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HANSARD

Wednesday, November 3, 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

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
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

OFFICIAL OPPOSITION

Yukon Party

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

THIRD PARTY

New Democratic Party

Kate White	Leader of the Third Party Takhini-Kopper King
Emily Tredger	Third Party House Leader Whitehorse Centre
Annie Blake	Vuntut Gwitchin

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**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, November 3, 2021 — 1:00 p.m.**

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

Prayers

Withdrawal of motions

Speaker: The Chair wishes to inform the House of changes which have been made to the Order Paper. The following motions were removed from the Order Paper as they are now outdated: Motion No. 158, standing in the name of the Member for Porter Creek Centre; Motion No. 159, standing in the name of the Member for Watson Lake; Motion No. 160 and Motion No. 161, standing in the name of the Member for Pelly-Nisutlin; and Motion No. 164, standing in the name of the Member for Kluane.

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Clarke: I have the pleasure of introducing two groups of individuals in the gallery today. For the Mothers Against Drunk Driving tribute, we have the president of the Whitehorse branch, Jacquie Van Marck. As well, with MADD, we have Carlos Sanchez-Aguirre and, I believe, Cory McEachran, and from the RCMP, we have Rob Mason.

Welcome.

Applause

Hon. Mr. Clarke: Mr. Speaker, for the Climate Leadership Council ministerial statement, from various Yukon departments that are working on this file, we have — and I apologize if my list is not complete, but I think that it is: Amanda MacDonald, Ed van Randen, Shane Andre, Rebecca Turpin, Emma Seward, Katie Woodstock, Kirsten Burrows, Nelly Bouevitch, Nina Vogt, and Amanda Lieverse. Thank you for coming today.

Applause

Speaker: Tributes.

TRIBUTES

In recognition of MADD Project Red Ribbon campaign

Hon. Mr. Clarke: Mr. Speaker, I am pleased to rise in the House today to recognize the annual Mothers Against Drunk Driving Project Red Ribbon campaign. Project Red Ribbon takes place over the holiday season from November 1 to just after New Year's. The holiday season is a busy time with social events, and with that comes increased alcohol consumption. We all want to celebrate the holidays and the end

of another year. It is important, however, that we do that while also keeping our roads safe. This is why, every year, we wear the iconic red ribbon. It is a small but powerful reminder for all of us to plan ahead for a safe ride home.

There are no two ways about it: Impaired driving is a real problem here in the Yukon and the data shows that it is getting worse. Between 2018 and 2020, the Yukon averaged 1,746 impaired driving incidents per 100,000 people. Comparatively, the national average for this same time period was 207 incidents per 100,000 people. To put it simply, the Yukon is currently averaging an incident rate that is over eight times higher than the national average — over eight times.

It is a staggering statistic, but it does not even begin to show the human impact. What the numbers alone cannot show is the emotional toll that impaired driving has on those whose lives it fractures — a pain that's evident in communities across our territory. The loss of someone loved — a parent, a sibling, a grandparent, an aunt or uncle, a cousin, a friend, a child — each one a tragedy, each one representing a life purpose that will remain unfulfilled, each one marking a whole network of lives forever changed, each one wholly, completely preventable. No one needs to drive while drunk or high. What makes these situations so tragic and difficult to accept is that impaired driving is not an accident. It is a crime, and it is one that we can prevent.

The fight to reduce, and hopefully one day eliminate, impaired driving is everyone's responsibility. With the holiday season about to commence, Project Red Ribbon helps keep the message to stay safe and sober top of mind.

I urge everyone to drink responsibly. Never drive impaired or ride with an impaired driver. Plan ahead and arrange a safe ride home, whether that is having a designated driver, taking a taxi, or spending the night. If you suspect a driver is impaired, you should feel empowered to call 911.

On behalf of the Government of Yukon, I would like to commend the local MADD chapter, in particular, the current president, Jacquie Van Marck, and all of the dedicated volunteers for their commitment to end impaired driving. Your work is helping to save lives and we thank you for that.

In closing, I want to say that we can all do more to prevent and eliminate impaired driving. If you have been drinking, put your keys down and find a safe ride home. Make sure that your friends and loved ones are doing the same.

You can find the MADD red ribbons and donation boxes in all Yukon liquor stores and also at the Highways and Public Works Motor Vehicles office here in Whitehorse. This small but powerful symbol demonstrates your commitment to sober driving and keeping Yukon roads safe for everyone.

Applause

Mr. Hassard: Mr. Speaker, I rise today on behalf of the Yukon Party Official Opposition to recognize the Whitehorse chapter of Mothers Against Drunk Driving as they launch their 2021 Project Red Ribbon campaign.

This national initiative raises awareness of the risks of impaired driving — risks to ourselves, our families, friends, neighbours, and our communities. In September of this year,

the Yukon Bureau of Statistics released data on police-related crime here in the Yukon.

There was a 125-percent increase in incidents of criminal traffic violations in 2020 from 2011; 85 percent of these violations were due to operating while impaired on alcohol, seven percent were impaired on drugs alone, and five percent were impaired by a combination of drugs and alcohol.

As we head into November, we begin to see changes in the weather. The snow sets in and road conditions change. We must be alert and aware of the risks of the road.

The risk that we increasingly face on the road as we near the holiday season is, of course, impaired driving. Project Red Ribbon asks Yukoners to make a commitment to ensure that your vehicle is not a hazard on the road and that you only get behind the wheel if you are sober and fully aware and attentive. So, tie a ribbon on your vehicle and promise to make alternate arrangements when you have a few drinks — call a friend or a family member, take a cab, or, even better, take turns being a designated driver. It might not always be the most fun or glamorous job on a night out with friends, but it is the most important one.

Applause

Ms. Tredger: I rise on behalf of the Yukon NDP to pay tribute to the Mothers Against Drunk Driving Project Red Ribbon campaign. The death toll of drunk driving is heartbreaking, it is unacceptable, and each number is a person we have lost.

I also want to talk about the other people who are affected by drunk driving: the parents who get the terrible phone call in the middle of the night; the people left with lifelong disabilities, big and small; and the communities left with a hole where a person used to be.

So, today I would like to thank the many, many people at MADD who have led the fight to keep our roads safe, to support the victims, and to end deaths from impaired driving. Thank you for all your work to keep us safe.

Applause

In recognition of National Community Safety and Crime Prevention Month

Hon. Ms. McPhee: I rise today on behalf of the Yukon Liberal government and the Third Party to recognize National Community Safety and Crime Prevention Month.

This month, the recognition initiated by the Canada Safety Council brings awareness to issues facing our communities and reminds us all to think about what we can do as individuals to improve community safety. The more people we are able to reach, the better chance we have of creating a future where our communities are safe.

The Yukon has seen an increase related to Statistics Canada's violent crime severity index in both 2019 and 2020. 2020's increases were largely due to violent firearms offences and assault involving a weapon. This is why we have proposed amendments to the *Safer Communities and Neighbourhoods Act* and why they are so important.

I would like to turn for a moment to the issue of family violence. Family violence can include physical, sexual, emotional, and financial abuse that occurs in a domestic or intimate relationship. In 2019, the Yukon had the third highest reported rate of family violence in the country. People of all genders and ages may experience intimate partner violence; however, we must also acknowledge that, according to a 2018 report from Statistics Canada, women experience domestic violence at much higher rates.

In 2021, a report on intimate partner violence showed that 66 percent of women in the Yukon have experienced physical or sexual assault since the age of 15. This is completely unacceptable. If you are a victim of crime, or know someone who is, help is available. The Yukon's *Family Violence Prevention Act* provides tools to help victims experiencing family violence. The sexual assault response team, or SART, helps Yukoners who have experienced sexualized assault. Trained professionals provide a safe, confidential, and compassionate network of services.

Victim Services provides support to victims of crime, all victims of crime, and has offices located in Dawson City, Watson Lake, and Whitehorse. Victim Services provides additional services to all other Yukon communities. Services are provided in person and/or by phone.

Transition homes in Dawson, Watson Lake, and Whitehorse are safe places to find help. Victims of intimate partner violence and sexualized violence may access independent legal advice through the independent legal advice program at Victim Services. Safer communities start with safe homes and families.

Just a few days ago, we had a terrifying and stark reminder of the need to ensure community safety. What happened in Faro should never happen. This is a traumatizing experience for individuals and for a community, and I want to acknowledge the strength that the Town of Faro has shown in the days since. Their community needs time to grieve. Please know that we are all grieving alongside of you and that we are here to provide the supports you need.

We cannot control the actions of every person, but to create safer communities, we need systemic and societal change. Government alone cannot do this, but we are committed and are taking action.

Partnerships with the RCMP, First Nation governments, and advocacy groups allow us to move forward on creating a safer Yukon for everyone. We are committed to supporting tailored approaches to community safety that are responsive to the concerns, priorities, and unique circumstances of indigenous communities.

I would like to thank Yukon First Nation governments, municipal governments, the RCMP, and the organizations and volunteers that have played, and continue to play, an important role in building and maintaining safe Yukon communities.

National Community Safety and Crime Prevention Month serves as a reminder to us all that keeping our communities free of crime and safe for all Yukoners is a responsibility that we all share.

Applause

Mr. Cathers: In rising on behalf of the Yukon Party Official Opposition to recognize National Community Safety and Crime Prevention Month, the Canada Safety Council brings awareness every November to the importance of reducing crime and building community safety, with the organization highlighting a different topic related to community safety this year. This year is focused on the effects of gambling addiction on individuals, families, and communities. It has been reported that 66.2 percent of Canadians reported participating in some type of gambling this year. While the number is on the decline, it is still a significant problem across the country, and Canadians are encouraged to acknowledge and identify problem gambling in order to help themselves, family, or friends to break the habit.

Crime prevention is something that everyone should take seriously. Social media has provided people with a platform to make others aware of incidents of property crime in their neighbourhoods and the targeting of businesses. Locally, this practice has led to more people being self-aware and taking preventive measures in an attempt to avoid being a target of property crime. We see more people installing security or surveillance equipment, taking time to secure valuables, and keeping an eye on what is happening in their residential neighbourhoods. I know that my colleagues and I have heard from both citizens and businesses concerned about property theft within our communities.

Locally, we have also seen a dramatic increase in incidents of fraud in recent years. It is worth mentioning that Yukoners should take the time to acknowledge the many different ways that they can be targeted in telephone and Internet scams and to share that information with those who may be more vulnerable to this type of activity, such as senior citizens.

I would like to thank the RCMP as well as community volunteers and organizations that are dedicated to crime prevention and to community safety.

As the minister made reference to in her tribute, violent crime and organized crime have increased under this Liberal government. She made references to SCAN amendments that she tabled in this House. Since she raised the topic, I would note that, while we do support the purpose of the SCAN legislation, we do have concerns about the content as well as the lack of any public consultation and, like the Third Party, we do support a review of this legislation.

The minister also, in closing, made reference to the tragedy that happened in Faro, and certainly the Official Opposition, all of us — our hearts go out to the people affected by this tragedy.

I would also like to recognize the fact that my colleague, the MLA for Pelly-Nisutlin, was there last night with his constituents and to just acknowledge his work on behalf of them there. Again, to everyone in Faro and to all of their friends and families, our hearts go out to you at this difficult time in the wake of the incident that occurred.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Ms. Van Bibber: Mr. Speaker, I have for tabling two letters to parents and guardians of Jack Hulland school regarding incidents that happened there.

Speaker: Are there any reports of committees?
Are there any petitions to be presented?
Are there any bills to be introduced?
Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Minister of Education to tour Hidden Valley Elementary School with parents who have asked her to do that for the purpose of hearing their concerns and suggestions for safety improvements.

I also give notice of the following motion:

THAT this House urges the Minister of Education to provide the Official Opposition and the Third Party the opportunity to tour Hidden Valley Elementary School with parents and staff for the purpose of hearing their concerns, suggestions for safety improvements, and understanding the expected timelines for changes at the school.

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

THAT this House urges the Government of Yukon to support part-time childcare programs by including them in the Yukon early learning and childcare funding program.

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

THAT this House urges the Government of Yukon to amend the regulations of the *Public Health and Safety Act* such that the regulations empower the chief medical officer of health to make orders to mandate personal protective equipment during a public health emergency.

Speaker: Is there a statement by a minister?

MINISTERIAL STATEMENT

Yukon Climate Leadership Council

Hon. Mr. Clarke: In 2019, our government declared a climate emergency, acknowledging that we all — governments, industry, businesses, communities, and individuals — need to take action to address the climate crisis. Yukoners want action, and our government is listening.

Last fall, we released *Our Clean Future*, an ambitious Yukon-wide strategy to address our changing climate in a comprehensive and sustainable way. With clear targets — like reducing the territory's greenhouse gas emissions by 30 percent from the 2010 levels and tangible actions to reach them over the next 10 years — *Our Clean Future* marks an important turning point for the Yukon as we collectively take steps toward a more resilient future for our territory.

In recognition of the urgent need to address the climate crisis, the territory's emission reduction targets were increased

earlier this year to 45 percent below 2010 levels. To provide advice to the Government of Yukon on how to reach this ambitious new target, the new Yukon Climate Leadership Council was established. In August, we put out a call for candidates, seeking a wide range of representatives from environmental organizations, the renewable energy sector, industry leaders, Yukon First Nation governments, municipal governments, Yukon University, and labour organizations. A total of 54 people applied, and the successful candidates were chosen by the *Our Clean Future* policy implementation committee, based on a balance of technical experience, lived experience, and traditional knowledge.

Today, I am pleased to share that the members of the new Yukon Climate Leadership Council are as follows: Coral Voss from the Yukon Conservation Society; David Silas with Yukon University; Forest Pearson from the Sustainable Development Advisory Council; Hector Campbell, from the Yukon Chamber of Commerce; Kim Lisgo, with Yukon University; Kirsten Hogan, of Aperture Consulting; Margaret Njootli, who is a retired First Nation elder; Michael Ross, the industrial research chair in Northern Energy Innovation at Yukon University; Sean Smith, with the Yukon Native Language Centre; Sruthee Govindaraj, who served on the territory's first Yukon Youth Panel on Climate Change; and Steve Roddick, of Resilient North Consulting.

I want to congratulate these candidates and thank them for putting their names forward for this important council.

The challenge of addressing climate change is immense, and it cannot be done without mobilizing Yukoners across the territory. It is important that we engage and work with community leaders to develop innovative measures that will help us reach our territory's climate goals. The council will work in collaboration to develop advice and recommendations for reaching the 45-percent reduction target by 2030, and we'll share the report and recommendations publicly by July 2022.

Mr. Istchenko: While the Liberals are good at announcing committees, they are not always good at listening to them, so we are wondering right off the hop if this Liberal government will even listen to the recommendations from the candidates who were announced today. We can only assume that this is based off the BC NDP Climate Solutions Council. When comparing the two, what is most glaring is who isn't on the Yukon Climate Leadership Council.

An August release said that the government is looking for representatives from environmental organizations, the renewable energy sector, industrial leaders, Yukon First Nation governments, municipal governments, Yukon University, and labour organizations. It appears from the minister's statement that there are no formal representatives from Yukon First Nation governments. There are no representatives from the *Umbrella Final Agreement* boards, no reps from the Fish and Wildlife Management Board or any of the renewable resources councils who deal with climate change on the ground. As well, nowhere in here does it include asking for a specific representative from the mining industry, or any major industry, for that matter. That is reflected in the candidates announced

today. There is no representative from the Chamber of Mines or any other industry or industry partner, except for the lone representative from the Yukon Chamber of Commerce.

As you know, it will be industry who will be required to do a lot of the heavy lifting when it comes to developing climate solutions, so leaving them out is an unfortunate misstep. Even the BC NDP Climate Solutions Council includes at least four members from the business community, including the VP of environment for Teck Resources, the manager of policy and advocacy for Shell Canada, and the VP of the Council of Forest Industries.

I would like to remind the Liberal government that, in this House on May 25, the Minister of Energy, Mines and Resources said — and I quote: "I will note that mining is a key industry but certainly not the only industry representation that I would like to see on that panel. There are a number of other sectors that would have a good voice there and a chance to help us work together to achieve our targets."

I would like to remind the minister that the mining and mineral exploration industry plays a big part in driving our economy. Even British Columbia recognizes the importance of having the mining industry at the table. Yukon's mining industry could help provide valuable information to this council about how Yukon can reach our climate change targets. I believe that this is a missed opportunity for the territory.

I would also like to note the inclusion of a youth member, which is a great step. However, it highlights at this time that there is absolutely no Yukon youth climate ambassador attending the United Nations conference in Glasgow, which is happening right now. That's because the Yukon Liberals cancelled that program, eliminating that unique opportunity for youth in the Yukon. Previous participants have leveraged their experience to become leaders here at home, and we think that it is another failure on the part of this Liberal government.

In closing, I would like to know if the minister can inform Yukoners how much this will cost and if members are receiving honoraria for participating. We do look forward to hearing updates on the work of the Yukon Climate Leadership Council.

Ms. Tredger: We are so delighted about the announcement of the members of the Yukon Climate Leadership Council. I was overwhelmed by the response we received from community members who wanted to participate. It really showed Yukoners' passion for climate action and their eagerness to be part of the solution. There were so many phenomenal applicants. At times, choosing just 11 felt impossible. We could easily have made two, three, or four councils all full of strong people. Thank you so much to all of the Yukoners who put their names forward.

We are extremely proud of the group of people who will form this council. The rest of my response is for them.

You have an enormous task ahead of you, and we know that you are up to the challenge. We have so much faith and confidence in you. We know that you can do it. You are all there for a reason, and you are all needed. We can't wait to read your recommendations. One piece of advice: Don't be afraid to

tell us the hard truths. Be bold and brave, and know that we have your back. We're behind you all the way.

Hon. Mr. Clarke: Just to address one specific question that the Member for Kluane had, yes, the members will receive an honorarium. I can provide the member opposite with the proposed budget in due course.

Mr. Speaker, we cannot lose sight of the fact that we are in a climate emergency. This is recognized across the territory, across the country, and around the world. The United Nations Climate Change Conference — COP 26 — is currently underway in Glasgow, Scotland. World leaders recognize that the need to take action is urgent to address the climate emergency. We cannot wait to act.

In Glasgow, Prime Minister Trudeau pitched a global price on carbon. Currently, more than 20 percent of the world's greenhouse emissions are covered by a price on carbon, including here in Canada. The Prime Minister called on the world leaders at COP 26 to triple that figure to 60 percent by 2030.

Here in the Yukon, it took the Yukon Party five years to come around to the idea of carbon pricing. They fought it tooth and nail during the 2016 election, and they made dire warnings about the catastrophe to come, but it was included in their platform in this year's election. For more than five years, carbon pricing has been recognized internationally as the most effective policy mechanism to address greenhouse gas emissions by economists, environmentalists, and leaders around the world.

We are in a climate emergency, and we do not have any time to waste. Yesterday, my colleague spoke about the development of Yukon's new clean energy act. When he, the Premier, and I met with the Yukon Youth Panel on Climate Change to receive their recommendations, they raised a lot of good questions for us as political leaders. One pointed question was how they can ensure that the Government of Yukon will follow through on its commitments to fighting climate change. Enshrining it in law, through the clean energy act, is part of the answer.

Yukoners, and particularly our youth, want action, and our government is listening. *Our Clean Future* is an ambitious Yukon-wide strategy to address our changing climate in a comprehensive and sustainable way. This strategy was developed in collaboration with our partners across the territory. All Yukoners are impacted by the climate emergency, and we need to work in partnership to meet the targets in this strategy.

The Yukon Climate Leadership Council will provide us with the advice as we move forward, and I am pleased to see the diversity of perspectives and knowledge on that council. The challenge of addressing climate change is immense, and it cannot be done without mobilizing Yukoners across the territory. It is important that we engage and work with community leaders to develop innovative measures that will help us reach our territory's climate goals.

As I stated at the outset, Mr. Speaker, this council will work in collaboration to develop advice and recommendations

for reaching the ambitious 45-percent reduction target by 2030, and we'll share the report and recommendations publicly by July 2022.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Student behavioural issues at Jack Hulland Elementary School

Ms. Van Bibber: We have raised a number of concerns about incidents of violence at Jack Hulland Elementary School over the past several weeks. Many parents and families who live in my riding have raised significant concerns about issues related to the Grove Street program. The issue has attracted so much attention that tonight's school council meeting has requested the use of the gym to allow dozens of parents who want to raise their concerns about what is going on at the school. Several parents have indicated to me that they would like to see the minister in attendance at that meeting to hear first-hand about their experiences and how this is affecting their children.

Will the minister agree to attend tonight's Jack Hulland school council meeting?

Hon. Ms. McLean: I am happy to stand and speak about all of our schools in the Yukon at any given time. I have spent some time at Jack Hulland school, at their last school council meeting, and I have spoken about that in the House. I have also — and I will get to that probably in subsequent questions — spent some time directly with teachers — an extensive amount of time — and have put some changes in place in the school.

The Department of Education supports a healthy, active, safe, and caring learning environment for Yukon schools. This commitment is outlined in the Safe and Caring Schools policy, which applies to students, parents, teachers, and other school staff.

The Department of Education continues to collaborate with the Jack Hulland school community to address parent and staff concerns related to safety and escalating behaviours of students. I know that this week there were a couple of incidents at the school. One was connected to a student pulling a fire alarm and the other was a student who became elevated physically and verbally.

Again, I will continue to elaborate on my answer as we move forward.

Ms. Van Bibber: Mr. Speaker, the minister didn't answer the question, which was whether she would attend tonight.

Previously, the minister told the Legislature that the department had been trying to improve the Grove Street program at Jack Hulland by updating the program handbook and implementing new communication protocols. I am aware that both of these documents are available online now.

Can the minister tell us what substantial differences were made in the program handbook and what changes have been made to the program? Also, could the minister indicate whether the new communications protocols have been implemented and if they have been effective?

Hon. Ms. McLean: Again, I am aware of the issues that are unfolding at Jack Hulland school and some of the issues that have arisen as a result of the Grove Street school program. I know that, absolutely, we made commitments to update the handbook; we have done that. We have also updated and developed a Yukon school post-incident communications protocol, and I can get into a bit more about that.

Some of the issues that the member opposite is speaking about today — I had a lot of time to meet with staff on October 21 about some of the concerns that they had. I attended, listened, learned, and absolutely acknowledged them. I want to thank those staff for their candidness at this meeting. We have committed to an interim response to specific concerns of staff related to the specific questions posed at the meeting. Additional opportunities to hear other staff are being developed. We have made some immediate changes. Right now, we do have a senior person at the school, which I will talk about in a moment.

Ms. Van Bibber: Many of the concerns that we have heard from parents relate to the Grove Street program. In the last election, the Liberals committed to reviewing the Grove Street program. Can the minister tell us if a specific review of the Grove Street program has begun and, if so, what is the status of that review?

Hon. Ms. McLean: Again, I will continue on because I really want Yukoners to know that the Department of Education has taken some really important steps to address some of the issues at the school. We have arranged for an experienced school administrator, Jeff Cressman, principal of Elijah Smith, to be at Jack Hulland until November 12 to provide additional support for the school administration while the principal is currently on leave.

As I have stated, there are a number of other opportunities that are being arranged in real time to ensure that all staff have an opportunity to be heard. The deputy minister, Assistant Deputy Minister Ryan Sikkes, Superintendent Donna Miller Fry and I all attended this important meeting. An interim report has been developed — and again, more steps and a lot more to come on this in terms of the review of Grove Street. As members are aware, we initiated a review of inclusive and special education for the entire Yukon. Part of our steps going forward are to review of all the shared resource programs in the Yukon.

Question re: Student behavioural issues at Jack Hulland Elementary School

Mr. Kent: My colleague, the MLA for Porter Creek North, tabled earlier today a letter and an e-mail sent to parents in Jack Hulland school regarding three serious incidents that occurred at the school on November 1 and 2. In some cases, these incidents have involved violence and have disrupted the entire school and resulted in lockdown orders being called in over the PA system. These follow many other serious incidents. We have heard many stories from families and staff about violent acts, bullying, and physical altercations with teachers and EAs. Some parents and staff have reached out to us to indicate that many students no longer feel safe in the school as

a result. While not all incidents can be attributed to students in the Grove Street program, many of them certainly can.

What is the minister and this Liberal government specifically doing to address these serious safety issues at Jack Hulland school?

Hon. Ms. McLean: Mr. Speaker, thank you again for the question about Jack Hulland school, one of our many schools in the City of Whitehorse. I have talked a little bit today about the time that I have spent at the school, at the school council level, and have taken time to sit and candidly listen to the concerns of the staff members. I want to again thank them for having that trust and faith in a process to be heard. The member opposite raises issues that happened this week, I have talked about them a little bit already. The nature of those incidents — staff effectively managed the situation to keep students away from the individuals in accordance with the school's emergency plan.

Families received timely communication about the incidents, and the response was an example of the new communications protocol developed at the request of the Jack Hulland school council. I have already talked about some immediate changes that have happened at the school, in terms of having a senior, very experienced school administrator — Jeff Cressman — who is working with the Elijah Smith school and very closely with Ryan Sikkes to put the right measures in place.

Mr. Kent: Teachers, parents, and, most importantly, students are scared of what is happening in the school. According to yesterday's e-mail, a fire alarm was pulled in the morning, and I'll quote from the e-mail: "At 1:15 p.m., there was a separate incident involving a different student who also exhibited heightened behaviour which included yelling, swearing, and the breaking of an interior window. In addition, some students may have witnessed the student being physically aggressive towards a staff member. Due to these behaviours, the school was placed in 'hold and secure' (where students were required to remain in their classrooms while instruction continued)..."

It is unacceptable that students should regularly feel unsafe while attending school. So, is the minister concerned about this type of behaviour in one of our elementary schools? Are there any plans on relocating the Grove Street program out of Jack Hulland Elementary?

Hon. Ms. McLean: We are focused on the health, safety, and well-being of staff and our students in all of our schools, Mr. Speaker. There is nothing more important than that. You have heard me talk about that repeatedly over this Sitting. Of course, I am concerned about the incidents that are happening at Jack Hulland, which is why I have spent time there. I have met with my department officials, and steps are being taken.

I have already talked a little bit about the two incidents that have happened this week, and the staff effectively managed the situation to keep students away from the individuals in accordance with our school emergency plan. Families received very timely communication as a result of the protocol that is in place.

We have acknowledged that the Grove Street program continues to cause concerns for staff and families at Jack Hulland Elementary School. I have heard that directly, not only at the school council but at the staff meeting. We are working with other departments to explore alternative therapeutic supports available so that our programs in Yukon are resulting in student success. I will continue with the rest of my answer.

Mr. Kent: So, we have heard other stories about what is happening at Jack Hulland school and how children in the school are becoming terrified. On Monday of this week, a letter went home to parents that stated — and I quote: “... a student’s behaviour escalated to the point where they threw some items in the hall and then went outside. Once outside this student used a tree stump to bang on the outside walls and doors.”

In October, Mr. Speaker, we heard that a staff member was punched in the face by a student, who then vandalized a bus window. So far, the minister has shown a lack of leadership on this important safety issue. There will be parents and teachers at tonight’s Jack Hulland council meeting looking for answers and looking for leadership from the minister. However, it doesn’t sound like she will be attending personally.

What can the Jack Hulland school community expect to hear this evening about the minister’s plans to address these significant issues at their school?

Hon. Ms. McLean: Again, I am committed to working with all of our school communities. I acknowledge that there are significant issues with the Grove Street program at Jack Hulland that are related to other issues in the school as well. I am absolutely very concerned about all of the concerns that have been raised with me. I have spent considerable time meeting with teachers and meeting with the school council and, of course, my staff to work toward addressing these. A number of steps have been taken in terms of the Grove Street handbook and the implementation of the review and the implementation of that handbook — which can be found on the website for the Jack Hulland school.

I have already talked today about the fact that we have a very experienced school administrator, Jeff Cressman, who is also the principal at Elijah Smith, who is at the Jack Hulland school until November 12, providing additional support to the school. There are a number of other measures, of course, that are being taken. There are a number of other meetings, and there are additional opportunities for next steps and workplace assessments underway.

Question re: COVID-19 vaccine and safety measures

Ms. White: On October 15, the government announced that people accessing non-essential services would need to show a proof of vaccination. With today’s announcement, we have learned that people will have to show proof of their first dose, but the fact remains that the deadline for this is now just less than a month away, and non-essential businesses still have little information to work with.

People were hoping to get more details at this morning’s press conference, but the government offered very little new information. The Premier said that they’re working with

businesses. Sure, that’s great, but we’re hearing from business owners who don’t know what they’re expected to do, and some aren’t even sure which category they fall under. We recognize that this is an important measure, but the government needs to do a better job of communicating its requirements.

When does the government plan to tell owners of designated non-essential businesses what these new rules are and how to enforce them?

Hon. Mr. Pillai: Mr. Speaker, as soon as the Yukon government announced the protocols for later this fall, we had the Department of Economic Development meet with the business chambers here in the Yukon. Part of that process — you’ve heard it from the Premier — where we get recommendations — the recommendations then come to us, and we announce those recommendations right away. Although it can be a challenge to roll out, we make sure that information is provided to all Yukoners. From that point, we work with the business community — in my role and with the Department of Economic Development — to work through the challenges that they have.

Those discussions are continuing to be ongoing. We’re trying to look at other jurisdictions to see if there are measures that we can take to support them and to make this transition for them easier. What we are hearing from the business community is keeping people safe, and keeping people healthy, is the best thing for the business ecosystem. That keeps business going. I think that people can see in the Yukon right now that business is thriving. That’s what we want to see happen.

Our commitment is to continue to work with folks and to make sure that, if there are any particular tools that they need, we can support them. Again, it’s an ongoing conversation right now with our chambers here.

Ms. White: Although I appreciate the minister’s response, businesses still have plenty of questions. Maybe he can let us know who they can contact for those answers.

Non-essential businesses are not the only ones with questions. Many NGOs rely heavily on volunteers and have few paid staff. They have had no direction regarding the vaccine requirements for their volunteers. In some cases, they don’t even know if they’ll have to start asking for ID from their clients. The vaccine mandate will have a huge impact on the ability of many NGOs to deliver services that people count on. Again, nobody has received information, and at this point, NGOs are playing a guessing game of what’s going to be expected of them.

My question: When is the government going to start communicating their plan so that NGOs can start taking the steps they need to meet the deadline?

Hon. Ms. McPhee: Thank you for the question. This is a process that has been ably described by my colleague and ably described by the Premier this morning in a public news conference in response to media questions. The recommendations come from the chief medical officer of health. Our job is to consider how they affect the lives of Yukoners and, ultimately, how to operationalize them for the public health and safety of Yukoners.

I can indicate that I had a very productive call yesterday — as my colleague has noted his contact with the business community. My call was with mayors and chiefs of First Nation governments across the territory to provide them with updated information that the Premier gave to the public today. The indication was certainly supportive from them. They had similar questions to those. We have indicated that this work is imminent and that ultimately individuals, businesses, and NGOs have known about this since October 15 and that, as soon as we have decisive information, we will provide it, as we always have.

Ms. White: With just over three weeks to go, folks across the board have questions. Again, who should they contact for clarification? If there is a phone number, I'm sure people would appreciate it.

For small businesses or NGOs with only one or two employees on shift, this will not be easy. Many business owners have shared their experience of implementing the previous rules — masking, social distancing, sanitizing, and more — and it hasn't been easy. It takes time away from staff to go about their regular jobs.

On top of this, some business owners are worried about putting their staff in harm's way. We have heard from business owners whose staff have been harassed for asking customers to mask up. Tensions are running high right now. People are exhausted, people are frustrated, and some people are angry.

It's the government's job to keep Yukoners safe. So, what is the government doing to make sure that the burden of enforcing these measures will not be left solely on NGOs and non-essential businesses?

Hon. Mr. Pillai: What I would state to the member opposite is that, first, if it's from the business community, please, reach out to the Department of Economic Development or through your chambers. The chambers do a great job, whether it's the Whitehorse chamber or the Yukon chamber. The Yukon chamber has a very large net into our communities as we work through.

At our initial meetings, there was a tremendous number of questions. We went away with a lot of work to do with the Department of Economic Development. We are trying to meet folks where they are, and we're trying to keep people safe.

My day started off with some of my colleagues and meeting with business leaders today — one who has one of the largest private sector workforces in the Yukon. What I am getting from those meetings is: Let's keep people safe and let's ensure that people are vaccinated. That is really key to ensuring that our business community continues to thrive.

Over and above that, we have been doing work through Economic Development with a broad range of leaders in the NGO field. Certainly, we can continue to field questions that are there. I think that, in most cases, it is good too for folks to reach out to some of the leaders, whether it be the Volunteer Bureau or others, and then come to us if they have questions. I know that we can take that on and make sure that we vet those questions. If they are specific to Health and Social Services or other particular community services, we will pass those questions on.

Again, we are asking folks to have patience. Yes, it is tough. We are in the middle of the end of a pandemic.

Question re: Teacher staffing

Ms. McLeod: Yukon's education system is facing extreme challenges. The lack of teachers and the lack of substitutes are causing chaos and pushing schools to their limits. It has become such a problem that some parents have told us that they have been told to keep their children home because the school was so short-staffed on certain days. Some children have gone through as many as four teachers already this school year. Teachers have told us that they are hanging on by a thread and on the verge of burnout.

What is the Minister of Education doing to prevent this staffing crisis from turning into a disaster?

Hon. Ms. McLean: Thank you for the question regarding staffing challenges in our schools. Effective teachers are absolutely one of the most important factors in a student's success at school, and we work to attract and retain the best educators that we can. I have had a chance a couple of times to speak about this — at least one time to speak about this — in the Legislative Assembly regarding the issues that we have had this year around attracting folks to the position. This is something that is an issue across the country. As of November 1, we now have 12 teacher postings — two in Whitehorse, 10 rural — and seven EA positions and four Yukon First Nation language teachers.

There are two principal postings that are now having intakes until they are filled. We have filled one of the three positions. We certainly know that COVID has caused a lot of pressure on our schools, and I will continue to build on my answer around teachers on call and the measures that we are taking around that.

Ms. McLeod: On July 21, I wrote the Minister of Education to raise red flags around this staffing shortage. I asked her a number of questions related to how this crisis is going to negatively impact schools this year. That was 105 days ago, and the minister still has not responded. That is 105 days that the minister has ignored this issue.

Will the Minister of Education start taking this teacher shortage and staffing crisis seriously and immediately develop a strategy to recruit and retain teachers and substitute teachers and stop ignoring the concerns of rural schools that I raised 105 days ago?

Hon. Ms. McLean: Again, effective teachers are one of the most important factors in our students' success at school, and we work hard to attract and retain the best educators. We certainly have had challenges this year. This is not just a Yukon issue; it is a national issue.

We have been working really hard to increase the number of teachers on call to be available when teachers need to be away from school. We now have 183 registered — 139 are in Whitehorse, and 44 are in communities. We additionally have 38 applications pending — eight of those for rural communities. I have taken the time to meet with — and I have reached out to all the school councils, to meet with them, and we are moving through each school as the fall progresses. I do

have meetings planned for the Watson Lake school council, and I am certainly not ignoring the rural communities, Mr. Speaker.

I know that there are challenges in all of our schools around teacher vacancies and the availability of teachers on call, and our staff and department are working very hard to work with every school — and I know that it is improving.

Question re: Student psychoeducational assessments

Ms. Clarke: Earlier this fall, several parents of children who require additional learning supports went to the media to raise concerns about the long wait times for psychoeducational assessments. These assessments are done by specially trained psychologists who look at how a child learns, as well as barriers to learning that the child may face. In many cases, such an assessment is necessary for parents to access particular educational supports. Some parents were forced to seek private assessments when they learned that they would face a two- to three-year wait time.

Can the minister tell us if this is indeed accurate? Do some children needing a psychoeducational assessment face a two- to three-year wait time for the services offered through the Department of Education?

Hon. Ms. McLean: First, I think I'll start by just talking about a couple of things around the 2019 audit and the final report on the review of inclusive and special education, which tells us what we have to rethink about how we're supporting students and delivering timely and effective supports for their learning needs.

We have heard, through these two reviews, that student assessments need to be conducted in a more timely manner. We will be advancing the recommendation in the final report of the review of inclusive and special education to come up with localized criteria around prioritizing assessments and ensuring student learning needs are being addressed.

If a student needs a formal assessment, school staff may still implement their strategies, supports, and accommodations recommended through the school-based teams and informal assessments to address the learning needs of the students so that they can be successful at school now.

The length of time for performing an assessment is dependent on the complexity of the student's needs, the nature of assessment needed, and the schedule of the professionals administering the assessments. I'll continue to build on my answer, as we go forward.

Ms. Clarke: The parents who spoke out in the media said that the wait time for those assessments was unacceptably long. The executive director of the Learning Disabilities Association of Yukon agreed with parents and said that an up to three-year wait in the public system was absolutely not an appropriate length of time.

Can the minister tell us what she is doing to reduce the wait time for these important assessments?

Hon. Ms. McLean: I believe that I did speak about that in terms of the acknowledgement that this has been an issue that has been a long time in the making. It was pointed out clearly in the Auditor General's report and further in the report that we

asked to have conducted on inclusive and special education. We know that the length of time to perform assessments is long, and the length of time to perform an assessment is also dependent on the complexity of the student's needs, the nature of the assessment, and the schedule of the professional administering.

When an educator and/or parent has concerns about a student's learning, the first step is for the school-based team to discuss the student's needs and collaborate on what strategies or interventions should be implemented by school staff to support that student.

If a referral is received from the school-based team, Student Support Services staff determine the type of assessment that's needed. The Department of Education educational psychologist completed 123 assessments last year to support simple to complex needs. A school may request specific or further support from Student Support Services. Again, I will continue to build on this as we go forward.

Ms. Clarke: These psychoeducational assessments are important because not only can they help identify specialized learning approaches for both parents and educators, but they can also result in the child receiving an official diagnosis. An official diagnosis is often required for a student to be eligible for certain funding and supports from various levels of government. As many parents have noted, there is a significant cost for parents when they are forced to seek a private assessment as opposed to one offered through the Department of Education.

Are there financial supports available to parents who are required to pay out of pocket for psychoeducational assessments as a result of the two- to three-year wait time for the publicly funded option?

Hon. Ms. McLean: Again, I started out my answers today talking about the 2019 audit and the final report on the review of inclusive and special education. It's important to note that these reports did point out that student assessments need to be conducted in a more timely manner. We will be advancing the recommendation in the final report of the review of inclusive and special education to come up with more localized criteria around prioritizing assessments and ensuring that student learning needs are being addressed.

We are advancing this work quickly. We have an education summit that is happening on November 12. We have built, with all of our partners, a comprehensive work plan that will work toward addressing this very issue.

This will be one of the very specific work groups that come out of the summit. I am looking forward to advancing this. It is absolutely vitally important that our children are assessed and that they are receiving the supports that they need to be successful in school. That is our goal.

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

ORDERS OF THE DAY

Hon. Mr. Streicker: 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 Minister of Energy, Mines and Resources 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

Chair (Ms. Blake): I will now call Committee of the Whole to order.

The matter before Committee is continuing general debate on Vote 53, Department of Energy, Mines and Resources, in Bill No. 202, entitled *Second Appropriation Act 2021-22*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 202: *Second Appropriation Act 2021-22* — continued

Chair: The matter now before the Committee is continuing general debate on Vote 53, Department of Energy, Mines and Resources, in Bill No. 202, entitled *Second Appropriation Act 2021-22*. Is there any further general debate?

Department of Energy, Mines and Resources — continued

Mr. Kent: I know that we talked about a number of things the last time we had Energy, Mines and Resources before. I would like to welcome back the officials — the deputy minister and the assistant deputy minister — to support the minister here this afternoon. One of the things that emerged since we were last up and talked about a range of issues was today's ministerial statement regarding the Yukon Climate Leadership Council.

I want to take the minister back to May 25 of this year, when we were in the Energy, Mines and Resources debate. I will quote my question and then quote the minister's answer and then just see if we can get some sort of explanation or response with respect to it. What I said at the time was — and I quote: "One of the other things that was brought up by the Yukon Chamber of Mines with respect to the confidence and supply agreement was the Yukon Climate Leadership Council. The Chamber of Mines wanted to represent the exploration and mining industry on the council. I'm curious if the minister was asked about that at his meeting with the chamber and what his response to the chamber was."

Madam Chair, the minister then answered me by saying: "I was asked about that by the chamber. They did make that generous offer, and I would love to take them up on that offer.

I hope to work alongside other colleagues here — the Minister of Environment — on the Climate Leadership Council. I think that it's really important that we have industry there.

"I will note that mining is a key industry but certainly not the only industry representation that I would like to see on that panel. There are a number of other sectors that would have a good voice there and a chance to help us work together to achieve our targets.

"What I said to the chamber was: 'Thank you very much' and I do hope that they are one of those voices at the table."

So, of course, with the ministerial statement earlier today, the membership of that panel was announced, and not only was there not a representative of the Yukon Chamber of Mines, I don't believe that there is any representative of the mining industry or perhaps some of these other industries that the minister was speaking about in his response back in May. I'm curious if he has any comments on why he would say that in May, and then we fast-forward to early November, when this panel was announced, and there are no representatives of the mining industry on that panel.

Hon. Mr. Streicker: Yes, I thank the member for going back and sharing those comments that we had in exchange here on the floor back in — was it May? — in May. I did say that, and what I can say is that, in the interim, I have met often with industry, with the Chamber of Mines, and also other mines, and we have had conversations with them about the importance of shifting the energy economy.

What I want to say is that they have been — overall, what I have heard from them is great interest in trying to do that work together and to work collaboratively toward that. What I have heard from the mining industry is that they would want to be part of that solution — that's great. I acknowledge that there was no one from the chamber who was selected for the leadership council, but that is not going to stop me from working with the Chamber of Mines — mines in general — and working closely with them over time, and I look forward to that work.

Mr. Kent: The challenge that we have is, from when we spoke in May, and as I said at that time — I believe that all three parties met with the Chamber of Mines executive at that time, and they outlined three important aspects with the 2021 confidence and supply agreement, which is the agreement between the Liberals and the New Democrats which allows the Liberals to govern the territory. One of them was with respect to successor legislation, the other was some questions around accelerated land use planning, and then the Yukon Climate Leadership Council seat. I am curious if the minister can tell us where his thoughts were in May about wanting industry representation on that leadership council and noting, at the time, that mining was a key industry, but certainly not the only industry representation that he wanted to see on that panel.

So, how did we get from those comments in debate on May 25 to where we landed today, where essentially, I believe, the Yukon Chamber of Commerce has a representative, a retired member from the Yukon Energy Corporation — a retired official from the Yukon Energy Corporation — but we

don't see any of these key industry representations that he wanted to see on that council back in May.

I guess I'm just kind of curious where this went off the rails in ensuring that there was industry representation on that Yukon Climate Leadership Council.

Hon. Mr. Streicker: I'll have to look into the makeup of the council more closely, but I thought I heard today, as the Member for Copperbelt South noted, someone from the Chamber of Commerce, who I think has chaired the energy sub-committee — I also heard Dr. Michael Ross' name, who is the industrial research chair on energy electricity — I believe through the Yukon University — so that is industry, in a sense.

There were folks named on there who are in private practice and are working on the issues of shifting the energy economy.

What I will commit to today is to reach out directly to the chamber — but also in conversations with mining companies — and just extend my openness to them to hear their thoughts and contributions. My belief is that, as I have been in conversation with the mining industry, they want to be part of the solution and that they share our interest in helping the territory to shift the energy economy. I look forward to working with them.

Mr. Kent: With respect to the minister, the Chamber of Mines mentioned, I believe, to all three parties at their May meeting that they would like to represent the exploration and mining industry on the council. The minister mentioned an individual, the research chair from the university, and then another individual who is a retired official, I believe, from the Yukon Energy Corporation. Are either of them there to represent and advocate on behalf of or I guess represent the mining industry on this new council that was set up?

Hon. Mr. Streicker: I think that the point of the leadership council is that people bring a broad range of experience and that they will work together — but to try to support the initiative of the territory to shift the energy economy. It's great work. I'm not suggesting that someone is representing mining from that group. What I'm suggesting is that I will make efforts to connect with the mining industry broadly. That will include through the Chamber of Mines. It will include talking directly with mines. I will also raise it with the Yukon Minerals Advisory Board whose job is to try to advise me. I will ask that they all feel welcome to provide their thoughts around how to shift the energy economy.

What I can say is that in all of the conversations that I have had over the past summer and fall, they have been constructive conversations. I would characterize it that mining sees themselves as part of the solution, and that's a great position that they have. I thank them for that effort. I am happy to receive that advice from them and I look forward to it.

Mr. Kent: I am hoping that the minister can appreciate the concerns that we are raising here today, because he has spoken about the broad range of individuals. I certainly recognize the broad range of individuals who are on the council that was announced today. However, there appears to be no one on that council who represents one of our most important

private sector industries, which is the mining industry — mining and exploration industries.

Back in May, the minister was quite bullish about having someone representing that key industry and other key industries, but we fast-forward to today and there doesn't appear to be any industry representation on the council that was announced today. I would note that — I think it's in July 2022 — they will be presenting a report on their work. It is well and good that the minister is going to reach out to the Minerals Advisory Board and others, but I am curious why — going back to May — he was so bullish on wanting those voices at the table, and then we come to November when this is announced and there is no voice representing the mining industry at the table.

Hon. Mr. Streicker: I continued to say — and I am happy to rise again to say — that I think that mining is very important in this conversation. I have said that I am — and I know the department is and all the good folks at the department are — very interested to work closely with mining on these questions.

I know that how we have divided out *Our Clean Future* — we have an overall target, and we also are going to set industry-based targets. That's a separate track.

I disagree with the member opposite when he says that there is no industry representation. I am saying that there is industry representation, but there is no mining industry representation. From my perspective, mining is not our only industry here in the Yukon.

This is an important issue, and I have had great conversations with mining companies. What I have heard from them is really strong, supportive thinking around how we shift the energy economy. This is not a small question; this is a very big question. I am happy that we have had good conversations with the mining industry. I think that this is going to continue and I look forward to it.

The Yukon Climate Leadership Council is not the only way in which we take advice. We have, for example, the Yukon Minerals Advisory Board. We have ways in which we will collect this advice. As the Minister of Environment and the Member for Whitehorse Centre said earlier today, there were a lot of names to choose from. After people were contacted, some of the folks who were not selected reached out to me and said that they were still interested, and I said thank you. I look forward to other opportunities where their input can be received.

So, yes, I continue to be interested in listening to mining around this very important issue.

Mr. Kent: Again, the minister said here today that he believes that there is industry representation on this council, just not mining industry representation. Again, I will take him back to what he told me on May 25 of this year. He noted that mining is a key industry but certainly not the only industry representation that he wanted to see on that panel: "There are a number of other sectors that would have a good voice there and a chance to help us work together to achieve our targets."

As my colleague, the Member for Kluane, said during the ministerial statement response today, of course they want to be

part of the solution. We commend them for that as well, but they are one of the heavy lifters as far as what can be done, whether it's transportation or power generation, on sites that aren't connected to the grid. Again, I am going to voice our concern that there isn't anyone representing the mining industry on this Climate Leadership Council, as he stated in his previous response — that there was no mining industry representation. He said that there are other boards that he seeks advice from, such as the Minerals Advisory Board.

So, how will the concerns of the Minerals Advisory Board or the Chamber of Mines or others be channelled to this leadership council by the minister since he and his colleagues never chose someone representing that industry to be on the council itself?

Hon. Mr. Streicker: Somehow I feel like I'm hiccupping with the member opposite. I'm acknowledging that there was not a mining industry representative who was selected for the leadership council. I'm saying that we look forward to hearing from mining and for them to give their perspectives. I'm not asking them necessarily to give them directly to the leadership council. They can give them directly to us as we work on this issue of shifting the energy economy to a renewable and sustainable future.

If the industry wants their comments to go into the council, that's fine. I would be happy to take them there. I'm sure that the council itself will also ask for ways of having conversation and getting feedback. We have assumed that there would be briefings that the Department of Energy, Mines and Resources would give to the council, that the Department of Environment would give to the council. I'm sure that there are ways for them to ask for other questions; that's fine. I look forward to what they ask and request.

But it does not preclude that the mining industry is welcome to provide their feedback. What I have said is that we have already begun to do that work, to talk to them, to sit down with them, to hear their ideas and thoughts, and to chart a way forward for how to shift the industry, including setting targets for them, which is on a separate track.

What I have also indicated is that work, that engagement with the industry, has been really constructive, and I am acknowledging the positive attitude they brought toward this challenging problem. What I hear from them is very solutions-oriented thinking.

There are opportunities to receive that feedback, and I don't think it has to be just that it comes through the leadership council, that it's the only way through which we are listening out there broadly. I am making the commitment, as I stand on my feet each time here, that I will make specific efforts and am open to the feedback from industry to work with them collaboratively on how we will shift the energy economy.

Mr. Kent: One of the early things — I think it was perhaps just after the minister was sworn in as the new Minister of Energy, Mines and Resources — that he would have met with the Yukon Chamber of Mines. The Chamber of Mines specifically asked, with respect to this council, that they would like to represent the exploration and mining industry on the council. I think it's unfortunate that other industries have been

prioritized over mining. The minister has mentioned that the individuals he has talked to are solutions-oriented and focused on being part of the solution. Unfortunately, their voices will be dampened down or somewhat muted, because the Liberals and — it sounds like — the New Democrats — after having listened to the response by the Member for Whitehorse Centre to the ministerial statement — played a role in choosing the representatives of this council as well. That is fair; it's part of the CASA; I understand that.

But I can't help but think that individuals in the exploration and mining industry will feel slighted by the decision not to include anyone specifically from their industry to provide advice and experience and support to the council as it makes its deliberations and works toward its report in the summer of 2022.

That said, I know we have a number of other things that I wanted to touch on today, and one of them — I think we spoke briefly about it at the end of Energy, Mines and Resources debate the last time the minister was before Committee, and that is the successor resource legislation.

So, I know I expressed some concerns about timelines, but the minister did say that they were still on track to have a new quartz and placer mining act tabled in the Legislature in the fall of 2022, before the expiry of the CAS agreement. I'll go back to what the Chamber of Mines was asking the leaders in early May, and what they said was that, for successor legislation to be successful, industry — the Chamber of Mines — must be fully engaged in the process.

Can the minister tell us what the engagement is with industry and what the overall process that has been put together looks like, so that we have an idea of how industry's input will be taken, with respect to the development of this legislation?

Hon. Mr. Streicker: I'll have to look back at Hansard, but what I believe I said was that the process was on track at the moment, but that we had also heard from First Nations that they wanted to make sure that there was enough time to work through all of the questions in front of us, and of course I noted, I think, in my response, when we spoke a short while ago, that there was a clause in there to make sure that we had full engagement with our First Nation partners.

With respect to the mining industry and successor legislation, I know that I heard at the Yukon Forum, when we discussed this — I think it was two Yukon Forums ago — the table said to make sure to be very inclusive of industry, and that was good news. Of course, we believed that, so that was very welcome news.

We indicated that to the mining industry. We have set up a mining industry table. They had their first meeting some time ago; I think that their next meeting is coming up later this week, and I understand that the meetings are going well. I can also say that the mining industry asked if there could be some opportunities to have conversation across tables, and I think — we believe that is going to happen. We are working to realize that — so, it's underway and going well, as I understand it.

Mr. Kent: I thank the minister for that response. I will look forward to speaking to industry representatives at the upcoming Geoscience Forum about what their thoughts are

with respect to the development of the successor resource legislation.

Sorry, can the minister — he doesn't have to identify the individuals by name, but he can identify by organization. What industry, and then environmental NGO, organizations are represented? Sorry, if he mentioned this, but my understanding of this is that there are two separate working groups feeding into what will be some sort of a drafting of this legislation. Is there one that involves industry and then is there a separate one that involves environmental stakeholders and other stakeholders?

If the minister can confirm that, and if he can confirm — as I said, I don't need the names of the individuals, but perhaps the organizations that are represented.

Hon. Mr. Streicker: I may have to check in with the member opposite on part of the question, but I want to just correct something. I was wrong that the minerals advisory table was meeting for a second time later this week; they met for the second time yesterday, so they have already had their second meeting. The composition of the minerals advisory table includes reps from the Yukon Minerals Advisory Board, the Yukon Chamber of Mines, the Klondike Placers Miners' Association, and the Yukon Prospectors Association.

I will just now check on the other part of the question that I think I heard, but I'm not sure, which was about who was involved in the environmental non-governmental organization table — if I can just check on that.

Mr. Kent: It was my understanding that it was two separate tables meeting, and one is specific to the industry, and then there is another that one involves environmental NGOs and other stakeholders. I am just curious as to who was sitting at that table as well.

Hon. Mr. Streicker: On the environmental non-governmental organizations table, currently I understand that there are two groups representing it, and that is the Canadian Parks and Wilderness Society Yukon and the Yukon Conservation Society. As I stated earlier, we are working to have opportunities for those two tables to sit together and talk directly to each other to share concerns, ideas, and interests.

Mr. Kent: I am going to turn the minister's attention to the mandate letter that he was sent by the Premier shortly after he was named Minister of Energy, Mines and Resources. I am obviously not going to go through all of the things here, but I do want to touch on a few. Under the first bullet — I am on page two of it — "As Minister of Energy, Mines and Resources, you are to: Have a leadership role in ensuring that the commitments under *Our Clean Future* are realized including..." the following.

I just wanted to drop down to the third bullet there, which is "Expanding the range of professional development offerings to enable more Yukoners to participate in the green economy."

Can the minister expand on the work that he is either undertaking right now or is anticipating undertaking to fulfill that particular commitment in his mandate letter?

Hon. Mr. Streicker: I think there are a few ways in which we envision this happening. The work is in development. It is not all realized as of yet.

First of all, we're working with the Energy Solutions Centre around the suite of actions from *Our Clean Future* and identifying where there are areas for having continued professional development in the territory, which would be really good for trades and professions to have on this issue.

We've had some initial conversations with Yukon University about that type of development. We have met with the Canadian northern innovation in mining group. We've also met with the research chairs to talk about their work, and I think we will, as well, work with the Department of Economic Development to do a lot of work around professional development. It's a range of ways in which we see this unfolding over time.

That's sort of the rough outline.

Mr. Kent: I guess — sorry — that the minister had mentioned that he would be working with the Department of Economic Development. Other spots in the mandate letter where there is cross-departmental responsibility, it's identified, so it's not identified there with respect to expanding the range of professional development. I perhaps would have thought Department of Education or Yukon University, as the minister mentioned.

Can the minister just give us a quick indication on when he'll have some additional information on how they will expand the range of professional development offerings to enable Yukoners to participate in the green economy?

Hon. Mr. Streicker: What I can say is that the Energy branch offers services to trades and other professionals who are necessary for the success of its main programs, including a trade ally network, subsidizing building and transportation sector professional development courses, and projects and contracts that facilitate private sector participation in the green economy.

There is work happening now. We anticipate more.

Pardon me, Madam Chair, when I last rose, I misspoke. It is the Centre for Northern Innovation and Mining. I had the acronym wrong in my head.

The member asks about timing. I think, over the coming year, we will be developing this further, or building on the work that is already there, and enhancing it. I don't have a very specific timeline. I can say that we have made initial steps. For example, Deputy Minister Bailey has joined the Centre for Northern Innovation in Mining board. This is one of those ways that we will draw some connections between the Department of Energy, Mines and Resources and the university and professional development. There are several ways in which we have made our first steps. We haven't yet laid out a full timeline for the work that we anticipate, so I am unable to give a firm time commitment here today, but I do anticipate that we will continue to develop this into 2022.

Mr. Kent: I wanted to move down to the next bullet in the minister's mandate, which is "Begin work to consolidate elements of the Climate Change Secretariat with the Energy Solutions Centre within the Department of Energy, Mines and Resources with a goal of aligning climate change solutions and initiatives."

I am curious what this work will entail. Is that an actual — will the Department of Energy, Mines and Resources and the Energy Solutions Centre be taking over the role of the Climate Change Secretariat?

I am speculating now, so I will leave it to the minister to perhaps explain what exactly is meant by that bullet in his mandate letter.

Hon. Mr. Streicker: I thank the member opposite for the question.

Look, this is really more about trying to make sure that our teams are working well together and focused on solutions. It's not about moving the Climate Change Secretariat under Energy, Mines and Resources. What we are anticipating is co-locating these teams that are working — for example, the Energy Solutions Centre and the Climate Change Secretariat — and have them working closely alongside of each other. Partly, that could be physical, but it is more about making sure that their work is aligned.

It will also include, for example, some folks — or at least a couple of folks — from other departments, like Highways and Public Works, which has a strong lead, when you look through *Our Clean Future* as well.

The idea is that this is a very big step to try to shift the energy economy from fossil fuels. It is not done easily, and what we need to do is we need to have all these teams working more closely with each other so that they are aligned. We have also talked about making sure that there is a climate lens on decision-making, but this is really about — the mandate letter here is really talking about making sure that these groups are working closely together, and I know that I am working closely. It is just lucky happenstance that the Minister of Environment is also the Minister of Highways and Public Works, so that is a good alignment. We will be working together, and these groups will work together in order to maximize our ability to focus on solutions.

Mr. Kent: We will look to monitor how that rollout happens here over the next number of months and into the Spring Sitting; perhaps we can revisit it.

One of the other actions that the Minister of Energy, Mines and Resources has been tasked with by the Premier is to consider the recommendations from the mineral development strategy to determine endorsement and implementation, beginning with those that focus on successor legislation. Obviously, the mineral development strategy and recommendations were presented in April of this year. It is a fairly lengthy document with a number of recommendations, some of which are of concern to industry; some, I'm sure, are of concern to First Nations and other stakeholders.

I know that the minister, in the spring, spoke about — or perhaps even the last time EMR was up — the focus on the successor legislation, but can we expect a fulsome response from the minister and the Department of Energy, Mines and Resources with respect to the mineral development strategy and which of the recommendations are supported and which ones, perhaps, the government is not too enthusiastic about implementing?

Hon. Mr. Streicker: The mineral development strategy came up with — I think it was — in the neighbourhood of 125 recommendations. When we looked through it, about half of them have to do pretty directly or pretty cleanly with successor legislation. What we've said is that we would take that half and provide them — or address those ones first — but what we've also said is that, as we enter into working on successor legislation with First Nations, we're not prejudging where we will go through that process. We are open in our work with them to let the legislation evolve through the work of the steering committee, and the core group, and the tables that we have brought to try to provide feedback.

We're not going to say: "Yes, we're going to do this one, this one, and this one." What we could do is share the list of the 125 recommendations and our efforts to identify which ones we believe are relevant for the work that we're undertaking right now. What I want to make very clear here is that we are focusing on successor legislation. So, how these recommendations assist toward that — terrific. Those will be the ones that we look at first.

Mr. Kent: I would appreciate that list of the half that are under consideration. The minister has identified, I think, 125 different recommendations. So, the 60 to 70 or so, whatever number that is — if he would be able to provide us with that information, it would give us a little bit more certainty on which ones are being considered as part of this successor resource legislation review. The minister mentioned in his earlier response that he would provide that. I'm just kind of interested in perhaps a little bit of timing around when he believes that could be provided to the members of the House.

Hon. Mr. Streicker: I know that, based on the other day when we were here in debate in Committee of the Whole around Energy, Mines and Resources, there was a series of questions that the department is working on. They are working pretty quickly. We will get an answer fairly quickly, I'm sure, and we are happy to provide a written response about that list for all members of the Legislature.

Mr. Kent: I will jump ahead in the minister's mandate letter with respect to his role around increasing housing stock across the territory, developing new land parcels and lots, and innovative approaches. This is led by the Yukon Housing Corporation, and there is also the involvement of Community Services and of Energy, Mines and Resources.

The first bullet in there is releasing the 5th and Rogers land parcel to the private sector for future housing development. It was my understanding that there was some historic contamination on that site. Can the minister let us know, or perhaps direct us to the appropriate minister, whether that has been remediated and then perhaps a timeline on when he expects that land parcel to be released to the private sector for future housing development? The final question would be — and again, this might be for a different minister: How would he envision that release going? Would it be some sort of a public tendering or offering, or would it be a request for qualifications? There's any manner in which it could go, but we are just curious about what is being considered at this time.

Hon. Mr. Streicker: I will begin by saying that it is the Department of Environment that has the lead on the questions about contamination, but I will share that what the department helped us to understand is that the level of contamination now is such that you could reasonably deal with it through the development process itself. So, how you develop this city block — there is a way that you can do that such that you can deal with the contamination. That has changed things around 5th and Rogers.

We have had conversations with the city, of course. For us, the lead on the project at the moment is the Yukon Housing Corporation, as noted, I think, in the mandate letter. I can indicate that we have put out an expression of interest to the private sector previously, and I can say that I think what we're hoping to do is release 5th and Rogers as soon as we are able to. The goal is to try to catch the next building season, but there are certain things — for example, we just had a municipal election. It's important that we sit down with the mayor and council to make sure that we are still aligned. I think that, again, our lead on that work is the Yukon Housing Corporation.

Mr. Kent: I am just going to move into a few questions about local area planning — some of the sub-regional planning, the Beaver River land use plan, and some of the other sub-regional plans — I'm hoping for a little bit of an update on them from the minister.

Can the minister provide us with some status updates on the local area planning in Fox Lake, Tagish, and Marsh Lake? Is there any timing for completion of those plans that he could share with us at this point?

Hon. Mr. Streicker: I will give a partial answer, and I will hunt to fill in any gaps that I have left.

I heard a question about Marsh Lake. The Government of Yukon, Kwanlin Dün First Nation, and Carcross/Tagish First Nation are working to complete the Marsh Lake local area plan. First Nations are engaging with citizens on the draft plan. No surprise, Madam Chair, that the COVID-19 restrictions caused some delays affecting the timelines for the plan approval.

The past minister approved a request from the First Nations for the 2016 draft plan to be considered as a proposed planning scheme under the *Subdivision Act*. Kwanlin Dün First Nation has asserted impacts to aboriginal treaty rights related to an agricultural home site subdivision application on the M'Clintock Valley Road, and the Land Planning branch is consulting with the Kwanlin Dün First Nation on the application.

With respect to Tagish, First Nations in the Southern Lakes have expressed concerns and, in some situations, asserted impacts on aboriginal treaty rights related to subdivision applications and new agriculture developments. The Carcross/Tagish First Nation is concerned that land development and land use in the 10 Mile Road area may be impacting migration of the Southern Lakes caribou.

I will get an update from the officials here, because I know that we have the local area plan and we also have the Tagish River Habitat Protection Area. I will get another note on that.

Mr. Kent: I look forward to receiving those responses either today or in a legislative return or letter going forward.

I do have some questions with respect to the status of the Shallow Bay zoning — obviously an issue that the minister no doubt knows came up during the recent territorial election. My understanding is that there was a commitment — not made by the government but by one of the Liberal candidates at the time — for more consultation. However, there hasn't been anything engaged as of yet.

Can the minister just give us a status update on that Shallow Bay zoning and when we can expect additional consultation to occur or if there are plans for additional consultation?

Hon. Mr. Streicker: Madam Chair, one of the things to note is that we had a very high flood in that area this year. It changed some things for us. Because of the impact of flooding on the properties in Shallow Bay, as well as concerns brought forward by the Ta'an Kwäch'an Council, we are recommending a pause to the zoning regulation process. We do think that it is important to advance discussions with First Nations on land use planning in this area. We need to make sure that there are going to be some clear rules about development in areas at risk of flooding. We all know that this was a very high flood, but we also recognize that this may be more frequent due to climate change.

I know that the committee members and the Ta'an Kwäch'an Council have contributed many hours trying to resolve some very challenging land use issues, and we are committed to continuing to work with them and the community to understand and address the concerns that have been raised.

We have asked the Shallow Bay zoning committee to complete the "what we heard" report to share feedback received from community members on the proposed zoning that was presented to the community last winter, so that is what I understand to be the next step.

Mr. Kent: I will move the minister to the other side of Whitehorse now. I know that he was sent a letter dated November 1 with respect to the *Golden Horn Area Development Regulations* zoning committee and a public meeting.

The letter was copied to me, to the Leader of the Official Opposition, as well as to the Leader of the NDP. Both the Leader of the NDP and I gave notices of motion yesterday with respect to this issue. I am hoping that the minister can perhaps provide us with a bit of an answer.

Just for some background on this, the *Golden Horn Area Development Regulations* zoning committee was established in October 2020. They undertook a questionnaire and survey of local residents regarding a review of the GHADR. Fast-forwarding to now, they are planning to conduct further consultation with the community and are intending to arrange a public meeting in late November or December of this year. They were hoping that the new minister — obviously not as new as perhaps they think. They are requesting a review of the *Golden Horn Development Area Regulation* and seeking assistance from the Land Planning branch to undertake a public meeting to further consult with the community.

Sharing a lot of that area with the minister, as MLAs, we know that there will be very passionate thoughts put forward on

both sides of this issue, but I think that it is a reasonable request to have the department assist in helping them put together a public meeting to further consult with the community. I am hoping that the minister will be able to give us a response here this afternoon to this request put forward by the spokesperson for the committee who sent the letter.

Hon. Mr. Streicker: I sure noted yesterday when both the Official Opposition and the Third Party brought forward a letter or a motion referencing the letter.

I am happy to turn back to the department and just ask them to take another look at this. I will make sure to follow up with the committee that was struck last year. Of course, land planning brings a range of perspectives. It always does, but it is always better for us to sit down and work those things out. I think that is a good thing to do. I thank the member for his question and for his interest. I will ask the department to take another look.

Mr. Kent: I appreciate that from the minister. I will pass on the remarks from Hansard to the spokesperson who signed the letter. I am sure that he will hold your feet to the fire with respect to arranging those conversations and hopefully getting to a place where some of those conversations can take place.

I just wanted to ask quickly about the Beaver River land use plan. It has been three and a half years or so since it was announced. Obviously, there was a fairly major setback last year around this time, just after Geoscience, with respect to the denial of the permit for the tote road for ATAC. They put out a very strongly worded press release about whether or not the Yukon was open for business. We talked to the former minister about it.

I am just looking for an update. I believe I downloaded this on October 26. The last update was on May 20, 2021, on www.yukon.ca. The minister, I thought, indicated that perhaps they were looking at the spring of 2022 for completion. I will read what's on the website. It says: "The Government of Yukon and the First Nation of Na-Cho Nyäk Dun remain in regular contact and we anticipate an update in the spring of 2022." To me, that doesn't sound like it's any sort of draft plan or completion. Perhaps the minister can correct me if I am reading that incorrectly. I am curious where we are at with the Beaver River land use plan and access into that area north of Keno.

Hon. Mr. Streicker: There are several things that I will say on this question. I thank the member opposite for the question.

The first one is that, when the permit was denied, it wasn't denied because there was no plan in place; there were other reasons for that. I have indicated previously here that the target is to complete the plan in 2022. We remain committed to that target. In fact, I had a conversation with Chief Mervyn from the Na-Cho Nyäk Dun this past Friday. He also indicated his commitment, so we are supportive of our planners to try to finish the work. We are also staying in touch with ATAC as they have a strong interest on this file. The last that I have been advised is that our target is still for next year, in the spring. I would be happy to provide updates if that changes, but that is currently what I understand to be the target time.

Mr. Kent: We will stay on top of that issue, as well, as we have since it was first announced. I look forward to asking more questions about that as we move forward.

I do have one question related to agricultural land and the development restrictions — I think it was part of the agricultural strategy. I apologize, Madam Chair, agriculture is not my normal critic role within Energy, Mines and Resources, although it is an EMR responsibility. But those new agricultural land development restrictions were to have been implemented on April 1. However, it is my understanding from my colleague, the Member for Lake Laberge, that they were then paused and there was a commitment to consultation.

Can the minister provide us with a status update on that issue? I know that it affects a number of individuals in the Member for Lake Laberge's riding, but there is also agricultural land in my riding outside of the city limits, particularly on Gentian Lane and Venus and that area.

Hon. Mr. Streicker: What I understand is that, in the sequence of things, we had pulled together the agriculture industry to ask them about how we could develop this policy. They made recommendations to us. We went to initiate it, and then we started to hear concerns from other farmers across the board, and so I think we said, "Okay, hold on. If we have something wrong, let's take a moment and check back in." I think that our director of Agriculture is doing that work now — engaging back with industry — to try to see, if there are improvements needed to the policy, how those would be achieved. That's underway at this moment. I'm looking forward to hearing what that conversation yields.

Mr. Kent: I do have one final question on forestry for the minister before I turn the floor over to my colleague, the Member for Copperbelt North — the Leader of the Official Opposition.

We've talked a great deal about fuel woods and the challenge there, but there are also the challenges that the minister is aware of for some of the smaller mill operators. I know that he and his deputy have taken some time to visit the Creekside operation in my riding, and I appreciate that they did that. I know that they're in the process of putting together some supply to meet some of his supply shortages from different sources, but I'm kind of curious about the longer term implications. What are the longer term plans for some of these smaller selective harvest mills, like the Creekside Wood Supply mill, and where we are looking for some reliable and secure sources of the appropriate wood close to the Whitehorse area? I guess it would be part of the Southern Lakes plan that was announced earlier this year.

Hon. Mr. Streicker: There are several ways in which we are working over the medium and long term to try to address supply. I think that we believe that we need supply across all sectors, so that would include firewood, biomass, and timber supply. These are different things — of course, they are all forest, and overall, we have recognized — again, through *Our Clean Future* — that our forests are a tremendous resource, but they are also a risk if we don't manage them well.

One of the ways that we are looking at that is how we can align more closely with the Department of Community Services

in their work to do protection around our communities to make them safer from large-scale fires. What we want is — we look to see if we can turn those into opportunities. We have identified — we had a large plan that went forward in the Johnsons Crossing area, but through work with YESAB, it was not recommended, but I think we turn right around and sit down with the Teslin Tlingit Council and talk through where it might work and just get back to the drawing board with them.

I have had conversations with several chiefs in and around Whitehorse, and over to Champagne and Aishihik, to talk about wood supply and working through our forest resource management plans to try to identify those opportunities.

As I said earlier, when I have been asked questions on this, I think that we really want to identify all opportunities that are possible, because I think that this is an important sector in terms of how, if we don't address it, we risk increases, but also in terms of the types of opportunity that should exist for local entrepreneurship, local heat security, and local supply.

Mr. Dixon: I have some questions for the minister about the off-road vehicle regulations that were brought in earlier this year. As I am sure the Legislature is aware, the department brought forward regulations under the territorial *Lands Act* earlier this year. Those regulations limited the use of off-road vehicles in a number of ways.

There are currently three management areas in the territory that are used under this regulation. The first, of course, is Ddhaw Ghro and the HPA there. I don't think that this was a great surprise to anyone. The second one is the west Hart River landscape management unit off the Dempster, where previously the Dempster development corridor had limited access for ORVs already. The one that was fairly startling to a lot of people was the broad-based alpine area. The entire territory, anywhere above 1,400 metres or higher, is now off-limits for ORVs.

I have a few questions for the minister about that. The lack of communication about that regulation, when it came in earlier this year, really caused a lot of folks to be concerned, particularly in the hunting community, as there was a profound lack of information and communication from the government about this. A lot of hunters who asked the Department of Environment, or COs, about this realized that the Department of Environment had very little information about this and that, even though the regulation was from EMR, EMR hadn't really thoroughly communicated with Environment about it.

Likewise, the lack of clarity in the regulation itself makes it very confusing for someone to understand when they are on an existing trail or not. As anyone who has spent any time in alpine areas knows, you can easily be on a trail going up a hill, and then the trail will disappear and you will be going over some rocks or something like that, and you can very easily lose a trail.

A lot of folks have been concerned. They don't want to break the rules. They want to follow the rules, and they want to do their best to follow these rules, but unless you have some sort of GPS tool on you at all times, beeping or letting you know somehow when you reach 1,400 metres, it is very difficult for

an individual to know that, and it will be even more difficult for the NROs who are tasked with enforcing this regulation.

I would like to ask the minister about that. Why was so little communication done with the public about this? Why was there so little communication department to department? Who is actually going to be enforcing this, and how on earth are they going to enforce this regulation?

Hon. Mr. Streicker: I was thinking about this the other day. I don't use maps much anymore — not physical maps. I found one in my old camper van. "Oh, look. A map."

Nowadays, most people do use their phones. It's pretty typical. Typically, you have GPS in your phone, so I think there is some information out there. Of course, we want to help people to know.

One of the questions the member asked was: Who is going to enforce this? The answer is the COs. This is going to fall under their responsibility.

The Member for Copperbelt North talked about a lack of engagement, but I'm sorry, I have heard us talk about off-road vehicles for a long time — a very long time. I personally sat in on a whole bunch of meetings where that conversation was happening, and I get that it's challenging — how to limit things — for us, but this is pretty self-explanatory; it is a pretty straightforward thing. There is an elevation, and above that, please, no.

I could start to list off a bunch of the engagement, but there was quite a bit of engagement. This is where it landed — after all of that long engagement and conversation back and forth, we ended up with these three areas, as the member has noted. We also will begin now to allow the opportunity for renewable resources councils, the Fish and Wildlife Management Board, First Nations and other governments to be able to bring forward areas that they believe are sensitive to put into consideration as part of the process.

As well, there is work, as the Minister of Highways and Public Works and Minister of Environment has noted, to talk about the *Motor Vehicles Act* and its overhaul, and one of the pieces within that will be off-road vehicles. That work is coming as well. I am happy to answer further questions.

Mr. Dixon: Just so that I understand it, the minister is suggesting that hunters and users of the backcountry are required to self-enforce this, that they are required to carry a GPS and know at all times their respective elevations. That seems to be what he has suggested, and I know that there are many hunters in the territory, especially of the older variety, who don't use GPS on their phones and aren't as adept with the apps to allow for that, as perhaps the minister is. Even myself, Madam Chair — I often don't use my phone when I am in the backcountry, and so, I think that it is pretty easy to imagine a scenario where someone would be driving an off-road vehicle up the side of a mountain and unknowingly break the regulation by crossing over that threshold of 1,400 metres, without ever meaning to and without ever intending to, by simply following the trajectory of the hill, but it was very interesting to hear that the minister said that this is going to fall to the conservation officers to enforce, because that's not what conservation officers are saying.

They are saying that it is the natural resource officers under EMR who are going to be the primary enforcers of that regulation. I'm curious about the interdepartmental workings here, because my understanding is that conservation officers understand that they will have a role to play at some point but that they are secondary and that the primary enforcement for this is natural resource officers. I would like to ask the minister to clarify that.

I would also like to ask if there are any exceptions to this. Does this apply broadly to any ORV user, or does someone conducting business — for instance, if they are staking a claim and they are required to drive a post in a particular area, that could require them to go to a particularly high elevation to do so. There could be any number of reasons why a business, or someone conducting business, may need an ORV to go into an area that they have indicated in these regulations.

So, those are a few questions for the minister.

Hon. Mr. Streicker: First of all, the legislation sits with us. I thank the member for his question. The enforcement will include Energy, Mines and Resources natural resource officers and the conservation officers. They are both there. I'm not sure about the notion of primary — I think that both have this authority.

The thing is that usually it is the conservation officers who are up at elevation. It's not usually the natural resource officers who are up there. When it comes to this area — the elevation cut-off — we may find that it is more the conservation officers who are doing it, but they are going to be working together.

The overall goal here is about the fact that there is a spider web of trails that are happening across our territory. At elevation, they are slowly but surely causing damage. We want to work to stop that.

My experience with most ORV users is that they are completely responsible and that they will figure out where they can and cannot go. We will do our best to help them to figure that out — whether that is with digital tools or whether that is old-school maps. We will do our best to inform because people want to know. It is the folks who are not just inadvertently coming up over an elevation, didn't catch it, and are back down in short order. It's the people who are really driving up with disregard for the rules who are the challenge.

The member asked a very good question — talking about, if there was some industrial development or something happening at elevation, how these rules would apply. The department officials have said that they would get back to me with some notion about how the rules would apply against, say, the seeking of a permit to do some work that would include work at elevation.

I will have to get back to the member opposite about that to understand how that would work. The principle here is that we are trying to stop the spread of trails up in the alpine that are slowly but surely causing damage.

Mr. Dixon: In addition to the question that I had about the industrial users — and I appreciate the minister's willingness to get back to us. Could he fold into that request whether or not it applies to outfitters and their clients as well?

The regulation defines an “existing trail” as — and I will quote from it: “‘Existing trail’ means a trail on which off-road vehicles are or have been regularly used up until or on the date on which this regulation comes into force.”

The regulation came into force in January of this year, so, by that, my understanding is that you can still go above 1,400 metres as long as you are on an existing trail. An “existing trail”, as it is defined, is basically anything that has or could be a trail. I am wondering how that is going to be enforced. I think we have all been in places where you can see a couple of tire tracks, you can see an established trail, or you can see the folded-over brush from someone who has just punched in somewhere, and everything in between. I can only imagine the kind of debates and discussions that will happen on a mountain top when someone enforcing this regulation comes into contact with someone and asks them if they have stepped off an existing trail or not. Then, when they look at this definition to try to resolve that dispute, I think that there are going to be some debates.

I am wondering about the definition of “existing trail” and how the government seems to think that this definition is going to be sufficient either for the debates that will occur on the mountainside but also eventually in the case of a court challenge when one of these charges or fines — or whatever — are levied with respect to this regulation.

Hon. Mr. Streicker: I will say that we are happy to try to package up these questions to get a response and see. I will include in that industrial development outfitters and how we are going to distinguish existing trails and differentiate, but I just want to emphasize for a second that the purpose of this regulation is really about dealing with off-road vehicle users who really are flagrantly not abiding by the overall rules.

The broad base of off-road vehicle users are respectful of the environment, are trying to do the right thing, and, I think, will be happy to live within this new set of rules. I don't think that this is where the challenge is coming from. I think that it's coming with people who have really gone well off the path — that is where we will start to see our enforcement being needed.

I will get back to the member opposite with dealing with this suite of questions that he is posing.

Mr. Dixon: So, if the minister is going to get back to us, then I guess I will add to the pile and just ask him to confirm that I'm correct in suggesting that it doesn't apply to snowmobiles. I would also like to ask about the Hart River Road. My understanding of the rules on the Dempster corridor is that there is no ORV use on non-approved roads eight kilometres out from the centre line of the Dempster Highway for the extent of the Dempster Highway in the Yukon. However, as a result of this ORV management area created in the Hart River area, there is a new level put on that supersedes the development corridor for the Dempster.

As anybody who has been down the Hart River Road knows, at the end of that eight-kilometre limit where previously you were allowed to go off on ORVs after that eight-kilometre corridor, the road splinters off and there are many existing trails. I just want to understand that all of those existing trails can still be used, but now people can't go off beyond that. If the

minister can just confirm when he gets back to us about how that works in the Hart River area given the Dempster development corridor.

The final piece, I guess I would say — I appreciate the minister's explanation of the intent, and his explanation of the intent is exactly why I'm raising it. I think what has happened here is that they have used a very broad brush on a very wide-reaching regulation for a very discrete problem. I think that this is an example of overreach. I think that they have gone with a very broad brush here to catch just a few things. The result of this is that they are going to inadvertently cause a lot of well-meaning, responsible operators to be caught up and violate this regulation without really meaning to and without really doing any environmental damage.

That is going to present a real problem for enforcement and present a real problem for users of the backcountry who want to follow the rules and will be worried, from time to time, that they may inadvertently go offside of them.

That's why I wanted to raise it and note that there are some really difficult to understand aspects to this regulation, and that confusion, I think, hasn't been addressed through public communication. One only needs to look at the hunting regulations to see how short an amount of information exists in those regulations about this, and that's the primary document that people who use the backcountry look at — the hunting regs. There is a short little piece in there about ORVs and this new regulation. Having conversations with a lot of different people in the Department of Environment and in the CO world — they don't know, either. I think there needs to be better interdepartmental discussion about this, because if you go and talk to the COs and invite the Minister of Environment to do the same for his department, I think you will find that there is a lot of misunderstanding and a lot of discrepancy between these two departments about what these regulations mean and what enforcement is going to look like in the field.

I'll leave it there. I know the minister is going to get back to us. I look forward to hearing more about that, and with that, I think we are getting close to 4:00 p.m., so I'll turn it over to my colleague, the Leader of the Third Party.

Hon. Mr. Streicker: First of all, with the very explicit and technical questions about the Hart, yeah, for sure, we will wrap that up into the response. With respect to snowmobiles, I'll just quote from the information page: "Currently, snowmobile use in a designated ORV management area is NOT affected."

I hear the Leader of the Official Opposition saying that he has concerns about these ORV regulations. I don't think that they are complicated. I think that there may be lots of questions to resolve in helping people to abide by them, but I think that they are pretty straightforward. I appreciate that he has concerns, and I thank him for sharing those concerns, and what I will say is that I know that the departments are working on this, and we will again work with users. In my experience, the broad base of users will make sure that they are, by and large, following the rules. That is not what the purpose is here, and we will help them to do so. These types of regulations are largely here in order to help protect the environment, and that

is what this is about. Most ORV users I know of want to do the same thing.

Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

The matter now before the Committee is continuing general debate on Vote 53, Department of Energy, Mines and Resources, in Bill No. 202, entitled *Second Appropriation Act 2021-22*.

Ms. White: Thank you, Deputy Chair, and welcome back to the officials. I am excited that I have longer than 33 seconds in order to have our conversations today, so it's a pleasure.

The first thing I wanted to do was steer our direction toward Sunnydale, outside of Dawson City. In conversations with residents of Sunnydale, I have a series of questions for the minister. When the minister met over Zoom with residents of Sunnydale, they thought that possibly he didn't seem aware that the project was a three-phase project, with phase 1 being the development of three lots, to a total of 16 lots by the end of phase 3.

When the minister met with residents of Sunnydale, was he aware that it was a three-phase project, and if he wasn't, was he briefed on the full scope of that project?

Hon. Mr. Streicker: Yes, I think that the department did brief me, and I think that any appearance of not knowing on the Zoom call is my responsibility, but I do believe that the department had informed me.

Ms. White: Aspirational, for sure.

There was an exchange between the minister and I in letters. I sent one on August 25, and the minister responded to me on September 21. We were talking about Sunnydale. In his letter to me, he references a contract going to a company called CryoGeographic Consulting of Whitehorse, when he was talking about permafrost. A resident of Sunnydale actually called that contractor to have a conversation about the road, to discover that the person who did the assessment actually was a soils expert, but not permafrost.

I wanted to know if permafrost holes had been drilled in the proposed road location and the proposed lot locations.

Hon. Mr. Streicker: That is a pretty technical question. The deputy minister has just advised me that we will check in with the department to try to get a response.

Ms. White: I appreciate the answer from the minister and his answer from his deputy, but I will just get them on the record, so, at any point in time, the minister can just let me know that the information is forthcoming.

One of the reasons why it is important to have the full understanding of the permafrost is that one of the concerns that has been highlighted by Sunnydale residents is with the proposed road location. Their understanding is that there are

permafrost issues, so it's making sure that the department is making decisions based on permafrost, and not soil, so that's the important thing.

A Sunnydale resident was told by a representative of the department during their meeting that the road construction has started, so it might as well finish, and they'll see what happens. Is that also the opinion of the minister — that we should build the road and just see what happens?

Hon. Mr. Streicker: When you are building roads, I think you have to care about permafrost, and I think you have to care about soil; I think you have to care about both. That's the first thing I want to say.

I heard some concerns that were raised by the folks from Sunnydale. I spoke right after the call with the assistant deputy minister. There were things that we agreed to follow up on. What I said to the folks in Sunnydale was: Let's take a look at those concerns that they have that are specific to — gosh, I'm trying to recall the exact wording that I used. I said to them that I thought we should focus on those issues that were specific to this location and not a concern about agriculture generally and that, overall, we wanted to develop land for agriculture broadly and that I didn't want to get into too much of the argument about whether that is a good thing or not. Generally, they said they were supportive of that.

We tried to focus on those specific things around this location that would be pertinent. One of them was road stability and downslope impact. That definitely was one of the things that we discussed. I'm happy to follow up.

Ms. White: I do appreciate that answer from the minister.

I guess one of the issues that continues to be highlighted in my communication with Sunnydalers, as they refer to themselves, is their knowledge and understanding of the area compared to that of the Agriculture branch. I think it's really important to note that no one disagrees that we should be developing agriculture lots, including Sunnydalers. They aren't saying that it shouldn't happen. They aren't saying that it's a bad idea.

One of the things I did highlight in my letter was the importance of land-matching. So, one of the — and I said in the letter that one great thing about this project was that — I guess I could quote myself. In the letter, it says: "The great news about these proposed changes is that it has really encouraged the residents of Sunnydale to look at the proposal and seek viable alternatives that could be implemented instead."

So, it really got Sunnydalers talking, and I think that is a really important thing, especially when we talk about a little removed — a little bit more remote.

So, they go on to highlight that, in the Sunnydale Valley alone, there are existing agriculture lots where farmers are retiring, where they have worked really hard. They're kind of tapping out just because, as we all know, it's incredibly hard work to be a farmer. Their land was already cleared, the roads were already in place, some of the necessary infrastructure is already in place or has been built — no need for a new road or new development — and it goes on. And they said land-matching. This has worked in other jurisdictions.

So, just a quick question before I ask additional questions: Has the minister been working with residents of Sunnydale as far as land-matching options in the Sunnydale Valley?

Hon. Mr. Streicker: The way the member asked it was whether "I have". I think she is likely meaning the department. What I said to the folks when we were there is, yes, these are great ideas. When you think about solid waste, you reduce, reuse, recycle, so you should start with reduce. I think the ideas that were being brought forward were how to squeeze more out of the land, sort of like this reuse side, and a little bit of reduce. I said to the folks at Sunnydale that overall, across the Yukon, we wish to double our agricultural production and then do that again.

I think these are great ideas. I appreciated hearing them all. As the Member for Takhini-Kopper King has noted, it was great to get the folks from Sunnydale talking about these creative ways to get more out of the land. Terrific. I think we will need to develop new agriculture land across the Yukon. The question here is whether this is a good location. As I say, the folks from Sunnydale raised some concerns that are important to take a look at.

We want to maximize the use of our existing land, and that is where I thought these suggestions were terrific, and we will also want to develop some areas, as we continue to increase local food security.

Ms. White: I agreed on a lot of the points.

One of the concerns that Sunnydalers have raised about the proposed lots — it's not so much that it's a leasing agreement. That is fine with them. They agree that land belongs to the commons. Some of the concerns were that the ability of those lots to actually produce, knowing that the smaller zones were being targeted for new farmers — which is how some of the language was used. They had concerns about the viability of those lots.

Has the department — and just to agree with the minister, I refer to him as the minister — top of the pyramid — he has lots of able staff in different parts, but ultimately, it comes back to the minister, who I get to have the conversation with.

One of the concerns was, for example, the viability and the value of those lots, as far as agricultural development.

What work has the department done to make sure that the lots that are being proposed in Sunnydale are actually going to be sufficient to sustain themselves? Are they producing — will those lots produce?

Hon. Mr. Streicker: First of all, again, the meeting I was at — and some of the Agriculture branch folks were there with me, and we heard the concerns that were raised by Sunnydale, and we are working to respond to those concerns — listened to them.

The Member for Takhini-Kopper King asked about the viability of the land itself, and I would have to go back and check through technical notes, but my understanding is that there is a classification rating system on how productive land is, and this was definitely not the top, and it was definitely not the bottom. I would have to ask the department again, but I seem to recall a discussion about four or five, but the problem is that is out of context for me, at this moment. When the

department advised me, they basically explained to me that this is not the best land, but it is a class that we use across the territory for developing agriculture projects.

Ms. White: I thank the minister for that, appreciating that it is not the best or the worst and somewhere in the middle. Again, I will highlight the opportunity for land-matching of those lots.

There is concern with Sunnydalers that the government has recently approved the subdivision of a very fertile piece of proven agricultural land in Sunnydale for the purpose of creating residential lots. Is the government working with existing landowners to create strictly agriculture lease lots, or can they expect other agriculture lots to be subdivided into residential lots?

Hon. Mr. Streicker: I don't know the specific area that the member is asking about, and if she can assist me in knowing that, it would help.

There are a couple of principles at work here. First of all, we are definitely looking to develop residential land for building homes. It is not our preference to take away agricultural land to do that. There are times when that is what happens — sometimes when landowners propose it. I don't know the specific example that is being referenced, but I'm happy to look into it. I would need to ask the department about the specifics of the piece that we're talking about, and then I would be better suited to respond about what the motivations were behind that work.

Ms. White: I thank the minister for that. From my perspective anyway, what seems to be one of the problems is the lack of communication between Sunnydalers and the department. The fact that there is a long history — it starts off with the initial plan, I believe in 2015, and it talks about the YESAB assessment. From the point of view of residents, the initial assessment was done by YESAB in 2015 when the project was only going to be three large lots. To the best of their understanding, there has been no other assessment from YESAB since, even though the project is now a three-phase, 16-lot project. There are 16 lots cleared and 16 more individuals and possible help using the road. It is different infrastructure — all those different things.

I think that when it comes down to it, Sunnydale has really asked for the ability to communicate with government and they feel like they haven't had that opportunity. An example is a meeting being scheduled for September 20, which was the federal election day. There was a listing in the newspaper for a location that didn't exist. It was outside, and 16 people still showed up in the snow. To the best of the understanding in Sunnydale, TH still has not really been engaged.

I just saw the minister looking to the official. I can explain the location. There was a meeting published in the *Klondike Sun* held for a location that does not exist as it was described. I will just look at that.

I guess the question for the minister, at this point, is: Has the department reached out to TH directly about the development in Sunnydale?

Hon. Mr. Streicker: A few things I will add — I'm just going to go back for a second. I received a note talking about

the class of land. The best land that we have in the Yukon is called "class 4" land. Typically, though, what we have is called "class 5" land, or the classification — the lower the number, the better. So, this is class 5 and that is typical for the Yukon.

We totally recognize the importance of getting input from local folks. When I was on, as minister, I was invited to talk with folks and we had a Zoom meeting, and they expressed to me their concerns around communication. I offered to stay engaged a little bit more to assist to make sure that communication was going well. But I have to tell you, Deputy Chair, that in my experience with the department and the people whom I have worked with, they do care about the public and what they have to say about these issues. I have seen them generally working hard to engage. If there was some misstep around informing people about a meeting, I apologize for that and I will take responsibility for it. But what we said in the Zoom call when we met with residents is, "Okay. Thank you for those concerns and let's try to address them."

With respect to talking with Tr'ondëk Hwëch'in, first of all, there were some reps from Tr'ondëk Hwëch'in on the Zoom call. I think that this started back — I don't know. This has probably been ongoing for about eight years — or maybe seven years — where there has been work to do this development.

Definitely Tr'ondëk Hwëch'in has been involved in that all along, and that work is ongoing. I don't happen to know if there was follow-up following the meeting with Tr'ondëk Hwëch'in, but they were at the meeting, along with folks from Sunnydale.

Ms. White: I thank the minister. I never meant to insinuate that folks in the Agriculture branch don't care; it's not that at all. I don't have the ability to talk to them directly, because of the way that his governments have set up the ability for elected members of opposition parties to speak directly with departments — I am not allowed.

I can tell you that Sunnydalers care, because they reach out to me. I am sure that people within the Agriculture branch care — when I get to see them at things that we are invited to, So, because it's a public thing, I absolutely know that they care. That's not what I am insinuating. I am insinuating that Sunnydalers have a lot of opinions and a lot of concerns, and they don't feel that they have been heard, and that is problematic.

I was referencing an invitation that was published in the *Klondike Sun* for a public information session on Thursday, September 23, between 12:00 and 2:00 at the West Dawson campground. There is no such thing as a West Dawson campground. That was the point that Sunnydalers had made. They said that, despite all those things, despite it being in the middle of a workday, despite it being zero degrees with snow, 16 people attended the meeting. So, Sunnydale cares — it cares very much.

I guess I would urge the government and the departments today to continue those conversations with Sunnydale. Ahead of going forward with the construction of the road, maybe find out if there is local knowledge. We talk all the time about the importance of traditional knowledge and local knowledge, and I would suggest that this is not a location that's any different.

I'll leave it at that, but in his response to me, in his letter, he says, in 2019, that the Yukon government hired local contractors to explore the issue in the Klondike and the Whitehorse area of agricultural land-matching. He said that the need has been confirmed, potential matches have been identified, and the legal land-matching agreement documents are being developed. So, can I get an update on the legal land-matching documents that were referenced in September?

Hon. Mr. Streicker: I thank the member for her comments, and I will pass across to the department her compliments to them. In the times that she has been engaged — I know what she is saying about the challenge, or the inability, to talk directly with department officials. I'll let her know that it is also true for me. There are times when I am allowed to do it, but there are times when I am not, so usually the route is to talk to the deputy minister, and then it works its way down, and that's the system that we have.

I have seen it go sideways in other situations, and I understand why it's there, and I actually support it, but as a person who loves chatting with people — and I know that the member opposite has that same interest — I feel the challenge she is describing.

I will have to get back to the member opposite about an update on the matching. I thank her for the question, and I look forward to providing some information for her.

Ms. White: I thank the minister. I am indeed a chatty individual who really likes to know what is going on and what people are passionate about and what they are doing in their jobs. So, it's true, but I don't have the opportunity to dig in and find out. I think sometimes it can just be a misunderstanding between two sides. "Lost in translation", as they would say.

I did have the good fortune this year to attend a tour from the Yukon Agricultural Association around farms in the Takhini Valley. As the minister can guess, my next question is going to be about elk and elk fencing.

Doing the tour of those farms was really important, because it gave a layperson like myself an opportunity to see the damage that is done by elk and have a better understanding of how that affects farmers and their peace of mind and their ability to farm. One of the solutions that Yukon government has is subsidizing elk fencing, so I would like to know how much the government has spent so far on fence subsidies this year.

Hon. Mr. Streicker: I will have to reach into the department to try to get a number for the current year that we are in. What I can say is that, in the past eight years, we have provided \$350,000 to support preventive measures and compensation. This year, there was an additional funding program of \$225,000 established to support the construction of exclusion fencing on properties in the eastern buffer zone.

But I will have to ask the department to inform me how much was spent this year, and I will make sure to get that across.

Ms. White: I thank the minister for that answer.

Again, this spring, I had the pleasure of touring with the deputy ministers of both Environment and Energy, Mines and Resources. Unfortunately, you, as Minister of Energy, Mines and Resources and the Minister of Environment, were unable

to attend. Have the minister and his colleague made plans to visit the affected farms inside the core and buffer elk zones?

Hon. Mr. Streicker: Yes, I think I have noted previously here in the Legislature that, on that day, it just happened that I was also meeting with several chiefs in Dawson, and it was just unfortunate that I couldn't make it.

We did sit down with the Agricultural Association and had a conversation afterward. I have had a few conversations with farmers; I have a few more on my list to get to. I will be happy to tour at some point. We don't have a plan in the works at this moment, but I think that it is important to have these conversations — and they are ongoing.

Ms. White: I appreciate that the minister at the time was unable to — I mean, it makes sense to me that sometimes it doesn't work out, but are there plans to visit those affected farms?

Hon. Mr. Streicker: As I just indicated, we don't have a date set. Following that original tour, there was an attempt to set up another time, but it just didn't work out at that point. I remain open to this issue, this concern, and would I be willing to go to visit farms? Yes, for sure. I think that it is important to go there and see the place and to talk to folks on their farms. I think that is always a good idea.

Ms. White: I thank the minister for that. I think that it is really important to see what has been done and what works and what doesn't work. I mean, seeing a fence — essentially an elk barrier — that runs down a very steep hill, and a farmer's effort to keep the elk away from their herds, is really eye-opening. Understanding the challenges of what that would have been like to build, it is eye-opening — understanding that, right now, farmers don't feel that the solutions government has put forward work.

I think that this is an important point. Typically, farmers wouldn't be people who would look to or reach out to the Yukon NDP to talk about their issues, but they have. That is an indication that things are not going very well.

Does the department have plans to review the elk-agriculture conflict hunt and make it work for farmers? What they say over and over again is that it currently does not work in the way that it is presented.

Hon. Mr. Streicker: First of all, just going back to the earlier question about how much has been spent, currently, it looks like we have spent about \$110,000 on elk fencing so far in 2021, but there is an anticipation that this number will get up to about \$150,000. All of the bills haven't come in, but that is what we are expecting to spend.

The initiative was proposed as a two-year initiative, and we are more than halfway through that two-year initiative. Clearly, the point was to see if it worked, then to pivot either to do something else or to enhance, or whatever it is. It was meant to be an interim measure and to assess how that measure was working. I completely understand that there are strong concerns on the part of farmers. I think that there are competing concerns that are out there, so one of those challenges is how we find a solution.

I have committed to the Yukon Agricultural Association to work with them toward trying to resolve this question. I don't

want to stand up today and say that we already have a solution. I don't think that it's there yet, but I will say — as I have said to farmers — that I want to work with them toward finding that solution, noting that there are competing interests at work here, but we definitely need them working with us to get to a solution for all.

Ms. White: I do appreciate that answer from the minister. His willingness to look into it and to work with farmers is important. It's important that, in *Our Clean Future*, we talk about northern food security. We talk about the importance of expanding our own ability to produce, and we have farmers on some the richest land in the outskirts of Whitehorse who are struggling because of the elk.

I was just on the Yukon government website where the number that is listed on that page is 300 elk, which means that, at this point in time, it's \$2,000 that the Yukon government has paid, per elk, to try to keep them out of farmers' fields; \$500 this year, if it's \$150,000. It's one of those things that bears questioning. If it doesn't work now, what's the next step?

Part of the reason to do those tours is that there is a farm that is on the way to Haines Junction. Last year, they had 75 elk at a time in the field, they were using the conflict hunt, and they had questions. What happens when all of those elk run into the road? They are right on the highway. Who is responsible for that? Recognizing that this may not be the solution — but keeping the animals in their field for the winter is definitely not the solution.

It's challenging. I think that it's really interesting that we introduced a herd species here. We went from the lone moose to the "like to hang out in a gang" elk, and that's a problem, I think. We have recognized now that this is not ideal. I'm glad that the minister is open and is going to work with the Yukon Agricultural Association because I truly believe that he also believes in food security, and let's get to it.

In the words of one of our favourite reporters from CHON FM, I'm just going to switch gears here. Can the minister give us an update on the status of the Wolverine mine and its remediation?

Hon. Mr. Streicker: Right now, the next sort of moment in time will be next month — sometime in December when PricewaterhouseCoopers will, I think, write a letter to the court, or respond to the court, for their review of the applications that were made when the request for proposals was put out. That is what is coming next. Currently, it is still doing maintenance remediation work up until that point.

Ms. White: Understanding that the Yukon government has now gone through the money that they had from the mining company, how much has the Yukon government paid to date to keep that mine in care and maintenance?

Hon. Mr. Streicker: We will work to get the aggregate total over time, but I can indicate for now that we anticipate expenditures during this fiscal year at approximately \$11 million.

Ms. White: I appreciate that answer from the minister, especially as there is a \$3-million expenditure in this supplementary budget. To know that we have brought up the cost of Yukoners paying to take care of a mine that has been

vacant, a mine where I spent a fair amount of time, to be honest, so I understand it in a different way —

What was the plan? During the briefing, we were told that there were plans for that mine to go on the docket for sale this year. Can the minister update us as to what that process looks like and give an expected timeline?

Hon. Mr. Streicker: That is what I was just referring to with the response that we anticipate from PricewaterhouseCoopers next month.

I will say, just as I am on my feet, that I am frustrated about this file. This is not how we wish to do mining in the territory and it reminds me every day, as I look at this file, about the importance of making sure that we collect an appropriate amount of security against the activities that are ongoing in our mines.

Ms. White: I absolutely agree, which is a nice entrance into the next question.

Can the minister walk us through how mining security is calculated for an operator of a mine site, and what staff or organizations are involved in that decision?

Hon. Mr. Streicker: I will give some of the background that the department shared with me, and then I will try to add a little bit to it as well.

The Government of Yukon determines and holds financial security for mine developments to ensure that any future environmental liabilities can be effectively mitigated. The amount of security is determined for each site based on approved reclamation and closure plans that are updated every two years and also updated whenever there is a significant change at the site.

I spoke some time earlier — it was when we were discussing the resource roads legislation, Deputy Chair, and there were questions coming from the Official Opposition about how we were going to calculate some of the maintenance dollars, and what I was talking about is this assessment matrix. The branch has tools that they use in which they judge the amount of dollars needed to reclaim and for closure. There is sort of a process by which it is used. I can say, as well, that the department is updating those reclamation and costing protocols and the guidance materials to ensure that each mine site's closure liabilities remain adequately secured.

Overall, we currently hold just over \$120 million in financial security for major mines and mineral exploration projects. That is largely the process. I am happy to answer further questions.

Ms. White: I thank the minister for that. One of the reasons I ask is that, in recent times, a recommendation had been made by a mining inspector as to an amount upwards of what was decided on by Yukon government. How was that decision made? How did a recommendation of \$12 million go down to \$1 million, and who makes that final call? If it is based on someone's professional expertise, how is something slashed in that way?

Hon. Mr. Streicker: There is a unit within government called the "major mines unit". This is work that they undertake all the time. It's a group of professionals, but they also bring in

expertise as they need it. It's not typically one person and their assessment.

I know that we are talking about the Brewery Creek mine site. I get that. There is a new company there called the Sabre Gold Mines Corporation. What I can say is that I heard, as did others, that there was a past employee who expressed some concern around these dollars. I asked the department to go in and take another look for me and to make sure that they felt that their assessment was correct.

They did that, and as I just indicated earlier in my previous answer, when there is a change at a mine site, then we will go back and check it. The \$10 million or \$12 million number was a number that existed back when the mine was much more active and there was work ongoing, but at the end of that, some materials had been covered over and protection had been put in place as part of the closure plan. Those things adjust what the level of risk is.

As an engineer, I know that you can get differences of opinions. Of course, you can. What I will say is that there is a pretty involved process about judging it. Where I feel that we have gone wrong in the past — there can be times when there have been some mistakes around that estimate for sure. The bigger issue, I think, is when there is political interference with those things and decisions are made to not collect security for some reason. That is when I think we have gone sideways.

In this instance, I appreciate that there is a person who has stated that they believe that the number is insufficient, but I have asked the department to consider it and to confirm their evaluation. I think that, for this site, their mining licence is currently set to expire on December 31, 2021, and that there is work underway to make sure that the closure liabilities are appropriate for that. That work is underway as we speak.

Ms. White: I am just asking the minister to refresh my memory. If the department had collected the full security asked of the Wolverine mine, would that have covered the \$11 million that the Yukon government paid this year?

Hon. Mr. Streicker: In some ways, some of these questions are “what ifs”. They are very difficult to answer. I can look back to see — and trust me, I will — what was not collected previously — as us, as a government, but under a different group. It's still our responsibility now to deal with the situation as it is. Events would have unfolded differently if we had collected the full security. I'm not sure that we are treating apples to apples at that point. But I will get the number of what the security had been assessed at and what was not collected and what our exposure was as a result.

Ms. White: I appreciate that from the minister. I guess the reason why I'm asking about securities and environmental liabilities is, you know — we just got a recent example of that number changing. Understanding that, under the devolution transfer agreement, Yukon is now responsible for any cost of any mine that opens, one would think that the precautionary principle wouldn't be a bad one to take, keeping in mind, of course, that we are working with companies that have those fundraising capabilities.

Just to follow up on the calculating of the security, when calculating the mining security, does the department ever take

into account the risk of the mine itself and the activity happening, or are there risks viewed that are associated with previous activity by operators or investors? So, is it that we just look at what is happening in the Yukon context, or do we look at what has happened outside of Yukon by those same operators or investors?

Hon. Mr. Streicker: First of all, with respect to Wolverine mine, I am advised that we assessed that we should collect \$35.5 million. What I'm told is that we did collect \$10.5 million — so a difference of \$25 million. Would that have made a material difference to cleaning up? Yes, absolutely.

The member has asked a really interesting question about how we assess the performance of companies outside of the Yukon, or maybe even outside of Canada, and then how we judge them here. I don't know of ways in which that is factored into security estimates, and I will ask the department to look into that for me. Of course, there may be other ways in which we consider those things. For example, I have said here in the Legislature previously that, whenever we talk to a mining company, we talk to them about connecting with the community itself, especially the First Nation, and then develop a relationship with them.

I know that when we see companies that do not have the ability to foster meaningful and strong relationships with First Nations, then that is a very hard road. We don't think that is a good way to work, so we talk about the environmental, social, and governance values — the ESG — for mines. Even though I don't believe that the mine, or a company's performance, outside of our jurisdiction is used as part of the assessment, there are other ways that, I think, we try to look at that.

Ms. White: I thank the minister for that.

There were two spills reported this year so far at Victoria Gold — one in March and one in June. The second spill was over 17,000 litres of a cyanide solution. So, we know that Victoria Gold was fined \$460 after a 70-litre spill back in March 2021. How much were they fined for the 17,000-litre spill in June?

Hon. Mr. Streicker: I will have to try to ask the department to get a very specific answer, but I just want to try to provide a little bit of an explanation about how this works. It isn't — \$460 is not a significant amount of money, but it does make a difference for a mining company that they are fined.

That starts to show up, and they are concerned and sensitive to these things. When our Compliance Monitoring and Inspections teams go in, there is a range of ways in which they work. If they see that the mine has had an accident, has worked to resolve that accident, and is coming up with a plan to deal with it and prevent it in the future, that's a very different thing than if the mine is dragging their feet or not trying to address the problem. We need to think of it as a series of escalating tools that our team has and can use to deal with these problems.

Generally speaking, the mines want to have a positive working relationship with our Compliance Monitoring and Inspection folks, because they know that they have to live up to the safety measures that are put in place to make sure that the environment is largely protected.

I don't think we should look at that fine as being something where, if we have a small cyanide spill, it should result in a fine, and if we have a bigger one, it should be commensurately scaled up. No, it's much more to do with what the conditions were that led to that spill. Did the mine act appropriately? For example, they are to report that spill — did that happen? How did they address the situation? Was it something that was within their control or not as much within their control? There are a whole series of factors that go into how the Compliance Monitoring and Inspections team works to make sure that there is an outcome for the mine that will, at all times, work to ensure that safety is upheld.

If the mine is working well and sorting it out, then the fine might be small. If the mine is not, we have much heavier tools that we can use, as necessary.

Ms. White: I do appreciate that answer from the minister. I guess the concern is that, we talked about the perception of Yukoners, so understanding that mining companies are working in the Yukon and accessing Yukon's non-renewable resources, and Yukoners see this happen — you know, it has happened twice, in a fairly short amount of time, and Yukoners are concerned that, although the minister says a fine is not great for a mining company, Yukoners look at the fee and say, well, it was \$460.

And so, I appreciate that one of the things that's going to be discussed — and was discussed — during the mineral panel conversation, and what will be discussed, probably, during the successor resource legislation, is making sure that fines and penalties are updated or more on point. But, in some cases — well, in many cases, poaching wildlife in the territory is a bigger fine than \$460. So, the perception of Yukoners is, if a mining company is fined \$460 for an infraction like this, does it change things?

Something that the Yukon Conservation Society has highlighted is that they have concerns that the second spill points toward a design flaw. So, it was under high pressure. It's great that it was in a lined ditch for part of it and that they only had to remove 176 cubic metres of fill — I think is what it says — but the point is that it's two times — it's two times — in a similar area. Does that highlight another concern?

Has the Department of EMR worked with inspectors and experts to assess how that happened, why it has happened twice, and how to prevent it from happening again?

Hon. Mr. Streicker: So, the answer is yes, there is work to try to take a look at it just to make sure that it is not systemic.

There are some active investigations underway by natural resource officers to follow up on potential licence contraventions. In July of last year, they were issued an inspector's direction to reconfigure and repair the performance problems with ditch A with the Platinum Gulch water management system and prepare a freshet high-volume management plan that addresses overall site freshet preparation. And then Victoria Gold complied with that direction. This is one from last year.

There are ones that are ongoing right now, and it's much more — like, the first step, whenever our inspectors show up, is to make sure that the problem is contained. The next step is

to make sure that the problem is being resolved. Then we get down into these questions that the member is asking about to try to make sure that the design of the system is appropriate.

I can say that the Mineral Resources branch has retained a technical expert to review the heap leach facility operations and cyanide management practices to ensure Eagle Gold's operations are consistent with international standards. The branch is working with the company to undertake the review, which will generate recommendations for Victoria Gold to implement. Yes, there is some work to look at it. I don't want to say that it is concluded that there were problems, but we thought it worth the effort to check to make sure.

In my experience, Victoria Gold has been doing the right thing in reporting the spills, as required, and have followed our recommendations on their need for cleanup.

I have had a couple of conversations with Victoria Gold about this and asked them a few questions. I just do that as sort of a matter of course to make sure that I am understanding their perspective on how this is working, as well as talking with the department.

Ms. White: Thank you, minister, for that answer. In understanding that he has had conversations with Victoria Gold about situations there, has he spoken to Alexco about their recent report — construction of settling ponds that weren't permitted, a sludge pond that hadn't been dealt with, and a non-sanctioned burn pile. I think one of the worst photos was the rubber gloves that were being used to stop a leak in a pipe.

During Question Period, I believe I was told that was a subcontractor. Does the minister reach out to all mine operations in the territory to see how it's going, especially after a negative report? Has he reached out to Alexco and had a conversation about what is happening there?

Hon. Mr. Streicker: I am sure I will at some point — I have not, as of yet, since I got that note — I don't know if it was a week or so ago.

The letter I received was using photographs that we had taken and then published for the public to be able to see. It was actually our inspectors who identified those issues. So, the system, as I understand it, is working appropriately well. Based on the question that was raised recently, I know that we have a legislative return coming, which is outlining a lot of the work around Alexco.

Again, when those things come to me, I am happy to talk with the mines to hear what they are saying about this. What I am looking for is that they are concerned and that they are addressing the issues. What I can say is that the report that the department has been drafting for me and sharing across — which is, I think, just about ready to be shared with others — is that what I hear is that, yes, there are issues that are there but that, over time, as issues are identified, they are resolved and that the mine then is working to make sure it has that sorted out, and if there are other problems that are identified, they work to resolve them.

Sometimes they are — let's call it — errors of operation, but sometimes they are just things that occur, like slumping or something like that. As I read through that report, what I saw was a process that, over a high level, is working to make sure

that the mine is kept operating safely, and an important part of that is our compliance monitoring and inspection team that works at those sites.

Ms. White: Thank you, Deputy Chair, and I thank the minister for that.

I think it's great that those photos were made public by the department; it should. I mean, it's the oversight. It is what we depend on as Yukoners to make sure we are protecting our Yukon landscape and that people who are operating here are doing so in a responsible fashion. I appreciate that it was made public; it is part of the importance of transparency as well.

I have a couple questions about the Dawson land use plan. Last fall, Yukon government submitted its conservation priorities map for consideration by the Dawson Regional Planning Commission as they developed the draft Dawson regional plan. The Tr'ondëk Hwëch'in First Nation also produced a map, showing substantially more conservation priorities than the Government of Yukon map. The Yukon government map excluded many areas known to have high conservation values, including the core habitat of the Fortymile caribou, and did not include a rationale for why areas were included or excluded.

Can the minister explain why the Yukon government didn't include the core range of the Fortymile caribou herd as having high conservation value?

Hon. Mr. Streicker: Right now, we are just partway through the process. The member is asking me about what was submitted originally. I have to look back to see what that was. I am sorry. I don't have that historic information. Even if I were to look at a map, I would have to start asking some more questions as well about how it was framed.

What I can say is that, since I have been working on this file and we saw the draft plan, which I think came out in June or July of this year, one of its suggestions for an area of protection — I can't quite remember the name of the land management unit, but it is the unit that has the Fortymile caribou herd in it. I know that we have had lots of conversations about seeing if there are ways to extend that and protect more area for the caribou — from our perspective but, of course, listening to others as well, such as the Tr'ondëk Hwëch'in and other groups within the public. There are conversations underway about the Fortymile caribou.

I think that the Minister of Environment would probably be better positioned to give the response about the Fortymile. It was his team that led the work around that issue, but we both sat in on all of the conversations that departments had raised about both conservation and development issues.

Ms. White: I thank the minister for that.

In my last question, I just want to go back to something that I referenced yesterday. The Minister of Energy, Mines and Resources is also the minister responsible for Yukon Development Corporation and Yukon Energy Corporation. Yesterday, I asked about the lot that is being cleared at the top of Two Mile Hill where the lumber has all been put into burn piles. Understanding that we are in a firewood crunch right now, I just wanted to ask if the minister has had any update on that.

The minister has suggested previously that his department could release smaller cut blocks that would be subject to less rigorous assessments. Has the minister made smaller cut blocks available to commercial fuel-wood harvesters this fall?

Hon. Mr. Streicker: I will let the House know that I did speak with the president of the Yukon Energy Corporation and the deputy minister yesterday about that clearing. I haven't heard back yet, but I did reach out.

The answer to the question is yes, we did work to release some additional cut blocks. For example, I can say that, while we were waiting for the Quill Creek YESAB application to see what would happen with that large cut-block area, the department put forward and got two blocks approved in the Haines Junction area, totalling about 4,500 cords, and another couple of blocks in the Fox Lake area, totalling about 1,500 cords.

I asked the department to work with the Wood Products Association to alleviate the crunch on firewood. There is more, of course.

I am being informed that the land that is cleared for the battery project is Kwanlin Dün land. I will have a conversation with Chief Bill as well, but I think that citizens are being invited to gather wood. I will check to make sure that this is how it is progressing.

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

Deputy Chair: It has been moved by the Member for Mount Lorne-Southern Lakes that the Chair report progress.

Motion agreed to

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

Deputy Chair: It has been moved by the Member for Mount Lorne-Southern Lakes 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. 202, entitled *Second Appropriation Act 2021-22*, and directed me to report progress.

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: I move that the House do now adjourn.

Speaker: It has been moved by the Minister of Energy, Mines and Resources that the House do now adjourn.

Motion agreed to

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

The House adjourned at 5:28 p.m.