



# TOTAL IMPACT

OUR COLLECTIVE  
FOOTPRINT



KWANLIN DÜN  
CULTURAL CENTRE  
WHITEHORSE

MARCH 12-13, 2019



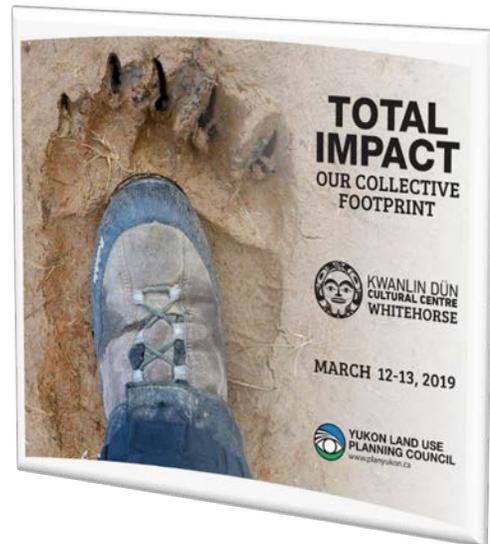
YUKON LAND USE  
PLANNING COUNCIL  
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# SUMMARY

## **Total Impact: Our Collective Footprint (March 12-13, 2019)**

### **Summary of the Workshop**

The workshop *Total Impact: Our Collective Footprint (March 12-13, 2019)* brought together over 90 participants to discuss the challenges of addressing cumulative effects in the Yukon. Hosted by the Yukon Land Use Planning Council, the two-day workshop included representatives from Yukon First Nations, the Council of Yukon First Nations, Umbrella Final Agreement (UFA) Boards and Committees, Government of Yukon, Government of Canada, and land use planning and environmental assessment practitioners. The need for such a workshop is reflected in public concerns over the total impact of past, present, and future effects resulting from developments that combine and build on one another. These are not new concerns. Dating back several



decades, Yukon First Nations and communities have expressed their fears and worries about how the negative impacts from a single development may combine with the impacts from other developments, past and present, to affect land, water, fish and wildlife, and the people who depend on and use these resources, as well as local and economic conditions and culture.

The purpose of this gathering was to explore the nature and scope of the problem of cumulative effects, the barriers to addressing it, and the role of landscape and regional planning and other strategies. The event included a mix of panel presentations and breakout groups discussions. Discussions focussed on three questions:

- 1) *How do we understand cumulative effects and what are the consequences of failing to effectively address them?*
- 2) *What are the challenges in addressing cumulative effects from the perspective of environmental assessment, effects management, and effects monitoring?*
- 3) *What are the strategies and initiatives that can be used to address the challenges in establishing effective cumulative effects management?*

Day one began with opening remarks from Ruth Massie, Joe Copper Jack, and Pearl Callaghan. Facilitator Lindsay Staples gave a keynote address, focussing on the need to shift our perspectives away from project-oriented assessments towards value-centric assessments. He illustrated just how much work needs to be done in understanding and managing cumulative effects in comparison to climate change, “the ultimate cumulative effect”. While much is known about climate change, including its major sources, acceptable levels of carbon emissions and a supporting body of evidence and commitments to address these issues, there remains a significant lack of leadership in

implementing effective actions to meet these commitments and agreed upon targets. Addressing cumulative effects requires focussing on the sustainability of values being affected, collecting good data on the condition of these values and establishing the thresholds necessary to ensure their sustainability. Co-operative governance by federal, territorial and First Nations governments is critical to achieving progress in addressing this issue. The Yukon requires a legal framework for cumulative effects management that enables different instruments such as environmental assessment, land use and resource planning, and resource licensing and permitting, to act in an integrated manner that can inform and determine project-level decisions..

The first panel brought together Yukon First Nation Elders to share their first-hand and multi-generational knowledge and experiences of change in the territory. Panelists included Ron Chambers (Champagne-Aishihik First Nation), Norm Adamson (Ta'an Kwäch'än Council), Jimmy Johnny (Na-Cho Nyak Dun First Nation), and Carol Geddes (Teslin Tlingit Council), and was facilitated by Joe Copper Jack (Yukon Land Use Planning Council). They discussed how rapidly change has occurred within a relatively short period of time and highlighted some of the key events that have contributed to change in the Yukon, including land claims, climate change, impacts to Yukon First Nation traditions and laws, the Gold Rush, and the Alaska Highway. Yukon First Nation languages are one way in which these changes can be understood. For example, Norm Adamson explained how there are no First Nations names for cougars or coyotes in the Yukon, because they don't originate from here. Other changes have been positive; for example, Ron Chambers described how far the relationship between Yukon First Nations and non-First Nations peoples have come since the days of the Gold Rush. The Umbrella Final Agreement (UFA) was a major part of this change and one of the panelists suggested that the UFA must be taken as a whole, rather than as individual chapters.

Specific areas of concern were highlighted, such as impacts to water, hunting areas, trails, and traditional use areas. The panelists also emphasized what needs to be done going forward, including reviving cultural traditions and Yukon First Nation languages. Youth were central to this goal. For example, Jimmy Johnny explained that the younger generation needs to be taught to respect the land. Carol Geddes encouraged participants to think about being in a relationship with the land, rather than thinking of it as a commodity. The panelists also provided some concrete examples of where promising work is being done, such as Indigenous-led planning processes that bring together traditional knowledge and Western science and the work Northern Tutchone Elders are doing to revitalize their traditional laws. They emphasized that cumulative effects are about bringing the past, present, and future together.

The second panel featured several Yukon Government regional biologists (Mark O'Donoghue and Mike Sutor) and representatives from the Porcupine Caribou Management Board (Deana Lemke) and the Climate Change Secretariat (Dylan Clark). They described the changes they are seeing on the land, such as rising sea levels, shifts in caribou range and population, and impacts related to road development. Much of this conversation focussed on the challenges of determining the cumulative impacts on caribou populations specifically, such as the large size of certain herds, lack of population data, poor monitoring, trans-boundary conflicts, and the overwhelming number of development assessments in important caribou habitat. The project-by-project approach to cumulative effects was emphasized by several panelists as a key issue. As Deana Lemke pointed out, there is a shared

responsibility for addressing cumulative effects, yet many governments and government departments continue to work in “silos” rendering management actions piecemeal and fragmented.

Similar to the previous panel, the group had several recommendations for moving forward. Mark O’Donoghue argued that environmental assessments aren’t the right tool for addressing cumulative effects and that land use planning is needed as a guide. However, range assessments may be a useful interim tool in areas where land use plans are not yet complete. The need to start developing thresholds was also pointed out and Mike Sutor emphasized that simply reducing harvest to offset the impacts of a development is not a sufficient approach. Overall, the group emphasized the need for a collaborative approach such as those involving the Porcupine Caribou Management Board. Climate change is also an area where collaboration is possible, especially when traditional knowledge and western science can come together to better understand impacts.

The first day ended with breakout group discussions. Although the discussions covered a diversity of topics, many of them focussed on identifying or describing key cumulative effects issues:

- **Climate change** - snow and ice conditions are changing, temperature variation
- **Changes in ecosystems** - changes to wildlife populations (such as new species, more bears and lynx coming into towns, types and quality of food available for animals (e.g., mineral licks being destroyed or impacted by road development), water temperatures and water quality, wetlands (flooding or drying, causing vegetation change and impacting availability of medicines and other resources), berries (e.g., they are drier)
- **Socio-economic and cultural impacts** - changes and limits to hunting leading to loss of social well-being, ad hoc development affecting Aboriginal rights, feelings of failing traditional responsibilities, people being displaced from traditional areas
- **Legacy effects** - dealing with negative legacies (e.g., from unregulated activities prior to legislation, abandoned projects, and the Alaska Highway)
- **Access** - current impacts from roads and trails (e.g., impacts on wildlife), historic impacts from roads (e.g., destroyed hunting trails, linked to residential school)

On day two, the first panel of the day focussed on governance issues related to cumulative effects. Kiri Staples (PhD Student), Tim Smith (YESAB), John Pattimore (Kwanlin Dün First Nation), and Keith Maguire (Yukon Government) each presented. A common theme that emerged was the poor suitability of project-level assessments to address cumulative effects. As Tim pointed out, it is not solely the responsibility of YESAB to address cumulative effects, though there may be opportunities to improve YESAB’s approach. He suggested rethinking our approach to assessment to better consider the combined stressors on a value, rather than isolating the effects of a single project. Other governance challenges included a lack of enforcement, gaps in monitoring, and a lack of data to inform decision-making. However, as Kiri Staples described, it is also important to ensure that a lack of data is not used as an excuse to avoid asking hard questions about cumulative effects. One of the main issues facing governments in their approach to cumulative effects is that the current approach is reactive rather than proactive. This also underscores the importance of political will in taking on cumulative effects, which several presenters pointed to as currently lacking. The presenters acknowledged the importance of existing legislation, namely the First Nations Final Agreements, but

also YESAA. However, they suggested that there may be components of existing legislation that could be improved or are underutilized. For example, sections 112, 110, and 103 in YESAA may be useful in addressing cumulative effects.

The breakout session following this panel focussed on further identifying barriers to addressing cumulative effects. They included:

- **Governance and decision-making** – land claims are poorly understood by some levels of government, First Nation government authority and involvement in decision-making outside of settlement land is seen as lacking, working across different jurisdictional legislation and government priorities is hard, a strategic vision that involves First Nations is lacking, connections between different levels of planning (regional, sub-regional, local area) could be improved
- **Outdated mining acts and related regulations** – for example, the free-entry system means that First Nation governments aren't properly notified when exploration happens
- **Poor enforcement** – for example, in compliance monitoring or in the assessment of proponent reporting
- **Reactive versus proactive approach** - waiting for issues to arise to act means that it takes longer for governments to respond when issues emerge, development should not be ad hoc
- **Pace and scale of development versus decision-making** - management systems can't keep up with the pace and scale of mining
- **Diversity of values and perspectives** – including First Nation values and perspectives in project assessments is not always done well, a diversity of values across the Yukon need to be recognized, need to know what we are sustaining and how to balance different values
- **Limits to funding and capacity** – too many YESAB projects to review, poor funding to participate in assessments, poor funding to address legacy sites
- **Lack of information and poor communication of information** – need baseline studies prior to staking, poor socio-economic research, poor information sharing within and between governments creates silos, challenge of technical language
- **Uncertainty** - we don't know how big projects will affect the future

The final panelists of the workshop, including Chrystal Mantyka-Pringle (Wildlife Conservation Society), Sam Skinner (Yukon Land Use Planning Council), and Shawn Francis (Former North Yukon Senior Planner), looked at “remedies” for the challenges of cumulative effects. Much of this discussion focussed on the ways in which regional land use planning can be useful in addressing cumulative effects. This tool is important because it can look at larger time scales than project assessment and establish landscape-level management objectives. Sam Skinner and Shawn Francis described ways in which the cumulative effects assessment process used for the North Yukon Land Use Plan may be useful for other regions. They highlighted key aspects of the process that were used, including identifying central issues and values, identifying cumulative effects indicators, and using different future scenarios to consider different options, but also acknowledged that values will vary from region to region. They also noted that within the North Yukon experience, limited time and resources meant that socio-economic indicators were not included in the assessment. Examples from other

jurisdictions from outside the Yukon were also brought in with key lessons learned. For instance, Chrystal Mantyka-Pringle described work in the NWT that used both traditional knowledge and Western science to identify indicators of change. The overarching theme from this panel was that there is no “silver bullet” solution to cumulative effects, but it can be done.

## Recommendations

The final breakout group discussions focused on identifying recommendations. Together, these recommendations included:

1. **Establish a monitoring network** – using information that smaller jurisdictions may already have (e.g., trapping concessions) while also building capacity to monitor at this level, including traditional knowledge, involving youth, learning from existing approaches to monitoring
2. **Establish benchmarks and thresholds** – using traditional laws where appropriate, determining thresholds collaboratively, acknowledging thresholds have already been surpassed
3. **Improve data sharing** – identifying data gaps, establishing policies to facilitate data sharing, ensuring regional coordination or pooling of data
4. **Prioritize strong, effective regional land use planning and make it more user-friendly** – committing to staying engaged and implementing in good faith, learning from past planning experiences, streamlining the planning process, clarifying how plans are implemented
5. **Update legislation** – rethinking the free-entry system, ensuring cumulative effects are included in the mining acts
6. **Provide adequate funding for implementing Chapter 11 and Chapter 12 of the UFA**
7. **Provide funding for capacity to assess and understand cumulative effects**
8. **Establish interim measures while waiting for regional land use planning to be completed** – e.g., moratoriums in certain areas, piloting regional and/or strategic environmental assessments, sections 110 and 112 of YESAA
9. **Provide leadership and integrate management for cumulative effects across departments and governments**
10. **Prioritize relationships** – emphasizing a government-to-government approach based on trust, developing relationships between proponents and governments
11. **Need to focus on the future, not just immediate use** – thinking about “seven generations”, focussing on what future generations want and need

## Resolution:

Whereas *Chapter 11-Land Use Planning* and *Chapter 12-Development Assessment* are part of the Umbrella Final Agreement and Yukon First Nation Final Agreements and were intended to work together to manage the lands of the Yukon;

Whereas the management of cumulative effects requires action by many organizations and that this *Total Impact: Our Collective Footprint, March 12-13, 2019* workshop identified recommendations to improve cumulative effects management in the territory;

Now therefore let it be resolved that the Yukon Land Use Planning Council should submit the recommendations of this gathering to the leader of the Parties to the Agreements through the Yukon Forum.