarke: The Yukon Advisory Council on Women's Issues is an important body that promotes women's issues in the Yukon. Unfortunately, the council has not been as active as it should be over the past few years. The minister is required by law to appoint a chair and ensure that the council has enough members.

Currently, the council has only three members and no chair. We have heard that they have asked for these appointments to be made. Will the minister responsible fulfill her obligations under the act and appoint more members and a chair?

Hon. Ms. McLean: I am happy to rise today to talk about the Yukon Advisory Council on Women's Issues. This is an important body. We value the advice and recommendations that the Yukon Advisory Council on Women's Issues has provided to Government of Yukon since its inception in 1992.

I know that the member opposite knows quite well, because she herself has been a member of this committee recently, that we've been working closely with this council along the way as we move toward the name change and the update in the mandate to the Women and Gender Equity Directorate. Again, this is an important body. I know that there are vacancies and we are working to recruit folks to be part of this council.

I note that there will be some changes going forward. As I mentioned, the previous council member would know that I worked alongside them to review the function of YACWI and the current context — and I will continue with my answer.

Ms. Clarke: Mr. Speaker, under the act, the council is required to meet at least four times per year. But with so few members on the council, it has been hard for the council to meet this requirement.

Can the minister tell us how many times the Yukon Advisory Council on Women's Issues has met this year and whether they will meet the legislative obligation to meet at least four times in 2021?

Hon. Ms. McLean: Hon. Speaker, as I've stated, we are continuing to advertise and recruit for new members who will bring the expertise and representation to this council. I encourage Yukoners who are passionate and actively working toward gender equality to consider putting their names forward.

As I've noted, we worked alongside the council previously as we worked to review the function and focus of the Yukon Advisory Council on Women's Issues. We have now made that mandate change and name change, and we will be taking further steps with the Yukon Advisory Council on Women's Issues as we evolve into a new mandate for the directorate.

I thank the members who are currently on the council and look forward to filling those positions and moving this important advisory council forward.

Ms. Clarke: Mr. Speaker, there are many women's groups that have taken note that the Yukon Advisory Council on Women's Issues has not been a priority for this government. The fact that it is has been left with so few members and no chair is a clear sign of this. Can the minister confirm her commitment to the importance of YACWI, commit to appointing the necessary members and a chair, and ensure that the council does not continue to languish?

Hon. Ms. McLean: Hon. Speaker, as I have stated, we absolutely value that the advice and recommendations that the Yukon Advisory Council on Women's Issues has provided to our government. Since its inception in 1992, it has done really important work. As I have stated, we are continuing to advertise and recruit new members who will bring expertise and representation to this advisory council. I encourage Yukoners to put their names forward as we move into this next phase and era of this important advisory council.

I have worked alongside all of the equality-seeking groups in this territory in a very passionate way. It was part of my life before being in the Legislative Assembly and it will continue to be my priority in seeking equality and equity for all genders in the Yukon.

Speaker: The time for Question Period has now elapsed. We will now proceed to Orders of the Day.

ORDERS OF THE DAY

Hon. Ms. McPhee: Hon. Speaker, 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 (Ms. Tredger): Order, please. Committee of the Whole will now come to order.

Motions re appearance of witnesses

Committee of the Whole Motion No. 1

Hon. Mr. Streicker: Deputy Chair, I move:

THAT, from 3:30 p.m. to 5:30 p.m. on Thursday, October 21, 2021, Justin Ferbey, president and chief executive officer of the Yukon Development Corporation, and Andrew Hall, president and chief executive officer of the Yukon Energy Corporation, appear as witnesses before Committee of the Whole to answer questions relating to the Yukon Development Corporation and the Yukon Energy Corporation.

Deputy Chair: It has been moved by the Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation:

THAT, from 3:30 p.m. to 5:30 p.m. on Thursday, October 21, 2021, Justin Ferbey, president and chief executive officer of the Yukon Development Corporation, and Andrew Hall, president and chief executive officer of the Yukon Energy Corporation, appear as witnesses before Committee of the Whole to answer questions relating to the Yukon Development Corporation and the Yukon Energy Corporation.

Committee of the Whole Motion No. 1 agreed to

Deputy Chair: The matter now before the Committee is general debate on Bill No. 4, entitled *Act to Amend the Motor Vehicles Act (2021)*.

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

Bill No. 4: *Act to Amend the Motor Vehicles Act (2021)*

Deputy Chair: The matter before the Committee is general debate on Bill No. 4, entitled *Act to Amend the Motor Vehicles Act (2021)*.

Is there any general debate?

Hon. Mr. Clarke: Deputy Chair, I would like to introduce my officials from Highways and Public Works and Justice today: Andrea Bailey to my right, and Chris Butler to my left.

The legislation that is before us today is about reducing impaired driving in the Yukon. The proposed amendments to the *Motor Vehicles Act* include: aligning the language with the updated *Criminal Code of Canada*, providing Yukon enforcement officers with better tools to impose penalties for impaired driving, expanding the ability to impound vehicles, and updating the ignition interlock device program. Aligning our legislation with federal law will strengthen our ability to combat impaired and dangerous driving offences. These

amendments are an important step and are necessary to keep our roads safe for all users.

Specifically, the major amendments to the *Motor Vehicles Act* include the following: First, this bill will align the blood alcohol limit for roadside sanctions with the *Criminal Code of Canada* from greater than 0.08 percent to 0.08 percent or above. This change, while seemingly small, is an important change. We need to be able to prosecute drunk driving as soon as the 0.08 level is reached.

Next, this bill will align the waiting periods for the ignition interlock program to the *Criminal Code of Canada*. I will speak about this ignition interlock program specifically later on, but the misalignment between our current legislation and the *Criminal Code* has been a source of confusion for those involved with the program, both from those participating in it and those who are administering it.

Third, we are strengthening the authority for Yukon enforcement officers to issue immediate licence suspensions and vehicle impoundments when drivers refuse to comply with a roadside alcohol screening demand. When you think about it, this is fairly common sense. If a driver gets pulled over in a busy section of highway for drunk driving, the police can't leave an unattended vehicle for the rest of the evening in a place where it could create a traffic hazard. Really, this is just about clarifying the authority to do so.

Another change is that peace officers will have the authority to impose a 90-day roadside suspension for criminal impairment by drugs and/or alcohol. We need to take impaired driving as seriously as we can and keep those who endanger themselves and the public off the road.

As well, peace officers — or more specifically, the RCMP — will be better empowered to issue immediate roadside impoundments and response to failure to stop after a collision, fleeing from an officer, and when suspending a driver for 24 hours. This is another common-sense provision, but it is really about clarifying and strengthening the language and the authority for our enforcement officers.

Understanding Bill C-46 — to understand the need for this legislation, we need to understand why the federal legislation was updated in the first place. Across Canada, impaired driving has been an issue for decades. So many people die or are injured needlessly in Canada because of reckless and irresponsible actions of drunk or impaired drivers. In response, the federal government decided that they would change the criminal penalties for those who break the law.

On April 13, 2017, the government introduced Bill C-46, *Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*.

Bill C-46 aimed to strengthen existing drug-impaired driving laws and create an impaired driving regime in Canada that would be among the strongest in the world. The preamble to the act sets out nine considerations that motivated the legislation. This preamble is an important legal instrument that sets the context for the rest of the act. It is intended to be read as part of the bill and assists in explaining its purposes and objectives.

To summarize at a high level, it notes: (1) dangerous and impaired driving are unacceptable at all times and in all circumstances; (2) it is important to give law enforcement better tools to detect impaired drivers; (3) that it is important to simplify the law relating to proving blood alcohol concentration; (4) that it is important to protect the public from those who consume large amounts of alcohol before driving; and (5) that it is important that federal and provincial laws work together to promote safety.

In fact, this preamble is so important, I would like to read it now as much of it is directly relevant to the context we see in the Yukon. The preamble to this federal piece of legislation reads as follows:

“Whereas dangerous driving and impaired driving injure or kill thousands of people in Canada every year;

“Whereas dangerous driving and impaired driving are unacceptable at all times and in all circumstances;

“Whereas it is important to deter persons from driving while impaired by alcohol or drugs;

“Whereas it is important that law enforcement officers be better equipped to detect instances of alcohol-impaired or drug-impaired driving and exercise investigative powers in a manner that is consistent with the Canadian Charter of Rights and Freedoms;

“Whereas it is important to simplify the law relating to the proof of blood alcohol concentration;

“Whereas it is important to protect the public from the dangers posed by consuming large quantities of alcohol immediately before driving;

“Whereas it is important to deter persons from consuming alcohol or drugs after driving in circumstances where they have a reasonable expectation that they would be required to provide a sample of breath or blood;

“Whereas it is important that federal and provincial laws work together to promote the safe operation of motor vehicles;

“And whereas the Parliament of Canada is committed to adopting a precautionary approach in relation to driving and the consumption of drugs, and to deterring the commission of offences relating to the operation of conveyances, particularly dangerous driving and impaired driving;

“Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows...”

That is an excellent of summary of why laws are vital to dealing with impaired driving.

One of those points I just read states that it is important for federal and provincial laws to work together to promote the safe operation of motor vehicles. That is exactly why we are here today: to ensure that both federal law and territorial law are working together to provide an effective legal regime aimed at deterring impaired driving and ensuring the safe operation of motor vehicles.

Now, on to the federal act itself. The legislation reformed the entire *Criminal Code* transportation regime to create a new modern, simplified, and more coherent system to better deter drug- and alcohol-impaired driving. It also supplemented the existing drug-impaired driving offence regime by creating three

new offences for driving while under the influence of a drug. The law now specifies that the driver cannot have a certain level of drug in the driver’s blood within two hours of driving.

As we all remember, the federal government passed the *Cannabis Act* a few years ago. That was about controlling the production, distribution, sale, and possession of cannabis across Canada. On October 17, 2018, this act came into force and using and possessing cannabis was now legal — of course, with some limits.

However, it was still very much illegal to drive under the influence of drugs. But what did this mean? How could the law enforce this? What levels would be determined for criminal impairment?

The federal *Cannabis Act* changed the game and Bill C-46 was the answer for ensuring that officers could prosecute drug-impaired driving by providing specific limits on the amount of a drug that could be in the driver’s blood. Exceeding this limit while driving was now a criminal offence. The penalties outlined in Bill C-46 depend on the drug type and the levels of the drug or the combination of alcohol and drugs, but it was a big step forward in improving the drug-impaired driving offence regime in this country.

In December 2018, the federal bill, Bill C-46, came into effect, providing for increased fines for impaired driving and clarifying the blood alcohol and drug concentration levels that constitute impaired driving. This federal legislation was the impetus behind the bill before us today, as the Yukon needed to update our laws to be in alignment with the *Criminal Code of Canada*.

The driving force behind these amendments in front of us today are really about reducing impaired driving in the Yukon. Impaired driving is a serious issue, Deputy Chair. Every day, up to four Canadians are killed in alcohol- and/or drug-related vehicle crashes. The number of those injured is higher still, as statistics don’t really get to the heart of the matter. Numbers alone do not drive home the true extent of the damage that is caused. Every one of these deaths is a tragedy in itself — the loss of a child, woman, or man whose hopes, dreams, and aspirations will go unrealized because they were violently torn from this world for no reason and certainly completely avoidable. Every time I read or hear of a death due to a drunk or impaired driver, it is hard — it is hard because it is such a preventable tragedy. It is carelessness and recklessness that has such severe consequences. Sometimes it is the impaired driver who suffers these consequences, but more often than not, it is an innocent bystander who, through no fault of their own, is suddenly severely injured or tragically has been killed. A single mother driving home from work one evening, a family out on their vacation driving back at the end of the day, a retired couple coming back from a friend’s house — all driving normally, following the rules of the road, not impaired, when suddenly it is over.

If they are fortunate, they will not succumb to their injuries and wake up in the hospital. Sometimes those killed or injured by impaired drivers are not even driving. They are out for a walk with their dog, they are crossing the street, or they are coming home from school. It is heartbreaking; it truly is.

However, the devastation does not end there. Their loss also transforms the lives of those around them, for they are someone's daughter, son, sister, brother, mother, father, or friend — a unique and irreplaceable individual to those who love them.

We all know or have heard of parents who have lost their children in this way. We have all heard about family members, relatives, or friends who have been impacted for the rest of their lives with chronic pain or disabilities resulting in and from an accident that was brought on by an impaired driver. It is heartbreaking, but what makes it worse is that these tragedies are entirely preventable.

No one needs to drive impaired. No reason is sufficient for that driver to endanger the lives of others and the general public. There can be a lot of excuses. In a previous life, I certainly heard a lot of them, as defence counsel — it was only a few drinks, it's too late to get a cab, it's only a few blocks to drive home — but the horrible destructive result can be the same.

While strengthening laws like we are doing today is a good start, we can't solely rely on the justice system and law enforcement; we all have a role to play.

Do not drive if you are impaired. Do not let your family or friends drive if they are impaired. If you see someone on the road who you think may be impaired, call 911. Be responsible, be alert, and stay safe. These are the messages that we must all communicate to our constituents, our families, our friends, and our loved ones.

It is a tough subject, talking about the impacts of impaired driving, the preventable tragedies, the sheer recklessness and selfishness of it. It is made even more difficult when we understand how bad the problem is in our territory.

While many of us in this room today understand the prevalence of impaired driving in our territory, I think it is important that I highlight some key facts to illustrate the sheer extent of the issue. Driving under the influence of alcohol, cannabis, and other drugs remains a major issue in the Yukon. Here are a few sobering statistics: In 2019, the territory's impaired driving rates were significantly higher than in the provinces, with a rate nearly three times higher than that of Prince Edward Island, and Nunavut, which had 1,779 incidents per 100,000 people, put it in the lowest rate of impaired driving in the territory. Let me repeat: That was the lowest rate among the territories in 2019, but was still three times that found in Prince Edward Island. That is shocking, but unfortunately, it gets worse. The Yukon and the Northwest Territories reported rates of 2,068 and 3,139 incidents per 100,000 people respectively. To summarize, Yukon had significantly higher rates than Nunavut in 2019. This highlights how bad of a problem impaired driving is in our territory.

Continuing with this trend, police reported that impaired driving rates in the territories have also significantly increased in recent years. Between 2015 and 2019, impaired driving rates have increased by 71 percent in the Yukon. When we all look at this in combination, it paints a truly dire picture.

On a per capita basis in recent years, the Yukon's impaired driving rates have been as high as nine times the national

average. Our collision rates have approached six times the national average, and our collision fatality rates have been the highest in Canada, exceeding the national average by three times.

According to a 2015 report by the Yukon's chief medical officer of health, entitled *Motor Vehicles in Yukon: A Public Health Perspective*, there were a total of 3,789 collisions in Yukon between 2011 and 2015, with a total of 1,424 individuals who attended the emergency ward of Yukon hospitals.

Suggested reasons for these differences include a variability in climate, socio-economic status, rates of alcohol consumption, access to trauma care, and differences in road infrastructure and enforcement measures, but, no matter the reason, this is a serious problem for the Yukon.

High rates of impaired driving have translated into high rates of alcohol-related injuries and fatalities on Yukon's roads. Between 2011 and 2014 —

Deputy Chair: Order.

Mr. Hassard: Thank you, Deputy Chair, and I would like to thank the officials for being here today and for the briefing that we received. It was certainly a thorough and educational briefing. As I said during our second reading speeches, we wouldn't have many questions on this. For now, I will cede the floor to the minister so that he can continue his opening remarks.

Hon. Mr. Clarke: I thank the Member for Pelly-Nisutlin.

Between 2011 and 2014, 25 percent of collisions that resulted in serious injury in Yukon involved alcohol. During this same time period, 50 percent of motor vehicle deaths involved the driver who was driving compared to 29.2 percent for Canada. That is close to double the national average. These are troubling statistics, and our government is doing everything we can to counter this trend.

I will address our actions in a few moments, but I want to stay on the Yukon's troubling statistics for a few more minutes. Let me be clear: Driving while impaired by alcohol and drugs remains the most prevalent factor contributing to serious road crashes in the Yukon. Despite the progress that has been made, impaired driving continues to present a high risk to the safety of road users in the Yukon. Between 2015 and 2018, Yukon saw an increase in impaired driving convictions from 3.9 times the national average in 2015 to 5.1 times the national average in 2018. While some might see it as a positive sign that our enforcement officers are convicting more people who are breaking the laws — actually, it would be judges — what it really points to is a dramatic increase in people who are driving impaired.

Another important data point on this issue is that the 2018 Yukon roadside survey had some very enlightening work come out of it. Let me start by reading the executive summary as well as some interesting points of this report. To summarize for those who are unfamiliar, a roadside survey of drivers was conducted in the Yukon to obtain an objective valid estimate of the prevalence of impaired driving. Data was collected in the City of Whitehorse from June 13 through June 16, 2018.

Drivers were randomly sampled from the traffic stream at 12 pre-selected locations between the hours of 9:00 p.m. and 3:00 a.m. on Wednesday through Saturday night and invited to participate in a voluntary study of alcohol and drug use. Participants were asked to provide a breath sample to measure their alcohol use and an oral fluid sample to be tested subsequently in a toxicology laboratory for the presence of drugs. Of the 463 vehicles which were randomly selected for the survey, 392 drivers agreed to participate — a participation rate of 84.7. Of these drivers, 92.3 percent provided a breath sample and 85.7 percent provided an oral fluid sample.

So, what did the survey tell us? 22.3 percent of drivers had alcohol, drugs, or both in their system while driving; 17.8 percent of drivers were positive for drugs; and cannabis was the most common drug, accounting for more than 77 percent of all drugs detected. I would just note that I have often heard over the course of the last four or five years in the Legislature that, of course, alcohol is a drug in and of itself.

As well, the highest percentage of drinking drivers was found on Friday night — 9.3 percent. Drivers aged 20 to 24 years old were the most likely to have been drinking, 10.6 percent; males were more likely than females to test positive for drugs, 21.6 percent versus 12.4 percent respectively.

Drivers aged 20 to 24 were most likely to test positive for drugs, 30.2 percent, and drug use was common every night of the week. Just to recall, that was over the course of four nights.

Among drivers in the graduated licensing program, 30 percent tested positive for cannabis. The use of psychoactive drugs by drivers exceeded the use of alcohol by a wide margin. Cannabis was clearly the drug of choice by drivers, but other psychoactive substances, such as cocaine and methamphetamine, were also detected. We also learned that drivers between the ages of 20 and 24 are a key target group for countermeasure activities.

Remember, Deputy Chair, this was a survey where people volunteered to participate. They volunteered and yet still we had shocking numbers show up. What about those who chose not to participate? Would they have changed the statistics even further, perhaps making these shocking results even worse?

What is clear, Deputy Chair, is that this issue is widespread and that far too many Yukoners are driving impaired. With statistics and surveys showing that we have a long way to go still, tackling this issue requires a multi-pronged approach. One aspect is updating and improving the legislation to allow enforcement officers to do their jobs and remove drivers under the influence. That is why we are here today.

To underscore that point, I also want to say that Yukon is one of the few jurisdictions in Canada to have no penalties for drivers with a blood alcohol concentration between 0.05 and 0.8 percent, even though drivers in this range have a higher risk of collision. In jurisdictions with stronger impaired driving laws — for example, British Columbia, Alberta, Saskatchewan, and Ontario — there has been a marked decline in motor vehicle collisions and deaths. We are hoping that the updates to the *Motor Vehicles Act* in front of us today will result in that same decline in our territory.

I also want to note that, to tackle this issue over the past two years, we have increased fines up to \$500 for distracted driving and for illegally passing a school bus, the maximum currently allowable under the act. As well, speeding fines went up in May 2018 and now can cost up to \$200 which, for those of us who have travelled to other jurisdictions, we well know that those are still very modest numbers. We have been increasing penalties where we can to help to reduce impaired and dangerous driving in the territory, but this bill is another significant step forward.

I am proud to be speaking to this bill today, and I fully believe in its importance. However, another very important aspect in tackling impaired driving in the territory is working with others who are tackling this problem from an awareness and educational campaign standpoint.

I want to emphasize to my colleagues that not only are we modernizing our legislation to ensure adequate enforcement against impaired drivers, but we are also working closely with many organizations on campaigns and public messaging directly targeting the problem of impaired driving. Our government continues to partner with the RCMP and the Yukon Liquor Corporation on education and awareness campaigns against impaired driving.

Another important group that I want to mention is the federal-provincial-territorial justice ministers' impaired driving working group, which has developed model laws for how provinces and territories can better address impaired driving. This group — which consists of a committee of federal and provincial officials representing justice, highway transportation and licensing, and the police — began its work in October 2017. The focus of the group has been to design a model law that would be helpful for all Canadian jurisdictions to refer to when updating their own legislation regarding enforcement regimes for alcohol- and drug-impaired driving.

The scope of the group's work and the development of this model law considers a wide variety of topics, including the basis for suspension, the length of suspension, the length of suspension in cases of repeat offences, the use of the interlock program, as well as treatment programs.

According to this group, the scientific literature clearly shows, with a few caveats, that each of the topics that I just listed affects a different offender demographic and reduces the incidents of impaired driving in overlapping and distinct ways.

As such, serious attempts to reduce impaired driving require the adoption of most, or all, of the above strategies. I know that the work of this group has been helpful to the work underway in Highways and Public Works as traffic safety is a complex area with many interactions and dependencies, including provincial and federal responsibilities, regulatory and criminal distinctions, commercial and technical realities, not to mention the abundant psychological and scientific literature relating to best practices that should be considered.

Deputy Chair, it's interesting to note that, according to this group, when they formed, there were almost no evaluations of the effectiveness of the current administrative licence programs in Canada and no studies that compared the effectiveness across jurisdictions of the different approaches that were adopted.

Given the differences in jurisdictions — Prince Edward Island and Ontario, for instance, have very different regimes, and even within jurisdictions, there can be significant factors that must be considered — for instance, urban, rural, and remote areas.

Determining our best practice is sometimes difficult in a Canadian context. However, the federal-provincial-territorial justice ministers' impaired driving working group has developed their model law by developing comparable statistics, including establishing baseline data against which the effectiveness of programs can be measured.

I look forward to learning more about this working group and how the Highways and Public Works policy team is using their information as they progress through the major *Motor Vehicles Act* rewrite. For now, I am using this example to highlight how the problem of impaired driving in Canada is complex and requires a lot of different organizations and jurisdictions to work together on solutions.

These groups are incredibly important for moving forward together in a coordinated and evidence-based way in tackling impaired driving.

One other group that I would like to quickly touch on is MADD, or Mothers Against Drunk Driving. MADD is a strong and effective advocate for addressing impaired driving in Canada. This organization started in Canada in 1989.

It has worked tirelessly to change the attitudes and culture around impaired driving for decades. The exact number of lives saved as a result of the work done by MADD Canada along with its predecessor organizations and many other groups cannot be known for certain, but there is no doubt that this group has had a tremendous impact over the last 30 years. MADD Canada estimates the total number of lives saved at roughly 42,526 in the last three decades. This demonstrates strong progress toward MADD's goal. Unfortunately, during that same time frame, 45,394 Canadians were killed in alcohol-related crashes, and impaired driving remains the leading criminal cause of death in this country. We need to do more to keep more people safe.

To remind people of the terrible impact of impaired driving, every year MADD coordinates a campaign called Project Red Ribbon. I will be speaking to this later in this session, but this campaign takes place each year over the holiday season from November 1 to the first Monday after the new year. Deputy Chair, this timing is not a coincidence. The holiday season is generally a busy time on most people's social calendars. It is a time of year when we get together to enjoy the festivities, fine foods, and, let's be honest, there is often alcohol as well. Unfortunately, this time of celebration also corresponds with an increase in impaired driving incidents. For over 30 years, volunteers in communities across Canada have distributed millions of red ribbons to the public to attach to their vehicles, key chains, purses, and backpacks.

Displaying this iconic red ribbon means two things. First, it serves as a reminder and as an appeal to drive sober during the holiday season. This reminder is all too important in Yukon where we have one of the worst records for impaired driving in the country. We can do better. This brings me to the second meaning behind the red ribbon. These ribbons also serve as a

tribute to honour all those who have been killed, injured, or affected by impairment-related crashes. What makes the situation so tragic and difficult to accept is that impaired driving is not an accident but a preventable crime.

For every life lost or changed by impaired crashes, there are significant effects and impacts on our communities. Road safety is everyone's responsibility.

I will take this opportunity, as Halloween is just around the corner, to remind everyone, particularly those going out to Halloween parties this year, to please be responsible. Please never drive impaired or ride with an impaired driver. Please plan ahead and arrange a safe way home by organizing a sober drive, taking a taxi, or spending the night. Also, let's all commit to calling 911 and reporting a driver who you suspect is impaired.

My department, Highways and Public Works, continues to strive for safer roads through engineering, maintenance, education, awareness, and enforcement. We are pleased to work in partnership with MADD, the RCMP, the Yukon Liquor Corporation, the Department of Justice, and many others, both in and outside the territory, who want to reduce the number of impaired drivers on our roadways.

There are so many good people working to reduce impaired driving, but I would like to give a shout-out to the MADD Whitehorse chapter in particular — to their executive and to the numerous volunteers who have worked for MADD over the years. Your dedication and tireless efforts are helping to save lives, and we thank you. I would also like to encourage anyone who is passionate about this to talk to the local MADD chapter and to offer to volunteer. I am sure that they could use your help.

I know that the department will be proud to display the red ribbon, when the time comes, on our government fleet vehicles and transportation maintenance vehicles.

One of the other organizations that deserves a special acknowledgement today is the RCMP. It is the police whom we turn to when we need our laws to be followed, and it is the police who are on the front line enforcing the law around impaired driving. These officers are the ones on the ground every day, keeping Yukoners safe and ensuring there are consequences for those who are not following the law. I want to thank the officers for their dedication to public safety in everything they do. The RCMP in Yukon are also partners with the Yukon government in making the Yukon a safer place to live.

For example, the RCMP provides information packages that are inserted into new driver's licence kits that are provided to all newly licensed drivers.

I would like to recognize Operation Corridor — a joint effort between Yukon carrier compliance and the Yukon RCMP. Operation Corridor is a great example of working together.

I have a few more comments, but thank you.

Mr. Hassard: I didn't realize that the minister was filibustering his own bill or I probably would have asked my questions and maybe we would have had an answer in that time as well.

So, Deputy Chair, I will ask a couple of questions in the hopes of getting a couple of answers as we have very few minutes left. I am curious — during second reading speech and from the previous minister, we heard lots of talk about a major review of the act coming forward, so I am curious as to why the government felt that these changes needed to be done before that major review came forward — as well, if we could find out who all was consulted on these changes.

Hon. Mr. Clarke: Thank you for the question from the Member for Pelly-Nisutlin. With respect to the new *Motor Vehicles Act* rewrite, I am advised that there have been extensive public engagement campaigns, which I will certainly provide additional detail about during the Committee of the Whole supplementary budget discussions.

With respect to the question as to why this act came forward before the complete rewrite — essentially the amendments, which we will likely be speaking to at another meeting of Committee of the Whole — it is to make the territorial *Motor Vehicles Act* in compliance with the *Criminal Code of Canada* in various important areas.

To focus specifically with respect to these amendments, they are designed to enhance road safety through expanding the roadside suspension impoundment authorities of peace officers. Peace officers can now impose 90-day roadside suspensions for criminal impairment with drugs or a combination and drugs. Peace officers also now have the authority to impound a vehicle in specific circumstances, including failure to stop after an accident, flight from a peace officer, and existing driving suspension.

I think, to answer the member's questions, I will get to this.

Last year in the Yukon, at least five people who were eligible to drive immediately with an interlock ignition device under the *Criminal Code of Canada* were prevented from doing so by the existing waiting periods in the *Motor Vehicles Act*. The proposed amendments will ensure this inconsistency is realigned by changing the waiting periods for the ignition interlock program to reflect the same waiting periods as found in the *Criminal Code*.

As well, as a result of the updates to the *Criminal Code of Canada*, there have been some problems sanctioning certain impaired driving offences because the existing *Motor Vehicles Act* only applies to above 0.08 percent. The amendments will reduce the risk of legal challenges to impaired driving sanctions by updating the impairment threshold for blood alcohol content to match the *Criminal Code of Canada* language, which is 0.08 percent or above.

During the Government of Yukon's collaboration with the RCMP and the Driver Control Board, we received input on addressing specific high-risk safety issues, as well as aligning the current *Motor Vehicles Act* with the *Criminal Code of Canada*.

The RCMP were supportive of the additional enforcement tools for roadside suspension and impoundment duties. The Driver Control Board also supported updating provisions related to the *Criminal Code* — specifically the waiting periods for the ignition interlock program — along with the alignment of Yukon's law with the federal law.

Essentially, in my view and my understanding in speaking to my officials and to my department, there was some urgency in having these laws align with the *Criminal Code of Canada*, and in that, the complete rewrite and comprehensive rewrite of the *Yukon Motor Vehicles Act* will still take some time. This was viewed as being important for addressing issues of road safety and protecting the Yukon driving public in the interim.

Deputy Chair, given the time, I move that you report progress.

Deputy Chair: It has been moved by the Member for Riverdale North that the Chair report progress.

Motion agreed to

Deputy Chair: Pursuant to Committee of the Whole Motion No. 1 adopted earlier today, Committee of the Whole will receive witnesses from the Yukon Development Corporation and the Yukon Energy Corporation.

In order to allow the witnesses to take their places in the Chamber, Committee will now recess and reconvene at 3:30 p.m.

Recess

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

Appearance of witnesses

Deputy Chair: Pursuant to Committee of the Whole Motion No. 1 adopted on this day, Committee of the Whole will now receive witnesses from the Yukon Development Corporation and the Yukon Energy Corporation.

I would ask all members to remember to refer their remarks through the Chair when addressing the witnesses and I would also ask the witnesses to refer their answers through the Chair when they are responding to members of the Committee.

Witnesses introduced

Hon. Mr. Streicker: It is my pleasure to welcome the witnesses from the Yukon Development Corporation and the Yukon Energy Corporation here this afternoon. I would just like to begin by making a small clarification for the record. This past Tuesday afternoon, the Member for Porter Creek North rose to give notice of a motion — and I quote:

“THAT this House urges the Premier to ensure that witnesses from the Yukon Development Corporation and the Yukon Energy Corporation appear as witnesses in the Legislative Assembly during the 2021 Fall Sitting and provide the House with notice of the date they will appear, without further delay.”

The reason that I am drawing attention to this is because parties were informed both this past Monday morning and Tuesday morning that the Yukon Development Corporation and Yukon Energy Corporation would be appearing as witnesses today.

So, here we are. The witnesses appearing before the Committee of the Whole today are Justin Ferbey, president and chief executive officer of the Yukon Development Corporation,

and Andrew Hall, president and chief executive officer of the Yukon Energy Corporation. These organizations are leading the development, funding, and implementation of our renewable electricity strategy. We are very excited to be part of the important initiatives that will help to ensure that Yukon's electricity needs are being met sustainably and affordably.

Projects funded through Yukon Development Corporation's programming and the Yukon Energy Corporation's 10-year renewable electricity plan will help us to reach our carbon-reduction goals as outlined in our climate change strategy and will diversify our sources of renewable energy and so increase energy security. These projects and initiatives demonstrate what can be accomplished in the north when we work together.

I would like to take a brief moment, Deputy Chair, to thank the current members of both boards — those whose terms have ended and those newly appointed. While we work to meet the increasing demand for energy, and do it in a way that is both economically and environmentally sustainable, we are going to have to rely on the broad range of skills and experience that these individuals bring to the table. Their contributions are very much appreciated. Again, I would like to thank the officials from both corporations for being here. I look forward to today's discussions.

Deputy Chair: Will the witnesses like to make brief opening remarks?

Mr. Ferbey: Thank you for the opportunity to provide information for the members of the Legislature with respect to the Yukon Development Corporation.

Developing new, sustainable sources of electrical energy is an important tool for reducing the overall carbon footprint. Yukon Development Corporation and Yukon Energy Corporation are working together to ensure that we have the electrical generation, distribution, and storage systems in place to meet the needs of Yukon's growing population and economy now and into the future.

Additionally, Yukon Development Corporation continues to research alternatives for large-scale renewable energy generation and storage and will provide clean, reliable, and affordable energy based on Yukon's long-term energy needs.

Through the independent power production policy, the Innovative Renewable Energy Initiative, and the Arctic energy fund, we are encouraging the development of First Nations' community-led renewable energy projects to offset the use of fossil fuels in generating electricity across the territory.

Meeting our territory's growing energy needs will require a broad collaborative approach, and YDC is actively working with all levels of government, as well as utilities, to identify and support the renewable energy projects that best meet Yukon's increased demand for power.

From local and traditional knowledge in our communities and First Nations through the experience and technical depth in the utilities to the policy and programs that we have across all levels of government, it is only by bringing all of these together that we will be able to address the challenges successfully and support the development of a new energy ecosystem.

As well as supporting investments in renewable energy, we must also continue our focus on ensuring that we have the energy, that we use energy wisely. Diversifying our energy portfolio will both increase the resiliency of our communities and reduce the dependence that we have on energy generation from fossil fuels.

Deputy Chair, thank you for the opportunity to speak on YDC's behalf. I would now like to turn over the floor to the president and CEO of Yukon Energy Corporation.

Mr. Hall: Thank you, Mr. Ferbey. Minister, Deputy Chair, thank you for the opportunity to be here today to share information with members of the Legislature about the exciting ways that Yukon Energy is working toward building a sustainable energy future in the Yukon.

It's a future with more sources of renewable electricity, lower greenhouse gas emissions, and more First Nation and community partnerships, as envisioned by the Yukon government's climate change strategy, *Our Clean Future*.

In January 2020, we took a big step forward toward that future with the release of our 10-year renewable electricity plan.

Our plan outlines the key steps, projects, and partnerships needed over the next decade to address growing demands for clean electricity in Yukon and to help us reduce carbon emissions in the territory. It is a plan that sets Yukon Energy up to supply, on average, more than 97-percent renewable electricity to Yukoners by 2030.

I am pleased to report that, since releasing that 10-year plan, Yukon Energy has made good progress on a number of projects within the plan. We have signed electricity purchase agreements with three independent power producers that build and export solar power to the grid starting this year. When complete, these three solar projects will generate enough electricity to power more than 200 homes in Yukon each year. We have also selected a site for a new 7.2-megawatt grid-scale battery in Whitehorse, and the procurement process for this battery system is well underway. When complete, the new battery will help us to improve grid stability, respond to power outages quicker, and eliminate the need for four diesel units each year.

As part of the battery project, we are also proud to have signed a term sheet with Kwanlin Dün First Nation and Ta'an Kwäch'an Council that will see both First Nations benefit directly from this project.

We have also made great progress on negotiating an electricity purchase agreement with Tlingit Homeland Energy Limited Partnership for purchase of power from the proposed Atlin expansion project. By providing us with another dependable source of renewable capacity that we can rely on each winter, purchasing power from Atlin will help us to eliminate four more diesel rentals from our existing fleet each winter. We hope to finalize this electricity purchase agreement for the Atlin project by the end of this year.

While advancing projects in our 10-year renewable electricity plan has been a major focus for Yukon Energy over the last year, it is not the only thing that has occupied us. I am particularly proud of the protocols that our team has put in place

to keep all our staff and our customers safe during the COVID-19 pandemic.

With that, I thank you for your time this afternoon. I welcome the opportunity to answer your questions.

Mr. Dixon: I would like to begin by thanking the visitors to the gallery, Mr. Ferbey and Mr. Hall, for joining us today and answering questions. Of course, we will cover a range of topics today, and we have a lot to talk about. I will just jump right into it, if that is all right.

I will begin with questions that I believe will more likely be aimed at the Yukon Development Corporation. I would like to ask a few questions about the Arctic energy fund. My understanding is that \$400 million was allocated by the federal government for energy projects in the north, as the name would suggest, and that \$50 million of the \$400 million was allocated for Yukon. To date, I know that a number of projects have been funded under the Arctic energy fund, including a project in Old Crow, a project in Beaver Creek, a project in Destruction Bay, and, I believe, a project in Watson Lake potentially. I am wondering if the witnesses can provide me an outline or a breakdown of the allocation of that funding, under the Arctic energy fund — which projects have been funded and how much — and what the criteria or selection system is for deciding which projects are funded and which are not. I know that there are some parameters available from the federal infrastructure website, but I think that little is available in terms of what the Yukon Development Corporation uses to decide which projects to support. With that, I will turn it over to the witnesses.

Mr. Ferbey: In terms of the projects from the Arctic energy fund that were approved this fiscal year, we have Whitehorse with roughly \$13 million, which was the four-megawatt project for the Haeckel Hill wind — led by Chu Niiikwān Development Corporation, the KDFN's development corporation. In Dawson City, we have \$486,000 for a 309-kilowatt dome solar project that is being led by the Klondike Development Organization. In Burwash Landing and Destruction Bay, they are working toward a 300-kilowatt Kluane wind project by the First Nation — that is \$4.9 million. Other projects that are in the works in the Arctic energy fund include another solar project in Beaver Creek — a 1.9-megawatt project — and the First Kaska partnership in Watson Lake equally is looking at a solar project of 2.85 megawatts, and they are working on their Arctic energy application. Of course, the Old Crow solar project has been commissioned and is up and going — the 940-kilowatt solar project.

The terms and conditions of the Arctic energy fund were renegotiated to align more closely with Yukon's energy environment. The proposed changes were accepted by all parties in 2021. Today many of the First Nations are leading renewable projects that are owned by their respective development corporations. Some of the changes allow the development corporations to be reconsidered as indigenous ultimate recipients, giving them access to higher levels of financing that in turn make their projects financially viable.

Additionally, expanding eligibility criteria of the fund to include on-grid communities allows Yukon to reduce its dependence on fossil-fuel generation throughout the territory.

One of the large changes was allowing First Nation development corporations to be included as indigenous ultimate recipients to be able to leverage more of the Arctic energy fund, particularly on the grid.

Mr. Dixon: So, I would like to walk through some of those projects just to clarify the numbers. I don't think I kept up with the witness on some of the numbers.

I will start instead with a question about the change in programming to allow for on-grid projects, because I know that when the original Arctic energy fund came out, it was focused primarily, if not solely, on off-grid diesel replacement. I'm wondering if the witnesses can explain some of the decision-making around changing it from off-grid diesel replacement to on-grid projects and why that criteria were shifted.

Mr. Ferbey: Yes, there have been changes to allow on-grid projects. One of the — if you will — challenges at the time was two-fold, one being that the commission of these projects does take quite a period of time to bring the actual due diligence, the implementation, and actually the construction. Of course, this fund has a closed end date. One of the projects that was moving forward was the wind project from Kluane, and so there was discussion to allow greater flexibility to allow some of the projects that are more advanced to be able to be put on grid. Secondly, the challenge previously — where the development corporations, which are leading most of the projects, weren't considered under the indigenous ultimate recipient, meaning that they couldn't leverage 75 percent of this contribution to their project until that late change was made. So, to date, all the communities that are off grid still have the access that they need to the Arctic energy.

One of the things that we do balance is to ensure that those communities that are off the grid still have the financial capacity within Arctic energy to bring their projects to commission. There is the room for the communities that are dependent on diesel also.

Mr. Dixon: Perhaps the witness can explain just a little bit more about the allocation breakdown — how much the proponent is required to provide, how much Arctic energy provides, and how much Yukon Development Corporation provides on any of these projects.

Mr. Ferbey: Deputy Chair, with the allocation, we've been working with proponents first to ensure that the project, if you will, is right-sided with the proponents.

They can apply for up to 75 percent of their project cost through Arctic energy. In most instances, the proponents also are stacking other revenue sources from other federal streams and additionally from our Innovative Renewable Energy Initiative to reach their entire capital structure of 100 percent.

What we've been doing through our own exercise internally is ensuring that each of the projects — particularly the diesel-dependent communities — have access to this fund, given the fact that many of these projects can be very large, so we are balancing that to ensure that places like Watson Lake and Burwash Landing — those communities that are dependent on diesel — have access to resources that they need to bring their projects to ground.

Mr. Dixon: Deputy Chair, I would like to walk through some of those projects that the witness listed. He started with the Whitehorse project, the Haeckel Hill project. Obviously, this is a project that previously wouldn't have been eligible for the Arctic energy fund prior to the policy change that the witness indicated — that was made earlier this year. In past years, my understanding is that applications were made for that project and were denied or didn't seem to be eligible because of that requirement. Previously, the proponent was a company called Northern Energy Capital, and I'm wondering if the witness can provide us with a bit of background as to what changed and when the current proponent came on and when the previous proponent dropped off.

Mr. Ferbey: Deputy Chair, with this project, one of the challenges at the front was that the only consideration of an ultimate indigenous recipient was a First Nation government, not its development corporation — of course, the challenge being that many of the First Nation governments are running their for-profit opportunities through a development corporation. So, at the time, Chu Níkwän was in a partnership. They were not 100-percent owned in the application, but, as an ultimate indigenous recipient, the First Nation proponent needs to be a 100-percent owned company. So, I believe the change to the name of the company was that the Chu Níkwän took over 100-percent ownership of this project, which led to a different company. Now it is wholly owned by the KDFN shareholders of their corporation.

Mr. Dixon: That was very clear. I appreciate that.

Can the witness please repeat — I believe I missed it — the total size of the project and the total cost of the project? I wrote down four megawatts, but I may be wrong there, and I didn't catch the total capital cost of the project.

Mr. Ferbey: Yes, the project is four megawatts, and \$13 million is their application to the Arctic energy fund.

Mr. Dixon: The next project that the witness listed was the Dawson project. My understanding is that this is a solar project involving the KDO in Dawson. The witness mentioned that it was 486 kilowatts, I believe, but perhaps he could let us know the size of the project and the capital cost of the project.

Mr. Ferbey: It is \$486,000 to Arctic energy, and the size of the project is 309 kilowatts. It's a solar project.

Mr. Dixon: Again, the proponent in that case — I would like to know who the proponent was and if it is correct that this is another project that wouldn't have been previously eligible for the fund prior to the policy decision made earlier this year to allow for on-grid projects.

Mr. Ferbey: The proponent is the Klondike Development Organization, and, yes, they became eligible when the criteria allowed for on-grid energy investments.

Mr. Dixon: Moving on, there is the Destruction Bay-Burwash Landing — I believe it is a wind project. Can the witness provide the size of the project and capital cost, as well as the proponent?

Mr. Ferbey: The proponent is the Kluane First Nation. The financial allocation that they are seeking is \$4,935,000, and it is a 300-kilowatt wind project.

Mr. Dixon: There was a project in Beaver Creek, I believe, which I heard was 1.9 megawatts. Can the witness confirm that, as well as the capital cost and the proponent?

Mr. Ferbey: Still under consideration — these communities are working toward their applications — these include the 1.9-megawatt solar project in Beaver Creek, and the applicant is the First Nation Development Corporation, called Copper Niisüü Limited Partnership. Another development corporation that is in application is the First Kaska, which is the Liard First Nation's development corporation. They are working toward a solar project of 2.85 megawatts. Lastly, I mentioned the Old Crow project, which is in commission and is a 940-kilowatt solar project.

Mr. Dixon: I was just looking for the capital costs of those projects. Do we have those yet?

Mr. Ferbey: The capital costs that I quoted for the other projects is because they have been approved this year. The other projects that I mentioned — Copper Niisüü and First Kaska — are in the application process, so they haven't finalized their numbers.

We are also providing them support through the Innovative Renewable Energy Initiative, and they are doing some of the pre-feasibility work, which includes working toward a class of cost. With that, they would firm up the number that they are looking for to apply, so I don't have an accurate number of what ultimately the application will have, given that they haven't been approved yet.

Mr. Dixon: Could the witness let us know when the Arctic energy fund expires?

Mr. Ferbey: The bilateral was signed in 2008, the total funding amount is \$50 million, and it ends in 2027-28.

Mr. Dixon: I am just trying to get a sense of — if the total amount in the pot, so to speak, is \$50 million, the witness has listed \$13 million for the Whitehorse project, half a million dollars for Dawson; \$4.935 million for Destruction Bay — is it safe to say that the remaining projects that he listed in Beaver Creek, Watson Lake, and Old Crow will consume the remainder of the fund?

Mr. Ferbey: Deputy Chair, when we looked at the tentative budget, which includes these projects, there are other projects that we understand that are in application. An example would be — two that I am aware of in Carcross. The number of these projects, when they get brought to the commission — they are in the range of \$13 million to \$14 million to \$15 million. What we are trying to do is to ensure that these communities have access to a portion of the Arctic energy fund, but if we look at the budget that we do have, understanding that applications are in the works, it would have to allocate all of the Arctic energy fund. There are enough projects on the books today that, to allocate them, would be over \$50 million. It is a matter of timing the application from the proponents with balancing the need, which, in many instances on the energy side, supersedes the amount of revenues available.

Mr. Dixon: So, it is clear then that there are more projects than there is money for this fund, and some of the projects that have been approved were approved under the basis of the change to the policy decision to allow for on-grid

projects. So, it is possible that, in a year or some time down the road, projects would be denied that are off grid and designed to displace diesel. Is that correct?

Mr. Ferbey: What we have done in those projects that are diesel dependent — we have left the budgetary capacity within the Arctic energy fund for those communities that are in the works and diesel dependent to ensure that all of the fund wouldn't be allocated on grid. In essence, we left the fiscal capacity, for example, for Beaver Creek and Watson Lake and the diesel-dependent communities.

Mr. Dixon: So, it's safe to assume then that off-grid diesel-reliant communities are being prioritized over on-grid projects?

Mr. Ferbey: Deputy Chair, we have left the fiscal capacity for those off-grid projects, so we're balancing the entire budgetary appropriation on the Arctic energy to ensure that there is the capacity for the off-grid communities, recognizing that, at this point, there are a few advanced projects that are on grid. But we will definitely keep the capacity for those communities that have a notional allocation that they are expecting in their capital structure. So, we are ensuring that, when the communities are able to advance their projects and seek an application through the Arctic energy, the fiscal room is still available for them.

Mr. Dixon: So, based on what the witness has told us so far on the projects that have been approved, of the \$50 million, there is \$13 million for Whitehorse, \$500,000 for Dawson, and \$4.93 million for Destruction Bay. That leaves about \$13 million and change available. If we assume, based on the comments by the witness, that these projects tend to cost between \$13 million to \$15 million each, that would suggest that there is only really room for two of these projects left. Is that correct?

Mr. Ferbey: Deputy Chair, in speaking with the proponents, there are other funds out there. For example, one is called SREP; it's an acronym. We are working with the proponents as they also consider other federal sources of funds that we do know they are seeking, so we're in constant discussion with them to understand what capital structure they need to commission their projects. There are weekly — or, if not, biweekly — meetings with the proponents to ensure that we have the fiscal capacity.

Also, there are instances where some of the proponents are filling some of the room that would have used Arctic energy with other sources of funds — that we keep in close contact with them to assist when they are going to have their application ready.

Mr. Dixon: So, yes, ultimately where I'm getting with this is that I am just wanting to understand that, with a limited amount of money, we are prioritizing communities that are off grid and diesel reliant, because that was the original intention of the fund. It sounds like the availability of funds isn't a concern to the development corporation at this point.

He also referenced the smart renewables and electrification pathways fund, which I am aware of, as another source of federal funding, which could, in the future, provide support to these projects.

Can the witness offer some explanation as to Yukon Development Corporation's role in regard to the smart renewables and electrification pathways fund?

Mr. Ferbey: What we have been doing is providing a concierge service. Of course, when there is an announcement of these funds, there are lots of federal ones and we assist with our proponents to understand what funds are out there. Of course, we talk with federal colleagues to ensure that the proponents — if they need assistance on the applications.

In many instances, it is quite detailed, so we have taken more of a project management type of role and are actively working with the proponents to help them to advance their proposals, and formally, from time to time, the proponents have sought assistance through the Innovative Renewable Energy Initiative for early due diligence. In many instances, that information has to be included in their federal applications, so we provide financial resources to help them have the resources to put their applications into the federal system.

Mr. Dixon: Which of these projects is most advanced, and which would be most likely to be providing electricity the soonest, and at what stage in the process do the proponents need to begin negotiations for an electricity purchase agreement — or if at all?

Mr. Ferbey: The most advanced project is the Haeckel wind project. I believe that the community has commissioned this and are now ordering long lead-time equipment. Dawson City is also advanced in terms of the power purchase agreement and when that is negotiated. I will turn that over to Mr. Hall.

Mr. Hall: The projects that Mr. Ferbey has referred to have to proceed through the regular application process for the independent power producers standing offer program, so they do, in due course. In the case of KDO in Dawson, we have signed an electricity purchase agreement with them.

As Mr. Ferbey mentioned, the wind project — we have not yet signed an EPA, but I expect that should happen sometime this year. As he has mentioned, they have proceeded with the ordering of equipment.

Mr. Dixon: That is a wonderful segue for me into the IPP. The IPP, in its current iteration, came forward, I believe, in January 2019, and I would be happy to be corrected if that is incorrect.

The first project submitted to the IPP went in a number of weeks after that. I'm not sure exactly how long, and I would appreciate the witnesses letting us know when that time was. My understanding was that the first project that will be commissioned will occur next month or this month in 2021. That, to me, looks like over a three-year lead time for one of these projects to start the process and application and get to commissioning.

I am wondering if the witnesses can describe why that process takes so long and what steps have been taken by the corporations to ensure that independent power producer projects can be identified, brought on, negotiated, and connected in a timely fashion.

Mr. Hall: In terms of when the first proponent into the application process — I do not have the date of that. I can say that it has been quite a learning experience for everyone — for

us and for the proponents — in terms of what it takes to analyze a grid connection of even small projects such as these. One of the drivers of the timeline is the requirement for the proponents to pay us an amount of money to complete a grid impact study, which analyzes what happens when their project connects to the grid — in particular, whether there are any constraints or bottlenecks that would emerge.

In particular, if you think about the North Klondike project, for example, down the Mayo Road, they are actually connecting into a pretty skinny ATCO distribution line. In that case, we have to work with ATCO to analyze what is going to happen when you suddenly get one megawatt of solar in the middle of a summer's day. That is a fairly complicated analysis. It is not simple, and it takes time.

So, that is my first comment. Technically, these are quite — even though they are relatively small projects, they can be quite complex to analyze in terms of what they do to the system, and they may drive costs, in which case, the proponent — so the IPP — may be on the hook to pay any grid improvement costs that are required. So, it's a complicated process and it does take time.

The other comment I would have is that, as Mr. Ferbey suggested, these proponents have various strategies and approaches to raising the required funds, so that can take time as well. They don't all have the money required to move through the process all at once. So, depending on what's happening with the funding — and it's not only Yukon funding; it will also be federal programs that they are applying for — they may go on hold while they progress their funding applications.

So, putting those two factors together, it does take some time to progress them through the process. We are working with Energy, Mines and Resources and Yukon Development Corporation on a two-year review of the program to look at what improvements can be made to speed up our responsiveness, but I would just caution the members here that it is complicated, even for small projects, and we can't not do the right work up front to make sure that it is safe and reliable.

Mr. Dixon: So, in the case of the first project to come in the door — I believe that it was the North Klondike project that will be commissioned very soon, perhaps this month, perhaps next month — the witness has indicated that there are two factors that caused the delay in time — one being technical and the other being financing. In this particular case, in the case of the North Klondike project, did financing from the proponent cause any delays, or was it strictly the technical issues related to that project?

Mr. Hall: Deputy Chair, I am not exactly sure of the specifics. I suspect that it was probably more on the technical side in their case — that we had to look at a number of scenarios, we had to work with ATCO on analyzing not only their system, but our system, so I suspect that the balance of the drivers in that case were more on the technical side.

Mr. Dixon: I would like to talk about that technical side. My understanding is — and the witness referenced it — that the proponents are required to pay up front to have a grid impact study conducted. My understanding is that this is done by an

independent third-party contractor that the Development Corporation requires the proponent to use. It is not a choice of who the proponent wants to use — they must use a particular third-party contractor — and that contractor looks at the design and costing of the connection of the project to the grid.

I am wondering if the witnesses can talk a little bit about why that structure is in place, why they require the independent third-party contractor to be a middle man between the proponent and the corporation — and if the witness could confirm the costs that are imposed on proponents for that work. My understanding is that they charge \$25,000 up front for that grid impact study, as well as an additional \$25,000 for legal and management costs. So, I would be happy if the witness can confirm that this is the case.

Mr. Hall: Deputy Chair, the member opposite is correct that we do use the third-party contractor to do the modelling work. The reasons for that are a couple. One is that it is fairly specialized work, and we have one individual who could do it off the side of his desk, but he has a lot of other things to do. So, given the nature of the work required, we made the decision to contract that work out. We went through a competitive process to obtain pricing from a couple of different engineering firms to find the best deal in terms of those costs. We awarded a contract to a particular firm to do the work, and actually we switched firms. We were using another contractor previously. We went through a competitive process, and actually another firm ended up winning that contract. So, the work is contracted out for sure. We provide project management around that, but the technical analysis is done by those contractors.

I will clarify that there are two steps to it. They first look at the technical requirements and then they look at the cost of any equipment or upgrades that may be triggered by the proponent connecting. Those could be costs on ATCO's system or indeed on our system, so it is a two-step analysis.

In terms of the costs required, those numbers sound right. I don't have the details to correct the numbers that are being quoted, but I can certainly return if there are any corrections required.

Mr. Dixon: So, if I am a proponent and I want to come to the Energy Corporation with an IPP project, I'm required to use this third-party contractor that the Energy Corporation has contracted. I appreciate that the competitive process was undertaken to hire that person but, ultimately, that third-party contractor — I'm using the term "middle man" and that could be inappropriate — works for the Energy Corporation. Oftentimes, they could be in a position where they need to make a decision or make a recommendation that is in the best interests of the Energy Corporation. I'm wondering — do I have that correct? If I'm an IPP proponent and I want to bring a project forward to the corporation, I have to go with that third-party contractor that the Yukon Energy Corporation has hired?

Mr. Hall: Yes, that is correct, and I think that there is a very simple reason for that. We are talking about a third party connecting and supplying electricity to our system, and we are responsible for the reliability of the system for Yukoners and the safety of the system for Yukoners. So, we are ultimately

responsible and, at the end of the day, I need to make the decision on who does that analysis.

Mr. Dixon: So, in that case, the third-party contractor is certainly looking out for the interest of the Energy Corporation — I get that — but is there not an ability to provide some sort of advocacy or — basically my question is: It is clear that the third-party contractor is looking out for the Energy Corporation, but I'm wondering who is looking out for the proponent and offering alternatives or creative solutions in that process to allow for the advancement of these types of projects, given the fact that we all think that they are important and should be added.

Mr. Hall: I have a couple of thoughts on this. I think the first one is that we certainly do sit down with the proponents once we get the results and talk about them and look at different scenarios. One of the reasons — and I'm not sure if I mentioned earlier that why sometimes this takes so much time is that the proponents ask us to study a number of different scenarios. So, I think that there is evidence of flexibility and our willingness to work with proponents to solve solutions by the number of scenarios that we run to look at different ways they can connect. I think that there is flexibility and goodwill that we bring to the table, for sure. More broadly, I think that our colleagues at Yukon Development Corporation are certainly working the funding angle to help support and secure the funds required to help these proponents walk through the process. If you look at what both Yukon Energy Corporation and Yukon Development Corporation are engaged in doing, the support is there for those proponents. Frankly, I would argue that if we look at the pipeline that we have ahead of us and the prospects for those projects, it could be that we are fully allocated within a couple of years — the full 40-gigawatt hours of capacity available and *Our Clean Future*. That is a success, I would argue. I think that we can all be quite happy about that in terms of Yukon government, and it was because of the drivers from the industry and the public to bring more renewables to the table. I would argue that the standing-offer program has been very successful thus far.

Mr. Dixon: I don't think that there is any question that it has been successful in the sense that we have seen projects come online or are soon to come online. My question is: What steps has the corporation taken, having gone through this process now, to improve their processes going forward? I appreciate that he said at the beginning that the two factors causing delays on the project are financing and the technical capacity. I think that if we set aside the financing piece — because that is not something that the corporation needs to concern itself with, but the technical capacity certainly is. I am wondering if there have been any steps taken by the corporation to enhance their technical capacity so that they can speed up the process by which future projects can integrate into the system and we don't need to look at a lag time of two-and-a-half or three years for a project to come forward.

Mr. Hall: I spoke about this a little earlier. We are undertaking that "lessons learned" process with the Energy branch and with the Development Corporation to look at those process improvements. If you were to talk to the proponents

now, I think that they would probably say that things have improved already. I sit in on monthly meetings that we have internally around our project management — the funnel of projects that we have in front of us — and I have observed improvements in terms of our internal business processes. I think that, over the next three months or so, there are probably some additional improvements that we can make.

I would just caution, in terms of expectations, that we are not going to reduce this down to one day. It is going to take time, just by the nature of the work. It is not work that can be done instantaneously.

Mr. Dixon: I certainly wouldn't suggest that one of these projects should be turned around in a day. My simple suggestion was that, in this first case, the first project was somewhat of a guinea pig — the first proponent to go through this process. I am sure that there were lessons learned, and I am glad to hear that there is a two-year review of the IPP and I hope to return to that, but I know that I am thin on time, so I will jump ahead.

In the negotiation of the EPA, the proponent and the corporation negotiate a variety of aspects, including the price. As a part of that discussion, though, there is the consideration of carbon credits. Carbon credits obviously exist throughout — certainly in North America, where a proponent of a renewable energy project receives carbon credits for the development of their project.

Can the witnesses outline what happens with the carbon credits in an EPA between a renewable energy proponent and the Energy Corporation? My understanding is that those credits go to the Yukon government and are not used or sold on the market. Can the witnesses confirm that?

Mr. Hall: Deputy Chair, that's correct. Any carbon credits or carbon attributes are transferred to Yukon Energy. But that's really important, because if this power is going to contribute to us reducing Yukon's greenhouse gas emissions, we need to retain ownership of those credits. If they were sold on the open market into Ontario, then Yukon couldn't claim the benefit. If the IPP standing of a program is going to help at all in reaching our climate objectives, those credits have to accrue to us.

Mr. Dixon: I'm not sure that I understand. What does the corporation do with the credits? If they don't sell them on the market and trade them, what do they do? Do they just stockpile them?

Mr. Hall: Deputy Chair, there's no actual transaction there; we don't monetize them.

Just to clarify a few other things, the price is fixed; it's set in the standing-offer program. It's our avoided or lost regulatory-approved cost of thermal generation. It's not negotiated, so it's a fixed price.

Mr. Dixon: Thanks for that clarification on the fixed price, but I want to return to the carbon credits piece. If, in the negotiations, you allow proponents to keep their carbon credits and sell them on the market, it would drive down their capital costs and make their projects more viable and thereby increase the viability of renewable energy projects in the Yukon. Why wouldn't we decide to offer those carbon credits to the

proponent instead of having them go to the Energy Corporation to do nothing with them?

Mr. Hall: As I said before, if the proponent was allowed to keep the carbon credits, they could sell them on the open market outside of Yukon. Therefore, the carbon-reduction effect would leak outside of the territory. We would essentially be buying what is called “null power” and we wouldn’t count toward government’s greenhouse gas-reduction targets. I think we would all agree that one of the benefits of the IPP standing-offer program is to help us reduce our GHG emissions.

So, allowing the proponent to keep the credits and to trade them freely would not help achieve our climate goals.

Deputy Chair’s statement

Deputy Chair: Just to make the proceedings go more smoothly, can I ask the witnesses just to indicate when they are done so that I know when to pass the floor?

Mr. Dixon: I’m not sure that I understand. If we were to require proponents to sell their carbon credits within Canada, it would still contribute to Canada’s overall climate change targets. Yes, I suppose, in a theoretical sense, that it would import carbon into the Yukon by selling them, but it would help advance renewable energy and increase our overall Canadian contribution to our efforts to reduce our greenhouse gas emissions. If we make these renewable energy projects more viable by allowing them to have the carbon credits, it will further incentivize renewable energy. So, I’m not sure that I understand the argument that we would be working against our greenhouse gas emissions targets by allowing proponents of renewable energy to sell their carbon credits on the market.

I would appreciate that if we sold them in Europe, we would be importing theoretical carbon from Europe, but could we not regulate them to just sell them in the Canadian market?

Mr. Hall: I think that Yukon Energy’s primary responsibility is to help Yukon achieve its targets. The member is correct that, if they were sold within Canada, they would help Canada to reduce its emissions, but it would do nothing for Yukon. I think that our primary responsibility is to help Yukoners reduce their emissions.

Also, I think that us getting into the business of trying to monitor and police these IPPs in terms of where they sold those credits would be a burden on us, and I don’t even know how we would do that.

Mr. Dixon: Is it not the case that several other jurisdictions in Canada offer proponents the ability to sell their carbon credits?

Mr. Hall: I wasn’t making the statement that they couldn’t sell them in Canada — they certainly can — but again, our primary goal is to help Yukon support its climate change goals; therefore, the logic is quite clear that we need to attain that ownership.

Deputy Chair’s statement

Deputy Chair: Can I just ask one more time for witnesses to indicate when they are finished? Thank you.

Mr. Dixon: Thank you, Deputy Chair. When I sit down, I’m finished, but that is easier for me to say than the witnesses, I appreciate.

This is perhaps a conversation that we will need to have a further conversation on. I will move on, but suffice it to say that I think there is an opportunity that we are missing by just simply leaving these carbon credits to waste.

I will move on to the current rate application before the Yukon Utilities Board. Just for simplicity for our witnesses, I am looking at the final argument of Yukon Energy Corporation that was submitted to the Yukon Utilities Board. It is dated October 12, 2021. Before I do that, why don’t I let the witnesses explain the nature of the 2021 rate application — why it has come forward and what is being asked right now of the YUB to consider.

Mr. Hall: Deputy Chair, it is a fairly open-ended question. The rate application asks for an 11.5-percent rate increase in 2021. The timing of the rate increase was requested such that there would be no impact on customer bills. We requested that the interim and the final rates be timed with the expiry of certain riders, so those are sort of cost-adders that were falling off on July 1 and December 1 of this year, such that the timing works out — the customer bills will be unaffected in the case of residential and actually go down in the case of commercial bills. Those are the numbers.

In terms of why we applied for a rate increase, there are a couple of reasons for that, but, very simply, we had seen our return on equity erode quite substantially over the last three years. I believe that our most recent return on equity prior to the GRA was around three percent, so we had seen an increase in costs and an erosion of our profitability. Really, that means that when profitably drops, we have less in funds to invest for Yukoners in our growth — assets that require refurbishment — and in the new renewable energy assets and other generation assets that we need to meet the growth that we’re seeing.

Mr. Dixon: So, the corporation is seeking an 11.5-percent increase to rates. One of the significant factors, according to the GRA submission, is the renting of the diesel generators that Yukon Energy Corporation is using currently. Can the witness provide what the contribution is of those rental diesels to this rate application increase?

Mr. Hall: There are pluses and minuses in these numbers, but the diesel rental costs account for about four percent of the 11 percent.

Mr. Dixon: I appreciate that — so a little less than half.

The Energy Corporation, in its 2021 rate application, which I noted, makes particular note, on page 21, of the several detailed assessments taken previously for a more permanent option instead of the rented diesels. I am referring to the 2019 decision to cancel the permanent fossil-fuel-driven backup generators or diesel plants, that I believe that, at the time, the corporation considered diesel, LNG, and a diesel blend.

In 2016, the resource plan identified that infrastructure. Ultimately, a decision was taken in 2019 by the board not to go with that and to instead go with diesel generators.

Can the witness tell us how many diesel generators we are renting this year and for how long we are planning to rent them?

Mr. Hall: We will be renting the same number as last year, so that is 17 units.

Mr. Dixon: How long are we anticipating that we will be renting those diesels?

Mr. Hall: It is the December through March time frame. Sometimes, depending on what is going on in the system, we will have some flexibility around when we terminate the contract in the spring.

Mr. Dixon: I am not sure that I understood. For how many years going forward do we need to rent diesels to meet the dependability capacity gap?

Mr. Hall: The requirement to rent diesels will change over time as we bring new sources of capacity online. For example, when the battery bank comes online, that will reduce the requirement to rent by about four units. We also have a project to replace some diesel engines that are either retired already or are forecast to retire. That will be 12.5 megawatts of permanent diesel generation that keeps our diesel fleet at a constant level. That will get rid of 12.5 megawatts of rentals.

If and when the Atlin project comes online, that again would reduce our rental requirement.

If you look at a long-term renewable solution to close that capacity gap, it would be upon the development of something like Moon Lake, which we are working on, where our requirement to rent would cease. This is obviously contingent on what happens to that growth, because one of our learnings in the 10-year renewable plan is that significant growth drivers in terms of the outcomes of electrification, in particular — so, electric vehicles, electric home heating — to reduce those carbon emissions are driving that growth in peak demand. There is some variability there. It depends on the uptake of electric vehicles, ultimately, as to how quickly that peak will grow, so I can't say for sure how and when the need to stop renting will happen, but it is going to be out to 2030 at least, I would say.

Mr. Dixon: The 2030 date is a new one. That is the first time that I have heard that. Prior to that, it sounded like we would be renting diesels indefinitely. I am interested to hear that now that we are anticipating those rented diesels would come offline perhaps in 2030.

Is 17 the peak? Can we expect to see more rented diesels coming to Yukon as Yukon's demand grows for electricity? Do we anticipate that further units will be need to be brought in to address that gap?

Mr. Hall: I have maybe a couple of comments here. I think that we have been very transparent about the date on which diesel rentals would cease.

I would point the member toward figure 20 in our 10-year renewable plan on page 56, which pretty clearly shows the end of diesel rentals around the end of the 2020s. It is pretty clear. The information has been there from the beginning.

In terms of the maximum number of rentals, based on the numbers in the forecast that we presented there and what I have in front of me, yes, 17 is the maximum. Again, there is a lot of variability in that in terms of the timing by which new resources would come online and also the pace at which the peak demand

continues to grow. It's a tough number to forecast with, with absolute certainty.

Mr. Dixon: So, I believe the 10-year renewable plan suggests that the rented diesels would cease being needed in 2028. So, perhaps I'm looking at the wrong graph. Today the witness has suggested 2030 or perhaps even indefinitely. But it sounds like there is a lot of uncertainty about this anyway. It sounds like we're not quite sure exactly what the demand forecast will look like.

Can the witness give us a good sense of the current dependable capacity gap? What does that gap look like? I know the plans to address it. I know about Moon Lake, Atlin, and the battery. But, absent those projects, what is it today? Because those projects aren't online yet, what is the dependable capacity gap today?

Mr. Hall: The dependable capacity gap is 27 megawatts right now — the forecast for this year — which is the equivalent of 15 rentals. So, the strategy again is 15 units rented and two spares on top of that to bring it to 17.

Mr. Dixon: So, of the 17, where are they physically in the Yukon?

Mr. Hall: Deputy Chair, 10 are here in Whitehorse and seven are in Faro.

Mr. Dixon: Can the witness describe the decision-making process to put the seven in Faro as opposed to them previously all being in Whitehorse?

Mr. Hall: Deputy Chair, just to clarify, they were never previously in Whitehorse. If you want to talk about 17 units, they were never previously in Whitehorse. We have only a certain amount of transformation capacity in our S150 substation, so there is a limit to the number of rentals that we can house in Whitehorse.

The incremental seven units could not be housed in Whitehorse and had to go to another location. In terms of the decision-making on why Faro, the decision at that point was: Is it Faro, is it Mayo, is it Dawson? Our facility in Faro had certain attributes that made it very amenable to accepting the seven units. We had access directly to our 138 KV transmission infrastructure. We had existing transformation capacity available and we had some room available under our existing air emissions permit for the Faro facility.

Mr. Dixon: I will move on to the replacement of other diesel generators in the territory. The witness indicated that there is a plan to replace 12.5 megawatts of diesels. I believe that is in Dawson. Could the witness give us an overview of that project very briefly?

Mr. Hall: Deputy Chair, the plan is five megawatts in Whitehorse, five in Faro, and two and a half in Dawson. There are two quite small units in Dawson that will be retired and we will take advantage of that retirement date to essentially reduce the amount of diesel generation that we have in downtown Dawson. The new units will be placed out at our facility in Callison, which is an industrial area outside of Dawson.

Mr. Dixon: What is the status of those replacements? Where are we at in the process and how was the site outside of Dawson selected — the Callison site — as opposed to the one in town?

Mr. Hall: The status is that we engaged in some public engagement and submitted a YESAB application for the Faro project earlier this year. We expect the YESAB evaluation report shortly. That is for basically expanding our air emissions permit in Faro. I have kicked off engagement with Tr'ondëk Hwëch'in First Nation and the public engagement on the Dawson project and we will be submitting our YESAB application by the end of this year. If all goes well, we will be putting an RFP out in January for a full design/build of a packaged diesel solution for all three sites.

Mr. Dixon: Thank you, Deputy Chair, I appreciate that. What are the anticipated capital costs of that replacement, and how will that cost be reflected in rates?

Mr. Hall: I don't have an accurate number because, obviously, for the costs, we are waiting for that RFP process to get confirmation on cost. I believe it is in the \$40-million range, but I will come back with a confirmed current estimate based on the engineering we have done so far.

How will that be reflected in rates? As normal, we would put those assets into the rate base and they would drive depreciation and return on those additions to the rate base.

Mr. Dixon: I will move on to the battery project. I believe it is commonly referred to in Yukon Energy's documents as "BESS" — the battery energy storage system, I suppose.

What is the status of that project? Where is it physically going to go? How much is it going to cost, and when do we anticipate those costs being reflected in the rates?

Mr. Hall: The status of the project: We announced the selection of the site. It will be located on a piece of Kwanlin Dün settlement land at the intersection of the south access and the Alaska Highway, which will be really transformational for the First Nation in terms of bringing that settlement land into commercial use. We will take a piece of it, but they will be renting out the other portions of what ultimately will be commercial land.

We have signed a term sheet with both Kwanlin Dün and Ta'an Kwäch'än, which basically outlines how we will work with both, because, obviously, the project is located on both their traditional territories going forward.

In terms of procurement, as I mentioned in my opening statement, we are pretty far into the procurement process, so we are engaged in a two-step procurement exercise where we put out an initial call for requests for interest. We then whittled that down to a selected group, which then went out to RFP. We just got the RFP results back. We are evaluating them, and I expect that we will take the procurement decision to our board by the end of this year. You will see an announcement of the selected vendor and the confirmed capital cost at that time. Obviously, until we select the winner, I can't say what the capital cost is exactly, but the most recent estimate that we had was around \$32 million. Obviously, that will be refined once we announce the winner of the RFP. The federal funding contribution toward that is \$16.5 million.

Mr. Dixon: I am aware from YEC's final submission to the GRA with regard to the battery project that the corporation included in this a debenture investment opportunity. I am

hoping that the witness can describe that debenture investment opportunity. I believe this is the first time that this has occurred in a YEC project, although previously they have occurred in YDC projects. I am wondering what the structure of that investment looks like and whether or not it has any impact on the rates.

Mr. Hall: Yes, the debenture investments that are often associated with the projects are very similar in form to the debenture investments that the Yukon Development Corporation entered associated with prior Yukon Energy projects. So, there is quite an established precedent if you look back in history. Previously, they were entered into by the Development Corporation around our projects, but the philosophy and the principle go back to chapter 22 of the final agreements where it talks about the ability of First Nations to invest up to 25 percent of the proponent Yukon Energy Corporation's equity interest in a project. In the case of the battery, the debenture is based on that 25-percent number, so 25 percent of the equity that YEC will be putting into the battery project, and it pays a return based on our actual ROE achieved each year.

Mr. Dixon: I would also note that it is my understanding that the debenture investment opportunity will not have an impact on the rates — just to fill in that. I realize that I am running short on time, so I am going to skip ahead on that one, Deputy Chair.

Can the witness provide us with an update on the Aishihik re-licensing project and what stage that is at? Obviously, the debate between the Champagne and Aishihik First Nations and the corporation spilled over to the media a few years ago and I am wondering what the current status is of that project, what the ongoing discussions are like with CAFN, and whether or not we can anticipate a successful negotiation of a longer term agreement for the Aishihik hydro facility's long-term permitting.

Mr. Hall: As folks may be aware, we were granted a three-year licence, which we are operating under now. We submitted an application for a 25-year licence which proceeded through the YESAA process while the three-year was in place. We received a YESAB evaluation report earlier this year, and that is currently with the decision bodies, so that would be the Yukon government and the Department of Fisheries and Oceans. Any day now, they are due to issue their decision documents, which would be the next step to then allow us to proceed to the Water Board. That's where we are in terms of the regulatory process.

In terms of the negotiations with Champagne and Aishihik First Nations, I am pleased to say that those are due to restart tomorrow. That is following a leadership-level meeting that occurred earlier this month to really — now that the territorial election is past and the chief is back from some leave that he took, the parties are ready to re-engage — that's a broader framework agreement, the objective of which is to address issues outside of the regulatory sphere but that really speak to securing Champagne and Aishihik First Nations' overall support for the re-licensing over the long term of that facility.

Mr. Kent: I have a few questions for the witnesses as well, and I appreciate them appearing here today. The first series of questions that I want to ask about is with respect to procurement at Yukon Energy Corporation. Going on the website here today to take a look at the tenders, I noticed that they use the MERX platform, whereas the Yukon government, of course, uses Bids and Tenders as their procurement platform. I'm curious why the Energy Corporation chose that platform when Bids and Tenders is used for the Yukon government.

I will leave it at that and then have some follow-up questions as well.

Mr. Hall: As an arm's-length corporation, there's no requirement for us to use exactly the same procurement mechanisms as the Yukon government. We certainly have a goal and do regular reviews of this to make sure that we're consistent in our approach with Yukon government procurement, but in terms of the use of MERX, that is a widely used tool for the release of public tenders through industry and we're comfortable that it provides the appropriate amount of transparency and openness throughout our procurement process. Our board and management are comfortable that it achieves the same outcomes that Yukon government might through its particular mechanism that it uses.

Mr. Kent: I appreciate that answer from the witness.

Deputy Chair, with respect to another procurement question for the witness — obviously, the First Nation procurement policy has been adopted and it's in the process of being implemented by the Yukon government. I'm curious if the Yukon Energy Corporation will also adopt that First Nation procurement policy with respect to any tenders that are let by the corporation.

Mr. Hall: Yukon Energy has had its own First Nation procurement policy for a couple of years now. We developed ours a few years ahead of Yukon government largely because, again, there's no requirement for us to follow government policy in this area, but I think, broadly speaking, I'm sure that we have the same overall objectives of Yukon government in terms of what that First Nation procurement policy is supposed to deliver. We have a very different business reality from government and so we made a decision to tailor our First Nation procurement policy to our particular needs and objectives in terms of particularly the development of projects within specific traditional territories.

Mr. Kent: Looking on the Energy Corporation's website, there is currently an RFP there with respect to physical asset management managed system, process and procedure implementation. So, without having gone in to look in detail at this RFP, I did notice in the description that it says — and I'll quote: "Given the significant investment required to sustain YEC's existing asset base..." which is approximately \$50 million over the next five years, that "... YEC has recognized that a holistic approach to asset management is required..."

I am not disputing the need for the approach, but just to dig in on that \$50 million over the next five years — my colleague from Copperbelt North was asking about the diesel replacements. Is that \$50 million over the next five years for

diesel replacements, or is it more for the transmission assets and the main renewable assets, such as Mayo and Whitehorse hydro and Aishihik hydro, as well as the transmission systems?

Mr. Hall: I am going to have to take that away to look at that. I don't review every single RFP that goes out, nor should I. I will take that away to dig into what that number is intended to refer to.

Mr. Kent: I appreciate that, and I will look forward to receiving that response, either through the minister or in correspondence from the Energy Corporation.

I have some questions about the Atlin project as well. I am curious if the witnesses have any of the latest cost estimates for this project and if it can be broken down to include transmission line construction — obviously from Atlin to Jakes Corner — and then upgrades to the ATCO-owned line from Jakes Corner to Whitehorse.

Mr. Hall: We have some visibility on Atlin's capital costs. They do share some information with us, but I would say that it is not complete information-sharing, and probably nor should it be, because, at the end of the day, while we are collaborating to secure federal funding, it is an arm's-length transaction, so there is not complete sharing of full information.

My understanding is that the capital costs are approximately \$200 million, in rough numbers, total. I would say, though, that they are going through their procurements of their general contractor and their water-to-wires package — at least getting the RFPs out right now. Really, that number will only get firmed up once they get the RFP responses back. There is some uncertainty, as you would expect, prior to receiving those bids back.

In terms of the breakdown between the hydro works and the transmission line, I don't have that number. I'm not sure they have provided it to us. I can verify that.

Upgrades to the ATCO system are between \$10 million and \$14 million. We are just finalizing the work to sharpen up that number.

Mr. Kent: When the power purchase agreement is negotiated — and believe the witness said earlier on that it is to be concluded later on this year. Are we just purchasing the power, or will we own the transmission assets? Obviously, ATCO will maintain ownership, I'm assuming, from Jakes Corner to Whitehorse, but what about the piece along the Atlin Road?

Mr. Ferbey: Yes, so the current deal is that the project developed by THELP — that is the acronym that we use for Tlingit Homeland Energy — includes the work in Atlin to expand their facility there and the transmission line and actually the substation at Jakes Corner, so they will own all of that, and we will take delivery of the power at Jakes Corner.

Mr. Kent: In the documents that we saw, it looks like there will be an additional 8.5 megawatts of power available from that. I am curious if that will be consistent throughout the year, or will there be — and I don't mean small seasonal variations, but will we see significant variations in the winter versus the summer, depending on the water flow in Atlin, or will this be a consistent 8.5 megawatts throughout the year?

Mr. Hall: Yes, I think that it is important to note that where we really need that capacity in the energy is during the winter. Our load is highest during the winter. We have surplus during the summer in terms of hydro. What is nice about the Atlin project is that it is a storage hydro facility, so they store up the water that arrives during the freshet, they refill the lake, and then they generate from sort of October-time through until freshet, which would be in about May. That is when we need the power. So, it is definitely winter-focused, and actually, they will have a shutdown period during the summer where we won't be buying anything because we don't need it. We will have the option to buy during the summer if we want it, at a discounted price, but we don't need that summer energy — at least in the short term — based on our current load forecasts. It is really a winter energy-producing facility, which is really attractive for us.

In terms of when it will run at the full 8.5 megawatts, that would be during what is, in the deal, called the “peak winter period”, which would be December through sort of mid-February, which is when we have the coldest weather in the Yukon and when we have our greatest load. Then it will start feathering back as they manage their water through to freshet.

Mr. Kent: I appreciate that answer from the witness; that is helpful for us.

Appreciating, obviously, that the proponent, Tlingit Homeland Energy, will own the transmission line along the Atlin Road, there are still a number of residents and properties along that road that would like to displace their current diesel generation for power and hook into the grid. To my understanding, that opportunity may not be afforded to them, but I am curious if the Energy Corporation is able to — and perhaps there are technical reasons why it can't be done, but I am curious if the Energy Corporation is able to work with Tlingit Homeland Energy to give those residents and property owners an opportunity to tie into the new grid once it is in place.

Mr. Hall: It is correct that, under the deal and the nature of a spur line like that, there is no ability for the proponents — so, Tlingit Homeland Energy — to supply those few residences along the road. I would point out that is ATCO's service territory. It is certainly within Yukon, so it is not really up to us as to how those residents might get served with grid power.

Mr. Kent: With respect to the power purchase agreement that is being negotiated, is the witness able at this time to offer us any of the anticipated costs of purchasing this power from the proponents? I think he said that it would be negotiated and completed by the end of the year, but I am curious if he is able to provide us today with any early cost estimates for purchasing this power.

Mr. Hall: Given the state of the negotiations — and we are relatively close to the end — I prefer not to talk publicly about those numbers. I think that once the PPA is signed, it will get submitted to the Yukon Utilities Board for review and it will be fully transparent and public at that point, and everyone will have an opportunity to take a look. That will be probably, if all goes well, by the end of the year. I think that within quite the short term, there will be full transparency and visibility on those numbers.

Mr. Kent: I will look forward to the public release of those numbers, because I think the witness said \$200 million for 8.5 megawatts of power. That seems like quite a lot. We will be interested to see how much of that is transferred to Yukon ratepayers when the purchase agreement is signed.

I have one more question before I cede the floor to my colleague, the Leader of the Third Party, and that is with respect to the flood mitigation costs from the summer floods.

Obviously, there were impacts from the Southern Lakes flooding on the control structure near the Lewes River bridge, or Yukon River bridge, south of Whitehorse. There were mitigation costs, I'm sure, at the Whitehorse hydro facility as well. Are there any early numbers with respect to those costs? Is there any opportunity for some of those costs to be recoverable from some of the federal flood-relief programs?

I will sit down. The next person with a question will be the Leader of the Third Party, so I thank you for your time here today.

Mr. Hall: The number of our total costs incurred was around \$500,000, but I would comment that this was prior to the most recent development, which you would have seen us post on social media today around the erosion at the Lewes control structure. We don't have a number of what that is going to cost in terms of repairs. I think it is going to take some time for us to develop that full repair plan. I think that the goal right now is to make some temporary repairs to get us through to next year's freshet and allow us to do the engineering on what a permanent solution looks like. I don't have, and won't have for some time, a number on the full repair.

In terms of access to federal funding to help offset some of these costs, we have been working with Yukon government and the Yukon Development Corporation on that, but I'm not too sure where that stands, frankly, and I don't know if Mr. Ferbey has any update on that.

Mr. Ferbey: Deputy Chair, we will have to come back with more information as it evolves at the departments.

Deputy Chair's statement

Deputy Chair: Can I just remind witnesses to wait to be acknowledged so that Hansard can get the record correct? Thank you.

Ms. White: Thank you, Deputy Chair, and I appreciate that the witnesses are here and that I have been given access to the floor. I'm not known as the most patient person, so to sit until 5:00 p.m. is hard. So, here we are.

There are a couple of things that I wanted to follow up on. When my colleague was asking about the application for the rate, one of the things that he asked is the cost of the rented generators.

It is interesting, because I was on the website and I would just really like to let the website designer — or whoever does that in-house — know that the Yukon Energy website is very user-friendly. Information is easily found. There are a whole bunch of things that I think are really important about it.

One of the points that was made by my colleague was — he talked about the rented generators. I don't think it will

surprise anyone to know that he and I have different opinions. I don't actually think renting the generators is bad because I have a great hope in technology and these other projects getting us to where we need to go, so that is okay.

Is there any kind of cost estimate as to what the percentage of that rate increase could have been if the generators were purchased? Do we have any idea what 17 generators would have cost to buy or the 20 megawatts that was originally part of the consultation process?

Mr. Hall: One way to look at this is to look at some of the financial metrics that we use to compare these different options. If you are familiar with our renewable plan, you will find in there a metric called "levelized cost of capacity", which is basically: How much does it cost you to obtain a kilowatt of capacity? That is a really important metric, because those kilowatts are important — and how much it is going to cost over the life of the asset. So, if you look at the cost of renting — the numbers that we presented in the battery hearing, when there was full transparency on those different options compared — the cost of the rental was \$211 per kilowatt year. That's the metric that gets used. The cost of the most recent diesel plant analysis that we did, which was a 12.5-megawatt facility, ended up at \$212 per kilowatt year. So, it's almost identical.

There is evidence that the rentals are a cost-effective solution, particularly when you look at an interim time period. There was a prior question about how long we would be renting for. Certainly, from a policy perspective, our view is very much looking at what is going on federally and territorially in terms of climate change goals. Federally, we now have net zero by 2050. In a world where we are trying to get to net zero — and this was a large driver of our board's decision not to go the permanent diesel route — how does a permanent diesel facility fit in a net-zero world? It is a really important question.

It is one thing to maintain your diesel fleet and what you have today, but when you come to making those incremental investments, the writing is on the wall in terms of where the world is going. The decision, as was pointed out earlier, was to not go for that permanent 20-megawatt facility, but rather to pursue renewable sources of capacity, which Atlin provides, the battery provides, and Moon Lake provides.

Ms. White: I do appreciate that answer. There is always a cautionary lesson for me, which is that I should be more sure when I walk myself into those questions. I was pretty confident in what the answer would be, but I do think it's really important.

I think it's important that Yukon Energy Corporation, in the 10 years that I've been here anyway, has been one of the driving forces behind looking at those renewable energy options. One of the holdups, or I guess one of the challenges, that I've perceived is — and we have talked about this before — about planning outside of election cycles and making sure that plans are election-proof, because, at this point in time, I think I have gone through three looking-into-the-future energy plans. They change quite drastically in that time. From the perspective of a Yukoner who believes in those investments, I want to see them happen.

If we could talk a little bit about where we are — so, just mentioning the Atlin hydro and that connection there, which I

think is really important. It's indigenous led. It's all very important. If we can talk about where we are in the Moon Lake process — maybe some of the projects that are being looked at in the Carcross area and how that new Southern Lakes transmission line is also proposed in that energy plan and how that all fits together.

Mr. Hall: Deputy Chair, our 10-year renewable plan obviously outlined that future portfolio that we're working on. Then there are near-term projects and there are longer term projects. Obviously, our focus has been to get the battery project across the finish line. A lot of work is required there. Then the focus has been on the Atlin project and the negotiation of that EPA, which is a complex agreement and it's a long-term agreement. It's really important for Yukoners that we get that negotiation right.

The other aspect to the Atlin project has been securing the federal funding required to make the project work. What I mean by that is to allow us to procure the power at a competitive rate for Yukoners, but also allow the proponent to make a decent return, because obviously they need to be successful for the long-term certainty around that facility.

Procuring the funding and putting the funding package together is really important and is still an ongoing task that we collaborate closely with Yukon government on to work with Peter Kirby and the THELP folks actively to try to build that stack of funding. It is partly going to be funds that the Yukon government has more direct access to and partly program funds such as the SREP.

In terms of Moon Lake, one of the reasons why I gave a different date of 2030 versus 2028, as was pointed out, is that has taken some time to get moving. Part of that is just making sure that we put together the right partnership between ourselves, Carcross/Tagish First Nation, and Taku River Tlingit. I think that it is pretty safe to say that there will be some significant, if not complete, First Nation ownership of that facility. It is going to be a \$300-million to \$400-million facility at the end of the day, so structuring that correctly is really important at the front end. Then, also, as with Atlin, securing the federal funds for the planning of that project — I mean, I think that for a project of that size, we would be looking at upwards of \$30 million total planning costs, and our goal right now is to have that largely funded through the feds to protect both ratepayers and allow the First Nations to participate fully and not have a huge financial burden for them at the front end.

That is where we are at. Moon Lake has taken some time to get moving because we want to make sure that the deal is set up right at the front end.

Ms. White: I thank the witness for that. I understand the importance of the relationship-building and the cautious planning. I guess one of the concerns from my perspective — again, here for 10 years, I have gone through the mega-hydro planning project, I have gone through the — there was no LNG; there is now LNG — I have seen a few things here, and it is always hopeful that other balls are in the air and things are happening at the same time.

One of the things that was mentioned was the project on Haeckel Hill. I just wanted to know if there was kind of a timeline or an expected time when that energy would be online.

Mr. Ferbey: Deputy Chair, one of the important things in all of this, of course, is that all of these renewable energy projects will go to reducing diesel if they are on the grid. Of course, that is important because we are an islanding grid, meaning that we're not connected to the larger North American grid. The Haeckel Hill project — we do get updates frequently from the proponents. As I mentioned, they have ordered their long lead-time equipment. I believe that they are looking at commission and at least actually starting on development on the ground of some of the foundational work next spring. The commission period — I don't want to speculate, so I'll get you the exact answer to that from the proponents, given that they are the ones leading the initiative.

Ms. White: I appreciate that. Actually, thinking about another project that was announced and then cancelled and then announced and then — it was a wind project actually up in the same area. Sometimes it feels a little bit like Groundhog Day to be here, and sometimes it's really hopeful. The witness just spoke about the flood impacts to the Marsh Lake asset. Can he just walk us through a bit more of those effects? Because, obviously there were some things prior to this year. We always talk about the 2007 flood as the high point. If he can just walk us through what has happened there and next steps. Then I'll ask questions after that.

Mr. Hall: This has been a fairly recent discovery for us. As the water has receded downstream of the Lewes control structure, what has been exposed is some erosion that had been happening on the east bank downstream of the boat lock. We are still doing a root-cause analysis of it, but what would appear is that we have had some kind of back-eddy effect happening because we have had flow through the boat lock through the whole summer. It looks like there has been a back eddy that has eaten away at that bank. I will point out that the bank is basically glacial sand, so it is not structurally very robust, and you get natural erosion of those river banks all the way down the Yukon River. In terms of other details of the root cause, I don't have very much to report. We have had some erosion that has then sort of started to eliminate the support for some of the sheet piles of the boat lock itself. We had a bit of a collapse in of some of that bank that buckled the east piece of the boat lock out. I wouldn't say there is any sort of catastrophic failure — we are still getting flow through the boat lock — but it is going to require some repair to the riverbank and to the lock itself. I mean, we were in for a repair to the lock anyway because we had to remove the gates to allow flow through the summer, and in the action of removing those gates, the gates were pretty much destroyed yanking them out, so we knew that we were going to have to do some repairs anyway.

I would comment though that the measures that we took — the timing of opening all the gates at Lewes, opening up the boat lock, and lowering Schwatka — when we did the modelling around what benefit that had, the cumulative benefit I think was around 45 centimeters. So, it avoided 45 centimeters at the peak, which is really meaningful. If you were to be out

there at the peak of the flood and then add another 45 centimeters, it could have been fairly catastrophic for some of the residents. So, I think the measures we took were appropriate and effective. But what we are finding now is that there was damage caused and we will need to repair that.

Ms. White: Having the witness describe 45 centimeters — from my experience being out on Army Beach, that is probably six or so sandbags high and across the length of a property. That would have been a huge amount of labour, so congratulations on that work. Also, because, I think at the time when people were in the highest stress of the situation, it wasn't actually probably ever acknowledged on the ground at the time — the work that was being done by the Yukon Energy Corporation and the support that was being given there. Just to take this opportunity to thank all those who probably were in a fairly uncomfortable position of trying to do all that judgment and lifting those things out and moving them to the side. From the perspective of a non-engineer, it looked bananas; it was probably a fairly intense time. Thank you to everyone who did that.

Knowing that those locks need repair, will they be able to be repaired and be used for this upcoming season?

Mr. Hall: We will make some temporary, not repairs, but bank stabilization of some form just to make sure we don't get any further erosion. I would guess, if I was to think about a permanent repair, it would either be the summer of 2022 or possibly 2023, because it is just the scale of work that takes time to plan; you don't want to rush in there and do an incomplete job. So, I don't yet have a project plan from our team to say when it will be done, but it is going to take some time.

Ms. White: Just for clarification — not so much the bank erosion but the locks themselves. I am probably using the wrong terminology, but the big pieces that slide down and hold back the water — do those also need repair? If so, is that something that will happen for this season?

Mr. Hall: So, those locks will — so they are actual gates that control the waterflow that will need repair, as I've said before. Our plan potentially was to do that next summer, but now we have a complication; that part of the lock is now buckled in, so I don't know whether we are going to be able to fix the gates next summer.

We are working with the federal government around the *Canadian Navigable Waters Act*, which is actually an act that mandates certain passage for boats through things like that lock. There are some complications around that, but we are on top of that in terms of working with the feds to see what we are able to do. Worst case, that lock just stays open. It is navigable; it's just a bit more tricky when you have high flow.

Ms. White: Will that asset be able to be utilized this winter? Excellent. There was just a head nod. I was just trying to find out if that was the case.

One of the things that has been spoken a lot about in the Assembly in my time is demand-side management and different initiatives and just how important it is to be able to manage your energy use. It is my understanding that, in the 2020 annual report, it mentions that YDC is working on new legislation to

support those initiatives and that it would be ready for a review in early 2021. I was just wondering if the witness can tell us where that legislation is as far as being completed and when it will go out to public consultation.

Mr. Ferbey: Deputy Chair, I do understand that, in *Our Clean Future*, there is a commitment around looking at renewable energy legislation. I'm not aware of any specific demand-side management legislation, but that would be led through the Energy Solutions Centre at EMR. I could commit to speaking to EMR to get some more information around the renewable energy legislation.

Mr. Hall: Just to add to Mr. Ferbey's comment, what he is referring to there is either the *Public Utilities Act* update, which is a commitment in *Our Clean Future*, and then there is also the clean energy act which is coming as well.

Specifically related to DSM, there was an order-in-council that was passed to allow the utilities to incur prudently incurred DSM costs, so that's a great help to us because we have had some regulatory challenges over the years in terms of the Yukon Utilities Board's view of DSM. So, that OIC certainly provides us a path forward in terms of restarting our DSM program.

We have been doing the design work on what a DSM 2.0 might look like. We'll be taking that to our board this year to relaunch next year. I'm hopeful that, sometime next year, you'll see a restart to some Yukon Energy Corporation DSM programs.

A key requirement of that order-in-council is that we coordinate with government so that we don't have overlap with what the Energy branch may be doing. That just makes good sense so that we're not tripping over each other trying to offer the same programs. But our focus is very clearly on capacity reduction — so, reducing those peaks. That's a very different DSM program from what government is focused on, which is more around carbon reduction and overall energy use mitigation.

Ms. White: On the website, it has the really handy picture with the pot and the water, and it's a really good explanation if anyone is wondering about peak and use and things. One of the programs that the Energy Corporation had put out as a pilot was their peak smart. I'm bringing this up for two reasons. One, I was so excited to have been chosen to be someone who had the peak-shifting hot water tank controller and then also the absolute just being gutted getting a phone call to say that the contractor had gone out of business during COVID. I'm hopeful that, after that big investment that the Energy Corporation made, someone will be able to pick up that contract. Is there any hope that this is a possibility, that somebody else can come in with a program for that program?

Mr. Hall: Deputy Chair, what did transpire there is we launched a very successful program and signed up over 400 Yukoners — lots of great public interest. I think we ran about six or seven events through that winter and saw some good results in terms of the ability to bring that peak down. We ran a public RFP process to procure the hardware. Unfortunately, the vendor that we selected was a smaller company. They had been working with a number of utilities across Canada, so we

weren't the only ones. Toronto Hydro and, I believe, even BC Hydro had been using their hardware, but the reality is that Québec hydro launched a competitor and basically drove them out of business, is what we hear.

They are in bankruptcy proceedings. We are working closely with NRCan — the federal government — to see what can be done, because NRCan has actually given a lot of funding to that organization. They have an interest in seeing if someone will pick up the technology.

We do have some funds left in our NRCan funding allocation for the project. We are seeing if we can deploy that, in the worst case, by replacing equipment. We do want to continue with this; we think it's a great program, and, worst case, we will see if we can do a complete swap out of what you have in your home.

Ms. White: I thank the witness for that. From my perspective, you know, we have had lots of conversations here over the years about the complications of being responsible for the generation while also selling and also being responsible for trying to manage it and save energy costs and things like that.

One of the concepts I have been floating is the importance of energy infrastructure investment, similar to the creation of highways or buildings, but instead of those projects, for example, being put back on the shoulders of ratepayers, they're being more absorbed by government, obviously because of all of the complications that exist at this point.

We don't have a huge amount of time left, but I thought I would ask the witnesses at this point if there are key areas that they are excited about that they would like to share with the House at this point in time. If I have time, I will ask a question at the end.

Mr. Ferbey: The notion of areas that I am excited about — there are many. In particular, when we start looking at one of the things that will be debated in the supplementary is additional investment into the renewable initiative. This is a fund that has really supported grassroots organizations — particularly First Nation communities, development corporations, and just small proponents who are trying to bring renewable energy solutions to the ground. That, to me, is very exciting — seeing these entrepreneurs have access to capital that is very flexible. In many instances, as they are getting their projects bigger, the federal application process does require a lot of these projects to be almost beyond pre-feasibility. I am excited that we are able to play a role in this to help these communities, private sector players, and First Nations bring these projects to bear. As we pointed out, a lot of these are in the communities but also on the grid. The reduction of diesel, both off the grid and on the grid, is very exciting not only for our reduction of carbon but simply for a lot of the Yukon businesses that are making a go of this — that, to me, is exciting.

Mr. Hall: Yes, I mean, lots of exciting stuff. We talked a lot about Atlin and we talked a lot about Moon Lake — those are just great projects. I think, looking forward, a really fantastic opportunity ahead of us is the key role that First Nations can play in that energy future as proponents. That really speaks to a lot of the spirit and intent of the final

agreements — of chapter 22, in particular — and bringing that to life in a way that, as proponents, they can really use those as catalysts to uplift their communities. We see that in Atlin with the Taku River Tlingit, in terms of what that first project has done for the development corporation for that community. I think that it is a great example of what can really be transformative for Yukon First Nations. So, that is exciting. It doesn't make it easy and it has to be done very carefully, but it is certainly our goal and it is right in the 10-year plan in terms of an intent and acknowledgement that a number of those projects will be First Nation-led.

I think that what else is really interesting is the intersection of electrification with demand-side management. There is a very specific intent to electrify both transportation and home heating and how we do that in a smart way that doesn't drive our peaks and our costs. That is where the utility has an opportunity to offer those solutions and products to customers so that they can plug in their electrical vehicle and it doesn't create a problem for us. That is a business opportunity for us to bring those services to bear. I think that it will be in partnership with Yukon government, so that makes good sense. That whole intersection of DSM and electrification is where the magic is going to happen in the Yukon.

Ms. White: I will just take this opportunity to say thank you for appearing. It is one of my favourite visits in the fall, so thanks for sharing those last sparks of hope, because that is what I think we need to hold on. Again, I have been through a lot of project talk at this point, so those things are exciting for me. Thanks for being here.

Hon. Mr. Streicker: Thank you, Deputy Chair. It has been a really great day to listen to the questions, first from the Leader of the Official Opposition, then the Official Opposition House Leader, and then the Leader of the Third Party. It is interesting to me to get to hear the responses sitting from the side. So, as the members opposite are interested, I am too. So, I would like to thank Mr. Ferbey and Mr. Hall for coming in today, and I would like to thank the members opposite for their insightful questions and allowing all of this information to come to the floor. It's very important.

Deputy Chair: Thank you, minister. The witnesses are now excused.

Witnesses excused

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

Deputy Chair: It has been moved by the Acting 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

Ms. Tredger: Mr. Speaker, Committee of the Whole has considered Bill No. 4, entitled *Act to Amend the Motor Vehicles Act (2021)*, and directed me to report progress.

Also, pursuant to Committee of the Whole Motion No. 1 adopted earlier today, witnesses appeared before Committee of the Whole to answer questions related to the Yukon Development Corporation and the Yukon Energy Corporation.

Speaker: 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. Mr. Streicker: Hon. Speaker, I move that the House do now adjourn.

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

Motion agreed to

Speaker: This House now stands adjourned until 1:00 p.m. on Monday.

The House adjourned at 5:29 p.m.

The following sessional paper was tabled October 21, 2021:

35-1-22

Government of Yukon Financial Accounting Report — For the period of April 1, 2020 to March 31, 2021 — Mercer (September 22, 2021) (Silver)

The following legislative returns were tabled October 21, 2021:

35-1-9

Response to matter outstanding from discussion with Ms. Van Bibber related to a ministerial statement re: Innovative Renewable Energy Initiative (Streicker)

35-1-10

Response to Written Question No. 7 re: pedestrian-activated crosswalks in Watson Lake (Clarke, N.)

35-1-11

Response to Written Question No. 12 re: Yukon Resource Gateway project (Clarke, N.)