



New minerals legislation What We Heard

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Executive summary

We are currently developing new minerals legislation for the Yukon that will replace the Quartz Mining Act and the Placer Mining Act. This report presents feedback we received during a three-month public engagement period held in the spring of 2023, as well as through consultation with Indigenous governments.

Feedback on potential approaches for new legislation was gathered through an online survey, focused meetings with key parties, written submissions and public open houses across the Yukon. We wanted to hear the public's thoughts on how to strike the right balance between supporting a viable industry, protecting the environment, upholding Indigenous rights, and contributing to healthy and sustainable Yukon communities. The feedback we received will inform our work as we continue to develop new legislation.

Interest and participation during the public engagement period was high, reflecting the importance of this topic to Yukoners. We received broad input and thoughtful consideration about these complex issues, representing the full spectrum of diverse perspectives about mining in the Yukon. This report summarizes the feedback we received for each component of the Yukon's minerals regime as well as several cross-cutting themes. It notes the perspectives of specific respondent groups (placer and quartz industries, environmental groups and the general public) as well as Indigenous governments.

The feedback we received for each component of the minerals regime is presented in detail within the main body of the report. There were some overarching themes from the respondent groups as follows.

Indigenous governments wanted to see significant reforms made to the minerals regime, to align with Indigenous rights and interests and to advance reconciliation. Indigenous governments wanted greater involvement in decision-making throughout the mineral regime, and some Indigenous governments wanted a shared decision-making role in some components of the regime. Indigenous governments emphasized that the new regime must consider other land uses, rather than prioritizing mineral extraction over other values.

The placer industry emphasized the importance of maintaining the conditions for a viable and competitive placer sector, and they wanted the new regime to continue to reflect the differences between the placer and quartz sectors. The placer industry also stressed the positive benefits of placer mining to local economies and communities, and said that most placer operators are small, family-run businesses with narrow profit margins that would be



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impacted by increased costs, licensing requirements or delays. The placer industry also said that the current minerals regime is clear and well understood, and significant changes to the regime would make for a challenging transition for the placer sector.

The quartz industry also emphasized the importance of maintaining the conditions for a viable and competitive quartz mining sector, and creating a favourable, stable investment climate. They wanted the new regime to be clear, fair, and transparent, to provide certainty regarding licensing requirements and investment and operating costs over time.

Environmental organizations wanted to see the regime reformed to consider a broader range of factors when determining whether a mining project should proceed or not (e.g., environmental, socio-economic, and cultural considerations), and they wanted to ensure protection of environmental values, greater involvement of Indigenous governments, and socio-economic benefits to local communities.

Public responses spanned a broad range of views. Some wanted to modernize the current regime to balance mining activities against other land uses, and to implement reforms regarding security, royalties, Indigenous government involvement, socio-economic benefits, and land use planning. Others questioned the need for new legislation as they felt that substantial changes to the current system would result in too much uncertainty for the mining industry and would negatively impact the Yukon's economy and investment climate.



Introduction

We are currently developing new minerals legislation for the Yukon that will replace the *Quartz Mining Act* and the *Placer Mining Act*. This report presents feedback we received during a three-month public engagement period held from February 8 to May 9, 2023, as well as through consultation with Indigenous governments.

This report should be read in conjunction with the public engagement publication “[New minerals legislation: discussion paper](#)” (February 2023, available at [Yukon.ca/new-minerals-legislation](#)) that provides more detail on the potential approaches being considered for new legislation.

How we engaged the public

Feedback from the public on potential approaches for new legislation was gathered through an online survey, focused meetings with key parties, written submissions, and public open houses where attendees could learn more (see sidebar for details). Information related to the public engagement and how to participate was available through a web page ([Yukon.ca/new-minerals-legislation](#)) which provided discussion papers and information sheets describing the potential approaches being considered for each component of the mining regime (see the “key policy issues” section below).

Public engagement on new minerals legislation was designed by the Government of Yukon in close collaboration with Yukon First Nations, transboundary Indigenous governments, and the Council of Yukon First Nations. Rather than presenting a single recommended approach, we offered a range of potential approaches that we are considering. Just because an approach or option was presented doesn’t mean that the participating governments endorse or support it.

PUBLIC ENGAGEMENT BY THE NUMBERS*

16 public open houses

- ✓ 13 Yukon communities
- ✓ 210 attendees

11 focused meetings

- ✓ 4 industry organizations
- ✓ 7 other organizations

21 written submissions

- ✓ 9 industry organizations
- ✓ 12 others (individuals, environmental NGOs, other organizations)

159 survey responses

- ✓ 94% Yukon residents (65% Whitehorse, 35% other communities)

*Does not include consultation with Indigenous governments.



We wanted to hear the public's thoughts on which approaches struck the right balance between supporting a strong and viable industry, protecting the environment, upholding Indigenous rights, and contributing to healthy and sustainable Yukon communities.

We were purposeful about this approach to public engagement because we wanted to present a wide range of ideas for feedback, and we wanted to hear broad input and thoughtful consideration from the public about these complex issues. We understand that there are diverse perspectives about mining in the Yukon, and the input we received will help us decide on the best approach for new minerals legislation.

Although consultation with Indigenous governments occurred separately from the public engagement process, this report also includes a general summary of what we heard from Indigenous governments on each topic during consultation. The summary should not necessarily be construed to represent the views of any specific Indigenous government, nor is it intended to reflect the outcomes of consultation with any specific Indigenous government.

Background

Mining has deep roots in the Yukon, and some aspects of the current legislation have not changed in over a century. With the work that we're undertaking, we're hoping to develop forward-looking legislation that supports a future of responsible and viable mining in the Yukon and reflects the values of Yukoners.

Our aim with the new legislation is to improve the management of the Yukon's mineral resources in a way that respects Indigenous rights, strengthens the Yukon's economy, supports a competitive and viable mining industry, protects the environment, allows for the integration of other land uses and values, and supports the modern-day and future needs of Yukoners.

DEFINITIONS

We often use the word **mining** to refer to all stages of the mineral exploration and production life cycle (i.e., prospecting, exploration, development, production, reclamation, closure and monitoring).

Two types of mining are common in the Yukon:

Placer mining targets minerals found above bedrock, typically gold mixed with gravel in ancient river bottoms. The gold is extracted using water and gravity.

Quartz or hardrock mining deals with minerals found in bedrock, including gold, silver, lead, zinc and copper. Extracting these minerals often involves blasting and crushing rock and using chemicals. Large quartz mines are sometimes called **major mines**.

We distinguish the **assessment** process (under the Yukon *Environmental and Socio-economic Assessment Act*) from the **regulatory** process that is currently governed by the *Quartz Mining Act* and the *Placer Mining Act*.



New minerals legislation

The work to renew Yukon’s minerals legislation is being undertaken by the Government of Yukon in close collaboration with Yukon First Nations, transboundary Indigenous governments, and the Council of Yukon First Nations. We’ve been working together through a steering committee struck in the autumn of 2021. Since then, we examined the components of the current mining regime, identified key policy issues behind each component, and developed a suite of potential approaches and considerations for each key policy issue. This collaborative work has been supported and informed by representatives of Yukon’s mineral exploration and mining industry, and environmental organizations.

The graphic below summarizes the key steps in the process to develop new minerals legislation. We are currently at the conclusion of the “public engagement and Indigenous consultation” phase.



It has been a long road to get here. In 2003, the Government of Yukon and Canada signed the Devolution Transfer Agreement, which committed the Government of Yukon to jointly develop resource legislation with Indigenous governments, including for mining. Our work also builds on the findings of the independent panel that produced the Mineral Development Strategy in 2021. Many of the strategy’s recommendations were premised on the need for new minerals legislation.



Key policy issues

We organized our work on new minerals legislation and the public engagement materials around the following key policy issues which make up the various components of the Yukon's minerals regime. The "What We Heard" section below summarizes the feedback that we received for each of these topics.

Disposition refers to how mineral tenure is made available and granted through a claim or lease.

Acquisition refers to the rules that must be followed to get tenure, including how tenure is acquired (e.g., physical staking or online map-staking) and who can hold tenure.

Maintenance refers to the rules that govern how mineral tenure is kept once it is acquired.

Licensing is a feature of many stages of the mineral development cycle. Licensing rules deal with how proposals for exploration and development projects are submitted and with what information, how they are reviewed and approved, and what happens after a licence is issued.

Financial security is paid to the government by the operator of a mine or exploration site to ensure that reclamation obligations are met and to cover the cost of reclaiming the site if the operator fails to do so.

Reclamation refers to the work required to clean up after exploration or mining activities are complete, to meet closure objectives. Progressive reclamation involves cleaning up as you work.

The **closure** of a mine aims to return a site to a stable, non-polluting state. Closure can also refer to when an operator is no longer responsible for a site.

CROSS-CUTTING THEMES

We gathered feedback on several cross-cutting themes.

We've set out some principles that are designed to communicate a **vision** for new minerals legislation.

We're looking at how and by whom **decisions** are made, including the involvement of Indigenous governments, how disagreements are resolved, and the role of the public.

We're considering the creation of a **resource revenue fund** to help reduce the impacts or increase the benefits of mining, as is found in some other jurisdictions.

We're similarly looking at how various types of **mining agreements** can be used to ensure mining's impacts are mitigated and its benefits are shared.

And we're looking at how to best manage the **socio-economic considerations** of mining using a combination of tools.



Abandonment is when an operator leaves a site with no intention of returning, without satisfying their reclamation and closure obligations.

Compliance, monitoring and enforcement addresses the tools available to the natural resource officers who monitor and inspect mine sites and enforce Yukon's laws and regulations.

Royalties are payments made by those profiting from the extraction of mineral resources to the owners of the minerals.

It is also worth noting the distinct scales, geographies, histories, economics and operating environments of the quartz and placer sectors in the Yukon. In some cases, we explicitly identified different potential approaches for these sectors, and in other cases we haven't. We know that careful consideration of these distinctions will be extremely important as we further our work, and we fully anticipate that different, unique approaches are likely to be required for all or part of each sector.



What we heard

This section of the report summarizes the feedback received for each component of the minerals regime. Each section begins with a description of the topic, followed by a summary of what we heard, noting the perspectives of specific respondent groups with a particular interest in the development of new minerals legislation (Indigenous governments, placer and quartz industries, environmental groups and the general public). For each topic, you'll find some of the key themes and feedback we received highlighted in the sidebars.

Vision for new minerals legislation

The steering committee for new minerals legislation developed eight draft principles to guide this work and to support a future vision for a new minerals regime. These draft principles were presented during the public engagement and can be found in the sidebar on the following page. We wanted to hear the public's views on these draft principles intended to support the vision for new legislation.

Indigenous governments

Indigenous governments were clear that new legislation must be consistent with Indigenous rights and should advance reconciliation. Some highlighted that new legislation should uphold the *United Nations Declaration on the Rights of Indigenous Peoples*. In general, Indigenous governments wanted greater involvement in decision-making throughout the mineral regime, and some Indigenous governments wanted a shared decision-making role in some components of the regime. Indigenous governments were also clear about their views that significant reforms are needed to the mineral tenure disposition system to align with Indigenous rights.

Indigenous governments also emphasized the importance of balancing other land uses rather than prioritizing mineral extraction over other values. They said that new legislation should accommodate the ongoing creation of land use plans and needs to ensure that the environment is protected. They also stressed that the benefits of minerals projects need to be shared with Indigenous governments and local communities. They were clear that it is necessary to create entirely new legislation rather than amending the existing legislation.



Placer industry

The placer industry expressed that placer mining under the existing minerals regime has been practised without issues in the Yukon for a long time, and so does not require significant changes. They emphasized the importance of maintaining the conditions for a viable and competitive placer sector. The placer industry would prefer to make changes to the existing legislation rather than entirely new legislation, and they would like to see stand-alone legislation dealing with placer mining rather than a single act which deals with both quartz and placer mining. Respondents also stressed the positive benefits of placer mining to local economies and communities, and that most placer operators are small, family-run businesses with narrow profit margins that would be impacted by any added costs, requirements and delays in a new regime. They also said that the current minerals regime is clear and well understood, and significant changes in how the regime is administered would make for a challenging transition for the placer sector.

Quartz industry

The quartz industry emphasized the importance of maintaining the conditions for a viable and competitive quartz mining sector, and they would like to see a new minerals regime that creates a favourable, stable investment climate. They expressed the need to have a clear, fair, and transparent regime, to provide certainty regarding regulatory requirements and investment and operating costs over time. Some also said that the new minerals regime should meet the interests of Indigenous governments, to give the quartz sector the certainty it requires to operate in the Yukon over the long term. The quartz industry also stressed that a new minerals regime must be administratively efficient and adequately resourced to ensure that it can be implemented without unintended administrative delays and capacity issues.

DRAFT PRINCIPLES FOR NEW LEGISLATION:

- Respect Aboriginal and treaty rights and promote reconciliation
- Create the conditions for a viable, competitive and responsible mining industry
- Realize economic benefits for both present and future generations
- Contribute to individual and social well-being and healthy communities
- Ensure environmental protection and ecosystem health
- Set out how industry is responsible and liable for its activities and impacts
- Ensure collaboration and involvement of Indigenous governments
- Regulate mineral development in a manner that is efficient, effective and transparent



Environmental organizations

Environmental organizations said that the current minerals regime should be modernized to ensure protection of environmental values, greater involvement of Indigenous governments, and socio-economic benefits to local communities. Environmental organizations wanted to see the licensing regime reformed to consider a range of factors when determining whether a mineral project should proceed or not (e.g., environmental, socio-economic and cultural considerations). They also pointed out the challenge of designing a new regime that would simultaneously address principles with different purposes (e.g., creating a viable mining industry while also protecting environmental values).

General public

Public responses expressed mixed support between keeping the current regime and developing a new regime. Those desiring to see the current regime modernized wanted to balance mining activities against other land uses, and reform the regime regarding security, royalties, Indigenous government involvement, socio-economic benefits, and land use planning. Those expressing a preference for keeping the existing regime emphasized the positive benefits of the current regime to local economies and communities. Some further questioned the need for new legislation as they felt that substantial changes to the current system would result in too much uncertainty for the mining industry and would negatively impact the Yukon's economy and investment climate.

Mineral tenure – disposition and acquisition

Disposition of mineral tenure refers to the rules for how mineral tenure is made available and granted. Acquisition of mineral tenure refers to the rules that a person or company must follow to get tenure, including how tenure is acquired (e.g., physical staking or online map-staking) and who is eligible to acquire tenure.

Indigenous governments

Indigenous governments said that the current mineral tenure disposition and acquisition system needs substantial reform, and they felt that the current regime prioritizes mineral staking and development over Indigenous rights and interests and other land uses. They believe that a new



regime should respect Indigenous rights and governance and include balanced consideration of other values so that mining interests do not take priority over other land uses.

Indigenous governments also said that a decision point must occur prior to the granting of mineral tenure, and that Indigenous governments need to have a role in that decision. Some wanted a shared decision-making role in decisions related to the disposition of mineral tenure. Some governments favoured the idea of a permissions-based system where, instead of broad rights to work the claims and extract the minerals, a permission would grant the ability to carry out work at each stage of the exploration and development cycle. They also emphasized that a new regime needs to provide effective ways to identify and remove areas from mineral activity and to address problematic mineral claims.

Placer industry

The placer industry supported maintaining the current disposition system. Respondents believe that the certainty, transparency and predictability provided by the current regime is critical to maintaining a viable placer sector and attracting investment, as the mineral rights are conveyed once a claim is staked and the disposition rules are clear and well understood.

The placer industry expressed concerns that there would be less certainty for the placer sector and a poorer investment climate if claimholders were no longer granted broad rights to work their claims and extract minerals. They also expressed concerns related to the introduction of a decision point prior to the disposition of mineral tenure, and potential inconsistency and delays in decision making if there were a decision point prior to conveying mineral tenure. Respondents felt that a significant change in how mineral disposition is administered would also make for a challenging transition for the placer sector. The placer industry said that the current regime allows for the participation of both large and small operators, and they were concerned that changes to the disposition system could have a significant impact on the

SHOULD MINERAL TENURE BE RIGHTS-BASED OR PERMISSIONS-BASED?

A broad range of views was expressed about whether mineral tenure should confer a legal right (as in the current regime) or alternatively, whether tenure should be based on obtaining permission. Many components of the current regime, like licensing, are permissions-based.

Some respondents felt that rights-based tenure was critical to ensuring a stable investment climate and competitiveness with other jurisdictions.

Other respondents viewed rights-based tenure as outdated and inconsistent with other land uses and Indigenous rights. They felt that mineral tenure should be based on obtaining permission beyond the current assessment and permitting requirements.



economic viability of small-scale operators as it could create a barrier for them to participate in the new regime.

Regarding the acquisition of mineral tenure, the placer industry is in favour of maintaining the current system and does not support a move to online staking. They said that online staking would harm the placer sector and existing operators, destroy the prospecting sector, eliminate local economic benefits, encourage nuisance staking, and benefit large, well-resourced companies over small-scale operators. They felt that the effort and expense required for physical on-the-ground staking demonstrates a commitment to further invest in working the claims, compared to the ease of online staking which could result in accelerated claim-staking yet little on-the-ground economic activity. They also stated that physical staking minimizes the potential for on-the-ground discrepancies and overlapping claims, whereas online staking would exacerbate these issues.

The placer industry supported allowing quartz and placer claims to overlap as they do in the current regime. In their view, problems rarely occur with the current approach and many positive examples exist of overlapping quartz and placer claims. In some cases, placer and quartz operators can share resources (e.g., roads, emergency response services and equipment) to reduce costs, effort, and environmental impact.

Quartz industry

The quartz industry supports maintaining the current disposition system and said that a clear, fair, transparent, and certain disposition regime is critical to attracting investment and ensuring that the Yukon remains a competitive jurisdiction for mining. Respondents expressed concerns about introducing a decision point prior to the disposition of mineral rights and felt that changes to decision-making would reduce the certainty, transparency and predictability provided by the current regime. Respondents said that during the transition to a new regime, the new requirements must be clear, consistent, and predictable to

SHOULD THERE BE A DECISION WHETHER OR NOT TO GRANT MINERAL TENURE?

In the current regime, if a claim is staked correctly, then mineral tenure is granted automatically without a decision point or an opportunity for the regulator to accept or reject the claim. Many differing views were expressed about whether there should be a decision prior to granting mineral tenure in a new regime.

The placer and quartz industries felt that the introduction of a decision point would reduce the certainty, transparency and predictability provided by the current regime, and they felt that a decision point would introduce delays and inconsistencies to the disposition system.

Others expressed that a modern tenure regime must include a decision point prior to granting mineral tenure to be consistent with Indigenous rights, and to allow consideration of other land values. They also specified that Indigenous governments need to be involved in these decisions.



provide confidence and stable conditions for the quartz sector. Respondents also stressed the need to ensure that an adequate geographic area is available for prospecting and exploration, as access to large geographic areas is critical to promote knowledge of mineral deposits and encourage new discoveries.

The quartz industry expressed a range of views on the tenure acquisition system. Some respondents supported online staking and requiring mandatory training on the regulatory process for people who hold or wish to obtain claims. Others wanted to retain physical on-the-ground staking, remarking that the current system functions well, supports the prospecting sector and provides local economic benefits. Some supported updates to physical staking requirements to reduce environmental impacts, while others felt that the use of helicopters already minimizes the environmental impacts of physical staking. Some emphasized that a move to online staking would need to be accompanied by checks and balances to ensure fair competition among industry actors and to discourage nuisance staking. Some said that changes to eligibility rules and training requirements would not resolve issues with the current regime related to the physical impacts of staking. Some respondents worried that decision-makers may be improperly influenced if the rules for who can acquire tenure were changed to give decision-makers more discretion. They also cautioned that stricter eligibility requirements could discourage investment and economic development.

The quartz industry expressed a range of views regarding the overlap of quartz and placer claims. Some respondents wished to see overlapping quartz and placer claims prohibited, due to uncertainties about claimholder liability and concern that placer mining could affect baseline data collection and regulatory compliance for large-scale quartz mines (e.g. water quality). Others supported continuing to allow overlapping quartz and placer claims given that mineralized quartz zones can occur across

SHOULD AREAS BE ESTABLISHED IN ADVANCE WHERE MINERAL ACTIVITY CAN OCCUR?

A wide range of contrasting views was expressed on whether areas should be designated in advance as open or closed for mineral activity.

Some respondents wanted to maintain the current system, in which mineral activity can occur anywhere except in withdrawn areas, and they highlighted the value of allowing staking and exploration across most of the Yukon, to expand the body of knowledge on the territory's mineral deposits.

Other respondents supported the completion of land use plans to designate areas where mineral activity can occur, and they wanted to ensure that land use designations would be incorporated as future land use plans are completed.

Other respondents wanted an expanded set of tools in new legislation to designate areas open or closed to mineral activity.



placer streams. They stated that the economic viability of quartz extraction in these areas would suffer if overlapping quartz and placer claims were prohibited.

Environmental organizations

Environmental organizations wanted to reform the disposition system, expressing concerns with land use conflicts and environmental and socio-economic impacts in the current regime. They said that a new disposition system needs to better balance other land uses and consider other interests and values. They supported greater involvement of Indigenous governments and alignment of new legislation with the *United Nations Declaration on the Rights of Indigenous Peoples* and the concept of free, prior, and informed consent. They also felt that a disposition system should encourage proponents and investors who prioritize environmental, social and governance objectives.

Regarding the acquisition of mineral tenure, environmental organization respondents commented on both pros and cons of physical on-the-ground staking and online staking. They observed that while online staking could result in less short-term environmental impacts, it could also lead to a staking rush which may cause greater longer-term impacts. They suggested that regulatory controls would need to be established in either system and that notification mechanisms could be useful to inform residents of claim-staking in their local area.

General public

Public views about the disposition of mineral tenure were varied and reflected some of the views expressed by industry, Indigenous governments, and environmental organizations. Many respondents felt that the disposition system needs significant reform, and governments need a greater role before staking, exploration and other forms of mineral activity are allowed to proceed. Others felt that the current disposition system should remain in place with little change or new decision-making by

SHOULD THE STAKING OF MINERAL CLAIMS BE DONE ON THE GROUND OR ONLINE?

A range of diverse views were expressed about whether claims should be staked on the ground or online.

Some respondents supported a move to online staking, and they felt this change would result in fewer on-the-ground impacts.

Other respondents worried that online staking could lead to a “staking rush,” and some respondents felt that online staking would destroy the prospecting sector, eliminate local economic benefits and benefit large, well-resourced companies over small-scale operators.

Some respondents emphasized that a move to online staking would need to be accompanied by checks and balances to ensure fair competition among industry actors and to discourage nuisance staking.



governments, expressing that substantial changes to the current system would result in too much uncertainty for industry and would negatively impact the Yukon's investment climate. Some said that without allowing some level of exploration activity across a broad geographic area, it would be impossible to know where mineral deposits are located and the opportunity for economic benefits would be lost.

Public views about the acquisition system were diverse. They included both support and opposition to online staking. Some observed that online staking could be a useful tool if combined with a system for identifying open and closed areas. Others said that online staking was acceptable, but only if claims were still recorded in person at a mining recorder's office. Some pointed out that other jurisdictions experienced significant challenges with online staking, including nuisance staking, on-the-ground discrepancies and overlapping claims. They also said that online staking would exclude people without good internet access and computer literacy and that this could negatively impact small and medium-sized businesses. Some suggested that when people physically stake areas they are able to identify and consider potential on-the-ground issues for future mine plans or operations. Although few comments were received regarding eligibility to hold tenure, some suggested restricting eligibility to Yukon or Canadian residents.

Mineral tenure – maintenance

Mineral tenure maintenance refers to the rules for keeping or losing mineral tenure once it has been acquired. These rules include the work requirements for maintaining claims and how tenure may be transferred, lost, or relinquished.

Indigenous governments

Indigenous governments wanted to establish limits for how long mineral claims can be held, as well as improve the rules for how claims can be sold or transferred. They believe that it is too easy to extend or renew tenure in the current regime, and they supported stronger tools to address non-compliance, including the ability to cancel claims.

Placer industry

The placer industry feels that the existing system for mineral tenure maintenance works well and does not require changes, and supports a simple, flexible, streamlined tenure maintenance regime which supports small, local, multi-generational operations. They stated that the placer



and quartz sectors should have different requirements given the fundamental differences between the two sectors. The placer industry opposes increasing the work required to maintain tenure over time, asserting that this would severely impact their business models and culture of the placer sector, and could result in negative impacts to the environment, communities, and the economy. Instead, respondents said that advancement of placer projects should be driven by economics and placer miners should be supported in developing viable, responsible mine plans over time. Typical placer operations require multiple pieces of ground at varying stages of advancement to support a viable business model that can withstand fluctuating market prices. Some placer operators support keeping the current ability to “bank” assessment work credits and maintain the current length of tenure as it benefits long-term, multi-generational mine planning. The placer industry supports enhanced enforcement tools to address issues with placer claims being used for inappropriate purposes and supports clear rules for compensation and expropriation.

Quartz industry

The quartz industry expressed a range of views regarding the mineral tenure maintenance system. Some respondents strongly supported the existing system requiring annual work on claims to maintain them. They emphasized the benefits of this system for both government and future exploration, as it contributes to the expansion of knowledge about the Yukon’s mineral deposits. Some felt that rules should be updated to encourage fair competition among industry actors, to discourage nuisance staking and to discourage claimholders from unfairly occupying valuable ground for long periods of time by keeping their claims active by making payments (“in lieu” payments) rather than doing actual work. Others supported the current system which allows “in lieu” payments and suggested that this option should be extended to placer claims. Some opposed increasing the work required to maintain tenure over time, stating that this could result

SHOULD THERE BE RULES FOR EXPROPRIATION AND COMPENSATION?

Views about expropriation and compensation were mixed.

Many respondents wanted clear rules for compensation and expropriation. However, some expressed that any rules would need enough flexibility to allow consideration of each unique situation.

Other respondents felt that the courts should continue to address compensation and expropriation instead of new legislation.

Some respondents cautioned that government would need to carefully consider how compensation values are determined, as large compensation amounts could hinder government’s ability to meet other commitments. They also warned that the potential for compensation could inadvertently create a speculative market and a “staking rush” for actors seeking future compensation.



in negative impacts or unintended environmental or economic consequences. Some expressed a need for clear rules for compensation and expropriation, but they felt that rules also need to be flexible enough to allow case-by-case consideration.

Environmental organizations

Environmental organizations emphasized the need for new legislation to ensure that the responsibility for outstanding liabilities and completing reclamation is properly assigned in the event of transfer, relinquishment and lapsing of mineral tenure. They also supported enhancing the tools available for natural resource officers relating to tenure maintenance. Environmental organizations also wanted new legislation to provide a mechanism for expropriation of mineral claims as well as an approach for compensation. They observed that the existing approach to expropriation and compensation (i.e., voluntary relinquishment of claims and non-monetary compensation) may not be appropriate in all situations, such as the protection of ecologically and culturally sensitive areas. They also stated that government needs to carefully consider how compensation amounts are determined because over-compensating could hinder government's ability to meet other commitments. They cautioned that a compensation policy for "stranded" claims could inadvertently create a speculative market and a staking rush, as some actors may be motivated to stake claims based solely on the potential for future compensation.

General public

Public views about the tenure maintenance system spanned a range of views. Some said that the ability to maintain tenure should depend upon fulfilling annual work and reporting requirements and addressing any site liabilities or other obligations. Some supported more stringent rules regarding the transfer, relinquishment or lapsing of claims and the consideration of a claimholder's past compliance issues and liabilities. Some specified that mechanisms need to be put in place to prevent inappropriate activities on claims (e.g., living on claims). Others emphasized the local economic and employment benefits of the current tenure maintenance system, such as the need to undertake annual work on claims.

Some did not support including compensation and expropriation rules in new legislation and felt that these issues should be addressed by the courts instead, as they are currently. Some additionally suggested that a one-size-fits-all approach for compensation and expropriation is unrealistic. Others suggested that if tenure were expropriated the cost of any outstanding reclamation should be considered when determining compensation amounts.



Licensing

Licences are required at many stages of the mineral development cycle, and the review and approval of project applications (i.e., licensing) is a key function of the regulatory regime. For instance, a proponent must obtain a licence prior to conducting activities like drilling and trenching to explore for minerals, or prior to developing a mine. Project proposals that trigger an assessment under the *Yukon Environmental and Socio-economic Assessment Act* must first be assessed by the Yukon Environmental and Socio-economic Assessment Board before they can proceed to the licensing stage.

Indigenous governments

Indigenous governments expressed a need for greater involvement and engagement of Indigenous governments in the licensing regime, and a need to consider broader factors, including cumulative effects and climate change. Some wanted a shared decision-making role in licensing decisions. Some wanted initial project applications to include information on potential impacts to Indigenous rights, so that appropriate mitigations could be built into the design of projects from the outset. They saw this as an important outcome of early engagement with Indigenous governments. Others stressed the importance of baseline information to understand project impacts and potential mitigations. Others said that the duration of licences should be limited.

Placer industry

The placer industry expressed a preference for consistent, efficient, streamlined, and predictable application and licensing processes. They expressed concern that the options being considered would negatively impact the placer sector, and they wanted to understand more about the options to determine whether they would be effective at improving processes. Some expressed concerns that greater Indigenous involvement would cause capacity challenges for the regulator and delays to the licensing process. Many supported land use planning to identify in advance which areas were suitable for mining. The placer industry also emphasized that licensing requirements and processes should be scaled to the size and risk of an operation, and that small-scale placer operations should not be subject to the same processes as larger mines. There was a desire for long-term licences as many previously mined areas may become profitable again with new technology or changing economics.



Quartz industry

The quartz industry also wanted to see a more consistent, efficient, streamlined, and predictable licensing system. They expressed concerns about negative impacts to industry and additional delays to the existing licensing system. They saw potential changes to the licensing regime as both a significant opportunity and a risk to industry. Some thought that the Government of Yukon should assist proponents with Indigenous engagement. They also emphasized that regulators need to be held accountable for meeting timelines for approving and issuing licences, stating that current assessment and licensing timelines already take too long.

Environmental organizations

Environmental organizations expressed a need to change the licensing regime to consider Indigenous rights and interests and other broader issues such as cumulative effects, climate change and socio-economic issues. They supported changing the licensing regime's class system to better align licence requirements with a project's impacts. Respondents supported increased engagement of Indigenous governments, communities, and other stakeholders, and many were in favour of having different licensing requirements for different-sized operations. Many supported increasing the duration of licences, provided that interim reviews and reporting would be required, and if regulators could respond to emerging issues (e.g., by modifying or cancelling licences). Respondents were also in favour of managing projects differently in specific areas (e.g., stricter requirements in sensitive areas), and allowing government to recoup the costs of reviewing applications.

Some environmental organization respondents cautioned that the potential positive benefits of a proposed project should not be used as a reason on its own for approving a project, without also considering whether potential negative impacts would be mitigated. Some supported revising the licensing timelines to

HOW CAN THE LICENSING REGIME BE IMPROVED?

Many respondents wanted the licensing regime to consider broader factors such as Indigenous rights and interests and cultural and socio-economic factors, and they supported the ability to identify specific geographical areas which would require different, more robust licensing requirements.

Respondents also wanted to revise the licensing regime's class system to align licence requirements with a project's impacts. Some respondents felt that the duration of licences could be increased, provided that regulators can require interim reports and respond to emerging issues by modifying or cancelling licences.

Many respondents also supported a requirement for proponents to engage Indigenous governments, local communities, and stakeholders.

Other respondents were skeptical that the proposed changes would make the regime more efficient, and some respondents expressed concerns about delays and negative impacts to industry.



allow sufficient time to consider all factors and consult with Indigenous governments. Others thought that clear rules should be established for minor versus significant project amendments, to ensure that significant changes would need to go back through the licensing process. Many also emphasized that a new licensing regime would need to be appropriately coordinated with the assessment process.

General public

Public perspectives on licensing were varied, and respondents expressed contrasting viewpoints on all topics. Numerous respondents said that the options were not explained in enough detail to determine whether they would be beneficial. While many respondents supported streamlined processes, some were skeptical that new legislation would make the licensing regime more efficient. Those in favour of a streamlined system supported the ability to combine licences and promoted regulatory alignment and consistency between different regulatory bodies to support responsible economic development and reduce the economic impacts of lengthy licensing delays.

Others did not support a more efficient licensing regime, arguing that obtaining a licence should not be easy and should instead be a rigorous process with adequate time to consider potential impacts. Many respondents supported considering Indigenous interests during the licensing process, but some felt broader public interests should also be considered equally. Several respondents also expressed concerns about the capacity limitations of all parties, including Government of Yukon, Indigenous governments, proponents, and the Yukon Environmental and Socio-economic Assessment Board. Respondents also expressed a range of differing views regarding the duration of licences, changes to the class system, and reporting requirements. Many respondents indicated a strong interest in allowing the public to provide input into the operational details of the options being considered.



Compliance, monitoring, and enforcement

Compliance, monitoring and enforcement ensures that mining is done responsibly, and the environment is protected in accordance with relevant laws and regulations. It is carried out by natural resource officers. Enforcement tools and penalties ensure that proponents follow their permit or licence requirements.

Indigenous governments

Indigenous governments supported expanded enforcement tools and stronger penalties to ensure compliance in all aspects of the minerals regime. They emphasized the importance of greater collaboration with Indigenous governments on compliance, monitoring and enforcement activities, as well as increased public transparency and reporting around compliance and enforcement activities.

Placer industry

Many placer industry respondents acknowledged the need for effective compliance and enforcement tools. They supported an escalating approach to enforcement, in which education and voluntary compliance are used initially, followed by the issuance of warnings, fines and penalties for repeat infractions. Respondents felt that an effective enforcement regime should be based on positive relationships and open communication between natural resource officers and placer operators. They also felt that natural resource officers should consider an operator's past compliance history and the potential environmental impacts of the placer operation when considering whether a placer operation meets its licence obligations. Some believed that new enforcement tools are not needed as the tools already exist, and they saw the real issue as government's ability and capacity to use the existing tools. Some opposed new search and seizure tools because they thought that such abilities would be excessive and too intrusive. Respondents also wanted to ensure consistent application and enforcement of the rules in a new regime if Indigenous governments have their own enforcement officers in addition to Government of Yukon natural resource officers.

Quartz industry

Quartz industry respondents expressed similar views to those of the placer industry and wanted to ensure that the rules are applied and enforced consistently in a new regime if Indigenous governments had their own enforcement officers. Some said that fines and



penalties should be proportional to the nature of the offence and the size of the operation. They also supported the use of voluntary compliance approaches prior to issuing fines and penalties, and emphasized the importance of educating proponents to ensure that they understand their licence requirements and how to comply with them.

Environmental organizations

Environmental organizations supported expanding the tools available to ensure compliance with licence requirements and reclamation obligations, and to respond to non-compliance issues. They wanted both higher penalties in general and higher penalties for repeat infractions in particular. Some felt that any fines collected should be used to fund reclamation. Environmental organization respondents also supported greater public transparency around compliance and enforcement activities and saw this as a component of proponents gaining “social acceptance” to operate. Environmental organization respondents also wanted to see greater involvement and collaboration with Indigenous governments on compliance, monitoring and enforcement, but they stressed that training and capacity support would be necessary, and compliance and enforcement activities should be coordinated to avoid any duplication or confusion.

General public

Most respondents supported enhancing the tools available for compliance and enforcement, although some opposed this due to concerns about negative impacts to industry and government over-reach. Those who supported expanding enforcement tools suggested that a wide range of enforcement tools and penalties should be available, and that these tools need to be applied effectively, transparently, and fairly. Respondents said that enforcement should be proportional to the nature of the offence and they supported higher penalties for repeat infractions. Respondents also emphasized that effective implementation of compliance and enforcement tools will require appropriate

HOW CAN COMPLIANCE AND ENFORCEMENT BE IMPROVED?

Most respondents wanted to enhance the tools available to natural resource officers and increase public transparency and reporting about compliance and enforcement activities.

Some respondents expressed that fines and penalties should be proportional to the nature of the offence and the size of the operation, and that education and voluntary compliance should be used prior to fines and penalties.

Some respondents also supported collaboration with Indigenous governments on compliance, monitoring and enforcement, but stressed that training and capacity support would be necessary, and compliance and enforcement efforts should be coordinated.



administrative processes and statutory instruments, as well as training, education and effective relationships between natural resource officers and proponents. Many respondents also supported greater Indigenous government involvement in compliance, monitoring and enforcement, as well as increased public transparency (e.g., a public registry).

Financial security

Proponents pay financial security to the government to cover the cost of reclaiming an exploration or mine site if the proponent fails to do so.

Indigenous governments

Indigenous governments emphasized that the security furnished by proponents should represent the full costs of reclamation and restoring the ecosystem. Indigenous governments also said that security should be required for all authorizations (i.e., both placer and quartz projects and all levels of exploration, development, and production), and that Indigenous governments should play a role in determining the amount of security required. Some are also seeking to play a role in how security is used (e.g. when and how it is used for site reclamation).

Placer industry

The placer industry expressed significant concerns that blanket security requirements for all operations would create severe financial hardship, particularly for smaller, family-run placer mines. Many questioned the need for security for all operations, stating that many lower-risk placer mines have been operating for years in a responsible manner and fulfilling their reclamation obligations without providing security, and that most placer operations do not require security to ensure that reclamation is completed. For those operations requiring security, the placer industry emphasized that it would be important to have a mechanism to re-classify sites as reclaimed so that security could be returned to the operator once reclamation is completed.

The placer industry also felt that the cost for government to implement and administer the collection and use of security would outweigh any potential benefits, and they questioned whether such a change could be feasibly implemented. Respondents suggested considering alternatives to blanket security requirements, such as increased monitoring, enforcement and education, promoting best practices, or establishing a “pooled” security regime, in which operators pay into a general fund not tied to any particular placer operation. The placer industry



emphasized the significant differences between placer and quartz operations, and they felt that a new security regime should reflect these differences given the much greater reclamation costs associated with quartz mines compared to placer mines.

Quartz industry

Most quartz industry respondents supported a requirement for security for quartz mines, provided security requirements are calculated in a clear, fair, and transparent manner that considers the risks and specific circumstances of a project (e.g., scale and scope, progressive reclamation, etc.). Some expressed concern about Government of Yukon's capacity to administer the collection of security and questioned whether collecting security would ultimately be beneficial. Some also felt that the security regime should consider how to account for large unpredictable events in security calculations.

Quartz industry respondents expressed a range of views regarding how frequently security requirements should be reviewed. Some supported regular security reviews, while others thought that security reviews are time-consuming and expensive and should be done only when necessary. Respondents also said that the frequency of the review period should be determined based on a project's scope and scale, and supported the concept of considering progressive reclamation undertaken by proponents when determining how much security should be held at a given time by government.

Respondents also supported the ability to use various forms of security and felt that proponents should earn interest on security furnished to the government. They supported strengthening the penalties for non-compliance with security requirements.

Environmental organizations

Environmental organizations supported establishing security requirements for all types of mines (i.e., both placer and quartz) and for all stages of a mining project (i.e., exploration, development, production, reclamation, closure, etc.). They also supported a risk-based approach when determining security requirements and implementing a security regime, including

SHOULD SECURITY REQUIREMENTS BE UPDATED?

There was general support for ensuring that enough security is held to cover the full costs of reclamation, and for ensuring that security is determined in a fair and transparent manner. Most respondents also thought that security requirements should be commensurate to a project's scope and scale.

A range of views was expressed regarding whether there should be a blanket requirement for security for all projects. The placer sector felt that this was unnecessary for small placer operations and would create financial hardship for small operators. Others felt that security should be required for both placer and quartz projects, and projects at all stages of the mining cycle (i.e., exploration, development, production, reclamation, closure, etc.).

Some respondents also wanted to ensure that progressive reclamation could be considered when determining how much security is held at a given time.



consideration of site-specific impacts and reclamation costs, and ensuring that requirements are determined based on the scope and scale of the operation.

Environmental organizations wanted new legislation to clearly describe all aspects of the security regime, including project activities requiring security, acceptable forms of security, and how and when security can be used by government. Environmental organizations supported regular reviews of security requirements to consider inflation, changing technology, changes in project scope and ongoing risk assessments.

General public

Most respondents supported requiring security for all operations to ensure the ability to complete the required reclamation and minimize costs to the taxpayer. Although many respondents supported a security requirement for all operations, some felt that security requirements should be flexible and adjusted to the nature of the proposed operation and its potential impacts. Some expressed concern that security requirements could be overly onerous for small placer mining operations and could impact their economic viability. Many respondents pointed out past examples of public funds being spent to clean up abandoned mines in the Yukon, and they wanted security requirements in new legislation to prevent this situation from occurring in the future. Some supported the idea of restricting or cancelling licences for proponents who fail to meet their security requirements. Respondents also generally supported all methods of improving the collection and use of security but some questioned whether government could effectively implement these ideas.

Royalties

Royalties are payments to the owners of mineral resources. These payments are one way that the mining industry provides economic benefits to the Yukon. They can provide the public – as the owner of Yukon's mineral resources – financial benefits from mineral production in the territory.

Indigenous governments

Indigenous governments emphasized that royalties are an important component of the minerals regime and felt that the benefits and costs of mining need to be better balanced in a new regime to ensure that benefits from mining are provided to Yukoners and Yukon communities. Some said that a production-based approach would reduce the potential for misrepresentation and variability in reporting, compared to a profits-based approach.



Placer industry

Some placer industry respondents stated that the collection of royalties is important and contributes to the Yukon economy. However, many felt that royalties are only one way in which the placer industry contributes to the Yukon's economy, and they emphasized that fees, taxes, employment, and spending at local businesses are all key aspects of the industry's economic contributions. Many viewed royalties as an additional tax.

Placer industry respondents expressed a preference for an easy and straightforward approach to the determination and collection of royalties. Some wanted to see the current export tax approach continued, while others expressed a preference for a production-based approach. Some did not support a profits-based approach because of potential variability in how profits are calculated. Many expressed concerns that higher royalties, especially in combination with other increased costs (e.g., fuel, materials, security) would impact the economic viability of some placer operations and would harm the industry.

Quartz industry

Quartz industry respondents wanted the determination and collection of royalties to be simple, fair, and transparent. Many felt that a production-based approach would reduce the potential for misrepresentation and variability in reporting, compared to a profits-based approach. Respondents stressed that royalties are only one part of the industry's contribution to the Yukon's economy. Some also wanted to see more detail provided regarding the determination of royalty rates and how royalties are collected.

Environmental organizations

Some environmental organization respondents cautioned against determining royalties based on profits and exports because of the potential for misrepresentation and variability in reporting. Others saw the potential benefits of profit-based or hybrid approaches to

HOW SHOULD ROYALTIES BE DETERMINED?

A range of views was expressed about the potential approaches for determining royalties.

Some respondents felt that royalties should be determined differently for the placer and quartz sectors, given the differences between the two sectors.

Many respondents expressed that royalties should be determined in a way that is simple, fair, transparent and minimizes the possibility of misrepresentation and variability in reporting.

Some respondents were concerned about increasing the financial burdens on operators and felt that high royalty rates would impact the financial viability of some operations.

Many respondents also emphasized that it is important to recognize that royalties are only one part of the mining industry's contribution to the Yukon's economy.



determining royalties such as the ability to collect greater royalty payments when a mine is very profitable. Some said that the costs of administering a royalty regime should not exceed the value of the royalties collected.

General public

Respondents expressed a wide range of views related to royalties, with public support expressed for all potential approaches to determining royalties (i.e., profit-based, production-based and hybrid approaches). Some felt that royalties should be scaled to the degree of impacts of a given mining operation, and many respondents said that royalties should benefit Yukoners and particularly the communities and Indigenous governments directly affected by mining. Some stated that increased royalties would place additional burdens on operations already facing significant economic challenges.

Reclamation

Reclamation is a key part of the mining process for both placer and quartz operations. It refers to the work required to clean up after exploration or mining activities are complete, and involves returning a site to a stable, non-polluting state and establishing a suitable post-mining land use. Progressive reclamation involves conducting reclamation throughout the duration of a project.

Indigenous governments

Indigenous governments said that progressive and final reclamation should be required by all authorizations. They emphasized that if an operator does not fulfill their reclamation requirements, then financial security should be used to complete any outstanding reclamation. Indigenous governments wanted to be involved in determining reclamation objectives, standards and plans (at both project-specific and broader scales), and they stressed the importance of adequate reporting and monitoring to ensure that reclamation objectives are met. They also felt that industry should be encouraged to innovate and use best practices for reclamation.

Placer industry

Placer industry respondents supported including reclamation requirements in new legislation, but they wanted the requirements to be outcomes-based and provide the flexibility to tailor reclamation to site-specific circumstances, rather than being overly prescriptive. The placer industry expressed that reclamation requirements for placer and quartz mining should reflect



the differences between these two sectors, as hazardous chemicals are not used in placer operations and progressive reclamation is already standard practice on placer sites.

Respondents expressed concerns that a mandatory requirement for reclamation plans for all operations would be too onerous and would impact the economic viability of small operations. They suggested instead that reclamation plans should be required only for placer operations over a certain threshold. They also wanted clear definitions and guidelines if reclamation plans were required, to ensure that placer operators have the necessary tools to comply with the requirements.

With respect to reporting on reclamation, the placer industry supported reporting at key milestones rather than annually. They also wanted an expedited way for a placer miner to apply for a licence to conduct reclamation activities if they don't have an active licence.

Quartz industry

The quartz industry supports clearly defining reclamation requirements and encouraging operators to conduct progressive reclamation, and emphasized that reclamation objectives need to be realistic. They said that operators should be able to use whichever methods are most appropriate to achieve reclamation outcomes, rather than needing to adhere to specific reclamation techniques or methods. They also felt that reclamation requirements should have the flexibility to consider site-specific circumstances. They wanted to have a process in place to guide progressive reclamation and allow operators to recover a portion of their financial security after completing part of their reclamation obligations.

Quartz industry respondents felt that the requirement for reclamation plans should be proportionate to the size and scope of a given project. They wanted to see better guidance about reclamation objectives and techniques, the use of new

HOW CAN RECLAMATION REQUIREMENTS BE IMPROVED?

A wide range of views about reclamation were expressed. Many respondents wanted progressive and final reclamation to be required for all authorizations, although some respondents suggested that progressive reclamation requirements provide for site-specific flexibility in cases where progressive reclamation is not feasible.

Some respondents felt that reclamation plans should be required for all projects, while other respondents stated that requirements should be scaled to the size of the project and the potential impacts, so that projects below a certain threshold would only be required to meet generic pre-established standards.

Some respondents suggested that operators should not need to adhere to specific reclamation techniques, provided they achieve the desired outcome.



technologies, and adaptive management. Some also said that Indigenous governments should be involved in setting reclamation objectives, and that annual monitoring requirements should be enforced. A small minority of quartz industry respondents felt that reclamation should not be required for early exploration projects, and that reclamation activities should be able to occur after the expiry of a licence.

Environmental organizations

Environmental organizations were in favour of requiring reclamation plans at the outset of a project. They also supported progressive reclamation for all projects although some acknowledged that progressive reclamation may not be feasible in all circumstances. Some suggested that site-specific reclamation plans may be unnecessary for projects below a certain threshold. Instead, projects below the threshold could be required to meet generic reclamation standards established in advance, provided the regulator can still require a site-specific reclamation plan if warranted.

Environmental organization respondents supported strong penalties if an operator fails to reclaim a site and the involvement of Indigenous governments in establishing reclamation objectives. Some supported requiring financial security to encourage operators to complete reclamation, and wanted the review of new licence applications to consider a proponent's compliance history and whether they fulfilled past reclamation obligations.

Environmental organization respondents emphasized the importance of monitoring and reporting on reclamation for both quartz and placer sectors, including long-term monitoring of the effectiveness of reclamation techniques. Some wanted to ensure that new legislation includes the concept of avoiding and minimizing impacts, in addition to reclaiming disturbed sites. Some also suggested that licences should explicitly include a reclamation period, rather than have reclamation activities potentially occur after the licence has expired.

General public

Respondents expressed a broad range of views about how reclamation should be addressed in a new regime. Some felt that many of the options presented were unrealistic and did not adequately account for the interests of industry. Others said that the current regime is outdated and in need of significant overhaul to ensure compliance with reclamation and closure requirements and to protect the Government of Yukon from bearing the cost and risk of reclaiming mine sites. Some said that the rules in the current regime are already sufficient to ensure that sites are reclaimed, although better enforcement is needed.



Some suggested that quartz and placer sectors should be treated differently in a new regime, because unlike large quartz mines, placer operations typically conduct progressive reclamation, and do not require long-term monitoring of infrastructure such as tailings facilities.

Many respondents emphasized the importance of having clear reclamation requirements and guidelines in a new regime, and the need for operators to conduct progressive reclamation. Some suggested that progressive reclamation requirements should allow for site-specific flexibility in cases where progressive reclamation is not feasible.

Some said that reclamation requirements should be based on achieving a desired outcome, rather than requiring operators to use specific reclamation techniques. Some felt that reclamation plans should be required for all projects (both quartz and placer). Others felt that reclamation plan requirements should be scaled to the size of the project and the potential impacts, with projects falling below a certain threshold only required to meet generic pre-established standards (while still allowing the regulator to require a plan if warranted). Some felt that it would create negative financial impacts for smaller operators if all projects were required to develop site-specific reclamation plans.

Respondents also supported increased monitoring and reporting of reclamation activities, better enforcement tools, the collection of financial security to encourage operators to complete reclamation, and making reclamation a licence requirement. Some said that local communities and Indigenous governments should be involved in reclamation planning, including establishing end land-use objectives.

Closure

Closure occurs at the end of the project once all site liabilities are addressed and final reclamation is completed. "Closure" also refers to a regulator's decision to consider a site "closed," which means the proponent is no longer responsible for the site.

Indigenous governments

Indigenous governments said that closure should be required for all authorizations, and they emphasized that new legislation must ensure that mine operators cannot circumvent closure requirements. They also stressed the importance of holding sufficient security to ensure that sites can be closed used if a proponent fails to do so.



Placer industry

Placer industry respondents said that most aspects of closure described in the public engagement materials do not apply to the placer sector because it is standard practice for placer operations to return their sites to a stable, non-polluting state. As such, they emphasized that closure should be addressed differently in new legislation for the placer and quartz sectors, to reflect the differences between placer and quartz operations in this regard.

Quartz industry

Quartz industry respondents wanted to see better guidance in new legislation about many aspects related to the closure of quartz sites, including establishing end land-use objectives; obtaining a closure certificate once an operator has completed all obligations and is no longer liable for a site; de-commissioning specific infrastructure; the use of new technologies; and temporary and unplanned closure. Respondents also emphasized the need for better coordination between regulators regarding the approval of reclamation and closure plans, and some felt that closure certificates should not be subject to a fee.

Environmental organizations

Environmental organization respondents stressed that operators should retain responsibility for a site until all liabilities and reclamation obligations are addressed, and that new legislation must include mechanisms for the transfer of site liabilities if the ownership of a project changes. Some supported charging fees for closure certificates to cover both known and unforeseen post-closure costs. Some environmental organizations also felt that the regulator should have the ability to revoke a closure certificate in certain circumstances, for example if new environmental liabilities related to a mine's operations arise after a site is deemed closed.

Some also suggested that licences should explicitly include a closure period, rather than have closure activities potentially occur after the licence has expired.

SHOULD CLOSURE REQUIREMENTS BE IMPROVED?

Views around closure requirements were varied. Some respondents felt that the current regime requires significant overhaul, while other respondents felt that significant changes were unnecessary and the current regime's rules are already sufficient to ensure closure of sites.

Some respondents suggested that quartz and placer sectors should be treated differently in a new regime, as placer operations typically conduct progressive reclamation, "close" portions of their operations as they go, and do not require long-term monitoring of infrastructure such as tailings facilities.

Quartz industry respondents wanted better guidance about the closure of quartz sites, and greater coordination between regulators on the approval of reclamation and closure plans.



General public

Respondents expressed a range of views about closure. Some stated that the current regime requires significant overhaul, while others felt that significant changes were unnecessary and the current regime's rules are already sufficient to ensure compliance with closure requirements. Some supported a requirement for proponents to pay a fee at the time that their sites are closed to account for any unforeseen post-closure costs and any ongoing monitoring and maintenance. Others wanted to see new legislation identify specific types of mine infrastructure and permanent features that would require long-term monitoring and reporting. Some said that local communities and Indigenous governments should be involved in closure planning, including establishing end land-use objectives.

Some suggested that closure for quartz and placer mining should be treated differently in a new regime, as placer operations typically “close” portions of their operations as they go, and do not require long-term monitoring of infrastructure and mine facilities as closed quartz mines do.

Abandoned sites

The abandonment of a site occurs when an operator leaves a site with no intention of returning, without satisfying their reclamation and closure obligations. In these cases, the government assumes responsibility for the site.

Indigenous governments

Indigenous governments said that abandonment of mine sites is no longer acceptable in a modern minerals regime, and a new regime must better capture the risks of mining so that the costs of abandonment are not solely borne by communities, Indigenous people and Government of Yukon. They also emphasized that the financial security held for projects must be sufficient to cover the full cost of reclaiming and closing the site if it is abandoned.

Placer industry

The placer industry supports the reclamation of historic abandoned sites and support “good Samaritan” provisions in new legislation which would allow operators to reclaim historic sites without assuming liability for the sites. However, placer industry respondents felt that new legislation should address abandonment differently for placer and quartz mining, given that



past instances of abandonment in the Yukon have mainly occurred with quartz mines rather than placer mines.

Quartz industry

Most quartz industry respondents felt that Government of Yukon should be able to make use of on-site assets to carry out care, maintenance and closure activities if an operator abandons a site. Others stated that public government should require the former operator's permission to use equipment on an abandoned site. Respondents also said that in the event of abandonment, the Government of Yukon should immediately begin actions set out in the reclamation and closure plan, rather than investing resources to update the plan.

Environmental organizations

Environmental organization respondents said that if a site is abandoned, Government of Yukon should have the ability to use on-site infrastructure and equipment to undertake care, maintenance and closure activities.

General public

Respondents expressed a wide range of views about abandonment. Many respondents pointed out past examples of abandoned mines in the Yukon and wanted the new regime to minimize the possibility of abandonment in the future. To meet this objective, respondents stressed the importance of increasing the penalties for operators who abandon their mine sites, such as making company directors personally liable and preventing them from operating again in the Yukon. Many respondents wanted to ensure that sufficient financial security is held in a form that is easily accessible by government in the event of abandonment. Respondents also supported the ability of government to use on-site equipment and assets to conduct care, maintenance and closure activities in the event of abandonment.

HOW SHOULD NEW LEGISLATION ADDRESS ABANDONMENT?

Many respondents pointed out past examples of abandoned mines in the Yukon and wanted new legislation to minimize the possibility of abandoned sites becoming public liabilities in the future.

Many respondents said that sufficient financial security must be held in an easily accessible form, and they wanted more penalties for abandonment (e.g., making company directors personally liable and preventing them from operating again in the Yukon).

Many respondents supported the ability of government to use on-site equipment and assets in the event of abandonment.

The placer industry felt that new legislation should address abandonment differently for placer and quartz mining, given that past instances of abandonment in the Yukon have mainly occurred with quartz mines rather than placer mines, and chemical contamination is less of an issue with placer mines.



Some highlighted the differences between placer and quartz mining and they felt that the rules around abandonment in new legislation should reflect the differences between the placer and quartz sectors, given that placer mines typically result in fewer abandonment and chemical contamination issues compared to quartz mines.

Some stated that annual monitoring and ongoing compliance and enforcement activities could minimize the risks and liabilities associated with mine abandonment.

Resource revenue fund

A resource revenue fund can be used to reduce the impacts or increase the benefits of mining.

Indigenous governments

Indigenous governments supported establishing ways to share the benefits from mining with communities and Indigenous governments, such as creating a resource revenue fund.

Placer industry

Placer industry respondents expressed a range of views about the creation of a resource revenue fund. While some felt that a resource revenue fund could be beneficial, the placer industry generally opposed the concept of establishing a resource revenue fund. The placer industry emphasized the significant economic and employment contributions that placer mining already provides to local economies and communities, and they said that the sector is not strong enough nor wealthy enough to meaningfully contribute to a resource revenue fund. Respondents cautioned that if the placer sector were required to pay into a resource revenue fund, it would likely discourage placer miners from spending additional funds in local communities. The placer industry also felt that the administrative costs of creating and managing a resource revenue fund for the placer sector would likely outweigh the benefits.

The placer industry expressed a range of views about how a resource revenue fund could potentially be used. Some thought that the placer industry should have a say over how funds would be disbursed. Some suggested that a fund could be used to mitigate impacts from mining, improve placer-related government programs, provide benefits to communities where mining occurs, or fund other types of public programs. Some suggested that fines and fees should be used to mitigate the impacts from existing and abandoned mines, whereas royalties should be used for government programs and providing local benefits. Some opposed the idea of using a resource revenue fund to provide direct payments to the general population.



Quartz industry

Most quartz industry respondents supported establishing a resource revenue fund, although some felt that it was also important to recognize the current benefits already provided by the quartz sector through income taxes, royalties, employment and local economic activity. Some supported using fines and fees to fund a resource revenue fund. Some supported the idea that a resource revenue fund could be used to remediate abandoned mines, and some supported using funds for social programs. Some also said that contributions to a resource revenue fund should not negatively impact the economic viability of mining operations.

Environmental organizations

Environmental organizations were generally supportive of increasing the benefits from mining as well as reducing impacts to the environment. Some suggested that a resource revenue fund could be used to reclaim legacy sites. Some also emphasized that the establishment of a resource revenue fund should not preclude the requirement for financial security for reclamation.

General public

Most respondents supported the establishment of a resource revenue fund. Some felt that a resource revenue fund should provide benefits and that the cost of mitigating impacts should be borne by mining operators rather than through a resource revenue fund. Respondents identified numerous groups and programs that could benefit from a resource revenue fund, including Indigenous governments, local communities, the general public, social programs, mineral development programs, and other government programs. Others said that a resource revenue fund should be used to mitigate environmental, social and community impacts from current and historical mining activities.

SHOULD A RESOURCE REVENUE FUND BE ESTABLISHED?

Views were mixed regarding the creation of a resource revenue fund. Some respondents felt that establishing a fund could be beneficial, while others opposed the creation of a fund and felt that additional fees required to establish a fund would impact the economic viability of operators, particularly within the placer sector.

Some industry respondents felt that it was important to recognize the current benefits provided by the quartz and placer sectors, through taxes, royalties, employment and local economic activity.

Respondents who supported the creation of a resource revenue fund expressed a range of ideas about whether a fund should provide benefits or mitigate impacts. They also identified numerous groups and programs that could benefit from a resource revenue fund, including Indigenous governments, local communities, and the general public.



Decisions, disagreements, public involvement and transparency

Decision points occur throughout the mining life cycle, from issuing licences for exploration and production to determining security requirements. Important components of decision making include how a decision is made, who makes the decision, and how transparent the process is. An appeals process can provide a solution outside of the court system when a party is dissatisfied with a decision and a dispute resolution mechanism can provide a solution when parties cannot come to agreement.

Indigenous governments

Indigenous governments wanted greater involvement in decision-making in a new regime, and a greater role in determining which mineral projects can proceed in their traditional territories. Indigenous governments also said that new legislation needs to balance use of the land and protection of resources and values other than mining. Importantly, a new regime must respect Indigenous rights and interests. Some government identified that the new regime should reflect Indigenous governance of lands and resources and be consistent with the *United Nations Declaration on the Rights of Indigenous People*, including the concept of free, prior and informed consent.

Placer industry

The placer industry generally did not support changes to the existing decision-making processes in the current regime. They emphasized the importance of transparency in decision-making and they stressed that decision-making processes must adhere to legislated timelines. Respondents expressed concerns that new decision-making processes would be cumbersome and would create further delays to the licensing process.

Placer industry respondents opposed the concept of a third-party decision-maker, as they were uncertain whether this party would be impartial and free from external influence. Rather, they preferred to maintain the current approach with the Yukon government as the decision-maker. Respondents also opposed increased public involvement in decision-making because they felt that the public lacks enough expertise about mining to meaningfully contribute to decision-making.

The placer industry stressed the importance of having an established appeals process to allow proponents to appeal decisions. They generally supported maintaining the current approach to appeals, although a range of views was expressed regarding how decisions should be made in



the appeals process. Some were open to slight modifications to the current approach to allow for appeals to be conducted by government officials, or third-party decision-makers in some circumstances. Others felt that appeals should continue to be addressed through the courts as the best way to ensure impartial decision-making.

Quartz industry

Quartz industry respondents emphasized the importance of increased transparency and certainty in decision-making processes. Some expressed support for greater Indigenous government involvement in decision-making, although other respondents expressed concern that joint decision-making processes could exacerbate existing delays in the licensing process. Some quartz respondents opposed creating new decision-making processes because they believed that existing processes are sufficient if used effectively.

Quartz industry respondents felt that regulators should provide greater transparency by publicly releasing the rationale for decisions. Some also expressed concerns about public involvement in decision-making and they felt that the public lacks knowledge about mining and tends to oppose mining projects without strong rationale. Respondents also expressed concerns about special interest groups influencing decision-making and public input processes. Some supported continuing to use existing decision-making and appeals processes. Respondents supported the need for an effective appeal process.

Environmental organizations

Environmental organization respondents supported increasing public involvement and transparency in decision-making (e.g., publishing reasons for decisions) and establishing the factors to be considered by decision-makers. Some supported the idea of a third-party decision-maker for some aspects of the minerals regime (e.g., complex, long-term activities such as quartz mine

SHOULD EXISTING DECISION-MAKING PROCESSES BE UPDATED?

A wide range of views was expressed about decision-making in a new regime.

Some respondents felt that existing decision-making processes provide transparency, predictability and certainty and should not be changed. They expressed concerns that changes to decision-making processes could exacerbate delays and make decision-making more complicated and biased.

Other respondents supported changes to decision-making processes, including increased involvement of Indigenous governments and the public, and increased transparency, such as requiring regulators to publish reasons for decisions.

Views about the appeals process were also varied. Some respondents preferred to have appeals addressed through the courts, while other respondents wanted new legislation to establish new processes for appealing decisions.



reclamation). Some emphasized the importance of having new legislation be consistent with the United Nations Declaration on the Rights of Indigenous Peoples, including the concept that Indigenous peoples must give free, prior, and informed consent prior to development activities. Some also said that new legislation should reflect the spirit and intent of the Yukon's Final Agreements with respect to involvement in decision-making. Some also supported establishing an appeals process for decisions in new legislation.

General public

Public responses regarding decision-making varied greatly. Many respondents said that decision-making processes should be efficient, transparent, certain, fair, and defensible. Some believed that Indigenous governments should be involved in decision-making while others felt that having more than one decision-making body would complicate and add delays to decision-making processes. Some supported the idea of a third-party decision-maker and suggested that decision-making committees could be established with members of the public, communities, and Indigenous governments. Others preferred that Government of Yukon remain the sole decision-maker and they opposed having a third-party decision-maker, as they felt that this would make decision-making processes slower, complicated, and biased. Some also indicated that not enough information was provided in the public engagement materials to formulate an informed opinion about decision-making in a new regime.

Mining agreements

Mining agreements can help ensure that project benefits are shared and risks are mitigated. These agreements can be either between proponents and public government or Indigenous governments, or between different governments. In some jurisdictions, mining agreements are required by law in certain situations (e.g., Northwest Territories). Currently in the Yukon, impact benefit agreements are often developed between a mining company and an Indigenous government to provide benefits such as revenue-sharing and employment in relation to major mine projects. They are sometimes developed at the exploration stage as well. Currently, impact benefit agreements are not required by legislation and their terms are typically confidential.

Indigenous governments

Indigenous government views were varied regarding whether there should be a legislative requirement to negotiate mining agreements, whether legislation should specify the topics to



be included in mining agreements, and what role, if any, Government of Yukon should play regarding mining agreements.

Placer industry

Placer industry respondents opposed a legislated requirement for mining agreements. Many felt that mining agreements were unnecessary, due to what they saw as the small scale and low environmental risks of placer operations, and the existing community benefits already provided by the placer sector through local spending, employment, and royalty payments. Some said that for many placer operators, it would be financially unfeasible to implement a requirement to enter into mining agreements, and that the added costs would impact the economic viability of their operations and would curtail the development of new projects.

Quartz industry

The quartz industry generally opposed a legislated requirement for mining agreements, although some said that these agreements still should be encouraged on a voluntary basis. Some respondents stated that having guidelines for the contents of mining agreements could be useful. Respondents felt that mandating mining agreements would discourage investment, negatively impact the financial viability of the quartz sector, and limit the flexibility of proponents and communities to find solutions to project-specific issues. Respondents suggested that relationship-building between mining companies and communities should be done voluntarily rather than on a mandatory basis. Similarly, respondents said that the parties to mining agreements should be able to decide on a case-by-case basis whether the contents of mining agreements should be made public or not. Some also said that Indigenous governments should be empowered to make their own decisions about whether to negotiate a mining agreement, rather than have a mandatory requirement to negotiate a mining agreement.

SHOULD MINING AGREEMENTS BE REQUIRED?

Respondents expressed a wide range of views about mining agreements. Many respondents from industry, Indigenous governments and the public did not support a mandatory requirement for mining agreements. Some respondents suggested that mining agreements should be required only for larger projects. Other respondents expressed that mining agreements should not be required by legislation but could be encouraged on a voluntary basis.

Respondents also expressed a mix of views about whether the contents of mining agreements should be publicly available. Some respondents felt that the agreements should be confidential, while other respondents suggested that the parties to the mining agreement should be able to decide on a case-by-case basis whether the contents of the agreement should be made public or not.



Environmental organizations

Environmental organization respondents provided a limited amount of feedback on mining agreements. One respondent suggested that mining agreements could be a useful tool to proactively address any significant project-related issues, prior to the project assessment and licensing process.

General public

Members of the general public expressed a wide range of views regarding mining agreements. Some felt that mining agreements should be required for all projects, while others said that only larger projects should be required to have a mining agreement. Some felt that proponents should be required to develop a mining agreement, but that the topics that the agreement deals with should not be prescribed in legislation.

Some said that mining agreements should not be required for any project, as they felt that such a requirement would harm the mining industry. Others felt that mining agreements could undermine the regulatory process and may reduce the ability of the regulator to address socio-economic impacts. Some suggested that if mining agreements are required, then it should be possible to opt out of the requirement if one of the parties does not wish to enter into an agreement.

Some suggested that local communities, and not just Indigenous governments, should benefit from mining agreements. Others felt that financial benefits could be adequately addressed from royalty payments, and that mining agreements should focus on non-financial benefits. Others felt that mining agreements should address both economic and social benefits.

Some suggested that the contents of mining agreements should be publicly available, while others felt that these agreements should be confidential, but that legislation should prescribe the topics that mining agreements must include. Some suggested that the contents of mining agreements should be publicly available in order determine whether a mining agreement achieves its intended objectives.



Socio-economic considerations

Mining and its related activities can have broad social and economic impacts, both positive and negative. It can lead to improved roads and infrastructure and create many well-paying jobs. It can also put pressure on social services and can increase the cost of living by creating additional demands for materials, services and labour. As well, workplace violence and harassment can disproportionately impact Indigenous people, women and gender and sexual minorities. The pressures of camp life and working in the mining sector can contribute to substance use and increased stress within families and Yukon communities.

Indigenous governments

Indigenous governments stressed the historic and current socio-economic impacts experienced by Indigenous people and communities and they said that the current regime does not adequately address socio-economic impacts. Generally, Indigenous governments supported strengthening the tools available to address socio-economic impacts and ensure that Indigenous governments and communities see greater benefits from mining and minerals projects.

Placer industry

While some placer industry respondents supported the need to consider the socio-economic effects of mining in new legislation, others felt that socio-economic issues are already addressed through other initiatives and programs including the *Yukon Environmental and Socio-Economic Assessment Act*. Some also said that socio-economic assessments focus too much on negative effects rather than the positive benefits of mining such as job creation and economic development. Respondents also emphasized that socio-economic conditions are created by a broad host of factors, and that negative effects in a community should not be solely attributed to the presence of mining.

Quartz industry

Many quartz industry respondents agreed that the socio-economic effects of mining should be considered, but felt that often only negative effects are considered. They said that existing processes such as assessments by the Yukon Environmental and Socio-economic Assessment Board already provide an avenue for considering socio-economic effects and that these



processes should be used and improved rather than creating new processes to address socio-economic considerations.

Respondents also felt that it should be acknowledged that socio-economic impacts are complex and result from various factors beyond the presence or absence of mining projects.

Environmental organizations

Environmental organizations emphasized the broad and complex effects from resource development, and they said that the current regime does not adequately consider socio-economic issues and how to mitigate them. Environmental organizations generally supported stronger measures and tools to address socio-economic impacts.

General public

Respondents expressed a wide range of views regarding how socio-economic considerations should be addressed in new legislation. Some supported including a requirement in new legislation to consider socio-economic issues, and identified a number of socio-economic impacts often associated with mining, including gender-based violence, drug use and trafficking, environmental damage, and impacts to cultural connections to the land and traditional ways of life. Others felt that the Yukon *Environmental and Socio-economic Assessment Act* already adequately addresses socio-economic issues. Some said that it would be too onerous for proponents if they were required to address and mitigate socio-economic issues, and felt that these issues should be addressed through broader initiatives outside of minerals legislation.

Some emphasized that if new legislation were to include a requirement to consider and address socio-economic issues, it would be important to apply these requirements throughout the life cycle of a project from initiation to post-closure. Respondents also stressed that any tools to address socio-economic issues

HOW SHOULD SOCIO-ECONOMIC ISSUES BE ADDRESSED IN A NEW REGIME?

A wide range of views was expressed about how socio-economic issues should be addressed in a new regime.

Some respondents felt that these issues are already adequately addressed by the Yukon Environmental and Socio-economic Assessment Board. Other respondents felt that the current regime does not adequately address these issues, and the new regime should require all projects to consider and address socio-economic issues.

Some respondents felt that socio-economic impacts cannot be solely attributed to mining, and that it would be unfair and too onerous if mining proponents were primarily responsible for addressing them.



New minerals legislation

need to be implemented effectively so that they ultimately result in meaningful benefits for people and communities.

Respondents also felt that it is important to consider both positive and negative socio-economic effects, as well as the specific needs of communities, Indigenous governments and members of the public who are directly impacted by a given mining proposal.



What's next?

The feedback received during this public engagement will inform the work to develop new minerals legislation. The next step is for the steering committee to consider the feedback and integrate it into its work to develop a recommended framework for new legislation. From there, detailed policy work will inform the drafting of the new legislation.

