



**A policy for the stewardship
of Yukon's wetlands**

2022



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1 Policy context

There is a need to define a common approach to wetland stewardship in the Yukon. The *Policy for the stewardship of Yukon's wetlands* ("the policy") represents the Government of Yukon's approach to wetland stewardship within the current regulatory framework providing a workable solution for wetland stewardship that reflects the many different perspectives of Yukoners.

The stewardship of wetlands in the Yukon is undertaken across many Government of Yukon departments as well as with many of our land management partners. It is an effort that relies on, and works within, a variety of existing legislative tools, treaties and land claim agreements. Appendix A provides a summary of implementation actions necessary for this policy. A complete list of legislation implicated by wetland stewardship decisions is provided in Appendix B.

The Government of Yukon developed this policy through an inclusive process with Indigenous governments and groups, boards and councils, municipal and federal governments, industry representatives and non-governmental organizations. See Appendix C for more information on the development of this policy.

2 Policy goal

The Government of Yukon recognizes the intrinsic value of wetlands, their importance to ecosystems, and the benefits they provide to people. The goal of this policy is **to ensure the benefits of Yukon's wetlands are sustained**.

Specifically, through implementation of this policy, the Government of Yukon will work towards:

1. improving our knowledge and understanding of Yukon's wetlands;
2. managing the impacts of human activities on wetlands through implementation of a mitigation hierarchy; and
3. identifying and protecting Wetlands of Special Importance through legal designation and applying specific mitigation measures to achieve no loss or reduction of benefits within these wetlands.

The implementation of this policy will be guided by the best available knowledge and by respect for the knowledge, culture and rights of Indigenous Peoples.

3 Scope of application

This policy is a high-level principles-based document intended to support the Government of Yukon's decision-making from the time of approval going forward. The policy applies to all wetlands in the Yukon where the Government of Yukon has decision-making authority, and

applies to all land uses and resource sectors under the control and administration of the Government of Yukon.

The policy does not change any existing private property rights, nor does it alter the constitutionally-protected rights of Indigenous Peoples. With respect to land use plans which are approved and in effect, if there is a conflict between the guidance in this policy and a plan, the plan will supersede this policy.

4 Guiding principles

The Government of Yukon recognizes that our stewardship decisions must be:

- Informed by, and respect, all forms of knowledge—including equitable consideration of traditional, local and scientific knowledge.
- Informed by and consistent with the rights of Indigenous Peoples, the spirit and intent of existing treaties and land claim agreements, and commitments and processes described in treaties, land claim agreements, legislation, the Truth and Reconciliation Commission Final Report, and the Canadian Constitution.
- Adaptable to new information and forward-looking to anticipate future changes and needs.

During the development of this policy, Indigenous governments and groups consistently brought forward three concepts:

- The importance of taking a **holistic** approach that considers wetlands as an integral part of an interconnected system.
- The importance of **respecting** the land.
- The concept of **reciprocity**, whereby we must give back to the land when we take from the land.

Recognizing and considering these concepts within future wetland stewardship decisions will be an important component of the Government of Yukon's commitments to reconciliation.

5 Definitions

Assessment – the evaluation of the potential adverse environmental, social, cultural or economic impacts of a proposed human activity, development or project. Assessment is used inclusively to include review under the *Yukon Environmental and Socio-economic Assessment Act*, the federal *Impact Assessment Act*, and the environmental review process outlined within the *Inuvialuit Final Agreement*.

Avoidance – proactive measures taken to prevent adverse impacts on wetlands and loss or reduction of wetland benefits.

Ecological characteristics – the specific biological, hydrological, chemical, physical and environmental characteristics of a wetland, and the processes resulting from these characteristics, including interactions with adjacent non-wetland areas.

Ecological or management threshold – an ecological threshold is the point at which a substantive or non-linear change in the dynamics or distribution of an individual organism, population, or community is observed relative to some level of disturbance. Ecological thresholds can be challenging to define, leading to use of a management threshold, established at a regional or local level, that is a defined magnitude or extent of disturbance that is permitted after which unacceptable ecological change or conservation risk is expected. Thresholds would be established through land use planning and other similar processes.

Human activity – includes all types of human undertakings, developments or projects that could impact wetland benefits and are under the control and administration of the Government of Yukon. This includes, but is not limited to, road development, municipal and rural development, resource exploration and extraction, forestry activities, energy generation and agricultural development.

Indigenous governments and groups – an umbrella term used within this policy when referring to any or all of the 14 Yukon First Nations, Acho Dene Koe First Nation, Dease River First Nation, Gwich'in Tribal Council, Kwadacha Nation, Tahltan Central Government, Taku River Tlingit First Nation, Tetlit Gwich'in Council, or Inuvialuit.

Note on terminology: Within this policy, “Indigenous” is the preferred terminology, as it is viewed as a more inclusive term. However, when referring to specific legal rights, the term “Aboriginal” is used.

Land use planning – a collective term for all relevant processes used in the Yukon to consider and describe how to balance all aspects of land use including renewable and non-renewable resources, development, land, water, living organisms, and built environments. Land use planning includes Regional and sub-regional land use planning (outlined within the *Umbrella Final Agreement*), local area planning, protected area planning, regional conservation and management planning (outlined within the *Inuvialuit Final Agreement*), as well as any current or potential future processes developed to achieve similar objectives.

Mineral wetland – a wetland where sand or clay soils dominate and limited amounts of partially decayed organic matter (peat) accumulate. Shallow open water, marsh and some swamp wetlands are mineral wetlands.

Minimization – measures taken through planning, design, construction and operational stages to reduce the impacts on wetland benefits.

Offsetting – Measurable conservation outcomes, resulting from actions applied to areas not impacted by the project, that compensate for permanently lost or reduced wetland benefits which cannot be avoided, minimized or reclaimed. Examples of offsetting

activities include enhancing or recreating wetlands that have been previously impacted by activities unrelated to the project or supporting knowledge building. Offsetting will not be an available mitigation tool until further implementation guidance is developed.

Peatland – a wetland that accumulates significant amounts of partially decayed organic matter (peat). In the Yukon, a wetland can be considered a peatland if it has 30 cm or more of accumulated peat. This differs from the national standard of 40 cm set out within the Canadian Wetland Classification System.

Reclamation – specific actions taken to repair impacts caused by a human activity through creation of self-sustaining wetland environments that recover some priority wetland benefits and ecological characteristics.

Restoration – the process of returning an area to a state as close as possible to the original pre-disturbance wetland state, with respect to the biological, hydrological, chemical, physical and environmental characteristics and processes.

Stewardship – an approach for shepherding and safeguarding wetlands that recognizes people are an integral component of wetland systems, accepts a sense of responsibility for the state of these wetland systems, and works to anticipate change and shape responses for the continued health and vitality of wetlands.

Wetland benefits – the ecological and cultural benefits that result from the specific characteristics of a wetland and the processes occurring within the wetland; including hydrological, biophysical and chemical benefits, as well as benefits to people.

Wetland class – A system for grouping wetlands based on how they are formed and their ecological characteristics. Within these are five defined wetland classes in Canada: bog, fen, marsh, swamp, and shallow open water.

Wetland inventory – a database or resource that provides detailed information on the abundance, characteristics, classification and distribution of wetlands.

Wetland mapping – the process of determining the characteristics, classification and spatial extent of wetlands through field or computer-based (e.g., remote sensing) techniques. Wetland mapping can be done at **broad scale**, suitable for territory-wide or regional analysis, or at **local scale**, suitable for project, local or sub-regional analyses¹. Wetland mapping provides the information that is to be housed within a wetland inventory.

Wetland of Special Importance – a wetland or wetland complex that has been identified, through application of clear guidance criteria, as having merits for enhanced protection and specific mitigation measures to ensure there is no loss or reduction of wetland benefits.

¹ Broad- and local-scale mapping is further described within the *Yukon ecological and landscape classification and mapping guidelines, Version 1.0* available from Yukon.ca.

6 Wetlands benefits

6.1 What are wetlands?

Wetlands are areas that typically have water at, or near, the ground surface during some or all of the year. These areas can be considered wetlands if the water is present long enough for poorly drained soils to form, and for water-loving plants to become the dominant type of plant in the area. There are five classes of wetlands: bogs, fens, marshes, swamps and shallow open water wetlands.

In the Yukon, 5 wetland classes are defined as²:

- Bog** a peatland characterized by having a thick layer of poorly decomposed organic material (peat). The surface of a bog is often raised above the surrounding landscape. Surface waters and soils generally have very limited nutrients. Most bogs have limited visible surface water, and this water is often isolated from surrounding environments.
- Fen** a peatland that is characterized by a fluctuating water table. They are often influenced by flowing surface water or discharged groundwater. Surface waters have more nutrients, when compared to a bog, as nutrients are brought into the environment from water flowing through nearby mineral soils.
- Marsh** a mineral wetland with shallow water that fluctuates daily, seasonally or annually. At the surface, marshes may dry out, however water is still present in soils near the roots of plants. Marshes are dependent on water from precipitation, groundwater or stream flow.
- Swamp** a forested or wooded mineral wetland or peatland. Surface waters are often nutrient rich. Swamps are dominated by tall woody plants (e.g., trees or shrubs), and wood-rich peat layers. Swamps are often found associated with river floodplains, lakes, or ponds. Swamp water levels fluctuate seasonally and often have pools of water and hummocky ground.
- Shallow open water** a mineral wetland that often divides other wetlands from permanent deep water environments (e.g., lakes). They are characterized by shallow standing or flowing water less than 2 m deep in mid-summer. Water levels vary seasonally, and may dry out entirely at certain times of the year.

Wetlands are dynamic and highly variable; their appearance and the plants that are found within them can change from year to year and even throughout the year. While some wetlands

² Based on the Canadian Wetland Classification System.

have water at or near the surface year-round, in many other wetlands the water may not be visible. In addition, some areas of the Yukon are wetlands because of the presence of permafrost, which helps retain moisture near the surface.

6.2 What are wetland benefits?

Wetlands are integral components of our environment and they contribute to our wellbeing in a variety of ways. The role of each individual wetland will vary depending on the natural ecological characteristics of wetlands, and the biological, hydrological, and chemical processes that operate within it, known collectively as wetland functions. Table 1 briefly describes the functions occurring within wetlands and the ecological and cultural benefits derived from those functions. The benefits and functions a wetland provides depend on its ecological characteristics, and there may be additional benefits of wetlands not addressed in this table.

Beyond the ecological and cultural benefits of wetlands themselves, economically important activities occur in and around wetlands. Human activities which generate economic benefit directly from wetland ecological characteristics, such as peat extraction, do not generally occur in the Yukon, and are not included in Table 1. Similarly, human activities which generate economic benefit due to resources underneath or adjacent to wetlands are not listed below as they do not produce economic benefits directly resulting from the wetlands themselves. These human activities can provide significant economic value but can also result in impacts on wetland benefits.

Table 1 Wetland functions and ecological and cultural benefits in Yukon.

	Function	Benefit
Hydrological (Water)	Water storage and regulation	Flood and drought resilience; support of aquatic life; groundwater recharge for drinking water availability
	Water temperature regulation	Fish and wildlife habitat, particularly during overwintering and the early spring
	Water quality regulation and filtration	Maintain water quality
	Erosion control	Prevent shoreline erosion
Biophysical (Land)	Terrestrial and aquatic habitat	Maintain stable and healthy fish and wildlife populations
	Biological diversity	Ecological resilience

	Natural wildfire protection barrier	Public safety and infrastructure protection
Chemical	Carbon storage and release	Influencing atmospheric carbon and climate change
	Nutrient cycling	Maintain water quality
Social and cultural	Sense of place	Cultural wellbeing
	A place for practising cultural pursuits (hunting, fishing, gathering)	Cultural wellbeing, providing traditional medicines and foods
	Recreational use and appreciation	Social wellbeing

6.3 Initial implementation approach for evaluating wetland benefits

Until the Government of Yukon develops specific guidance for evaluating wetland benefits in Yukon and the support systems to apply it, the Government of Yukon will adopt a simplified approach to determining the benefits of a wetland: using the area of a class of a wetland as a proxy measure for the benefits provided by that wetland. The area of each class potentially impacted by a proposed human activity can then be used to estimate impacted or lost wetland benefits.

IMPLEMENTATION ACTION

1. Develop guidance for the evaluation of wetland benefits in the Yukon.

7 Building knowledge

This policy has been developed using the best available knowledge related to wetlands in the Yukon. However, a number of important knowledge gaps exist. **Improving our knowledge and understanding of Yukon’s wetlands** by addressing current and future knowledge gaps will improve our stewardship decisions. This includes recognizing and respecting all sources of knowledge, giving equitable consideration to traditional, local, and scientific knowledge. The implementation of this policy must be responsive to new information and adaptive to an improved understanding of Yukon’s wetlands and the effects of a changing climate.

7.1 Wetland inventory

Understanding and mapping wetlands in Yukon is integral to the success of this policy. This information serves as the foundation for determining how to manage human impacts on wetlands.

The Government of Yukon has developed a Yukon Bioclimate Ecosystem Classification, which includes details on how to classify wetlands. This approach builds on the five major classes of wetlands identified in the Canadian Wetland Classification System (i.e., bog, fen, marsh, swamp and shallow open water). The Government of Yukon will continue to develop products to support wetland identification and classification in the territory. In addition, the Government of Yukon will develop clear methodologies and acceptable standards for wetland mapping as part of implementation of this policy. The Government of Yukon further commits to working collaboratively with Indigenous governments and groups to develop a comprehensive territory-wide wetland inventory.

Wetlands can be mapped through a variety of approaches, such as general ecosystem mapping which may include identification of wetland ecosystems at a broad scale or wetland specific mapping at broad or local scale. The Government of Yukon will work collaboratively with Indigenous governments and groups to support local scale mapping in areas of high priority and will ensure this information becomes publicly available. The Government of Yukon will work with proponents of development in wetlands to ensure that wetland mapping conducted at a project scale is collected pursuant to approved methodologies and standards.

IMPLEMENTATION ACTIONS

2. Update and finalize a Yukon wetland classification system.
3. Produce an accessible field guide to the wetlands of the Yukon.
4. Develop specific wetland mapping standards for regional, local, and project specific mapping applications.
5. Create a broad scale territory-wide wetland inventory, within 5 years of policy approval.
6. Support local scale wetland mapping, where needed.

7.2 Research on northern wetlands

Partnership and collaboration are essential to increasing our collective knowledge. How we build this knowledge is as important as the research that is completed. To that end, it is important to foster community-led research to ensure local perspectives and needs, including those of Indigenous governments and groups, are fully integrated into the research agenda and community capacity is generated. In addition, research that works with relevant industry operators remains an important pathway to fostering responsible development practices. The

Government of Yukon will continue to support local, national, and international partnerships to increase knowledge of northern wetlands. In promoting northern wetland research, the Government of Yukon will ensure that knowledge gained is shared in ways that are accessible and culturally relevant.

The following research themes are priorities for enhancing the Government of Yukon's ability to steward Yukon's wetlands:

- Baseline data for wetlands, including distribution and trends;
- Relationship between permafrost and wetlands;
- Effectiveness of strategies to reclaim wetlands and restore their benefits in northern environments;
- Effects of northern wetlands on carbon storage and release;
- Effects of a changing climate on wetlands;
- Ecological resilience of northern wetlands with a focus on determining ecological or management thresholds; and
- Measurable indicators of wetland health and benefits.

IMPLEMENTATION ACTIONS

7. Promote research on northern wetlands

7.3 Public awareness, understanding and stewardship of Yukon's wetlands

Public awareness of the benefits that wetlands provide is important to ensure activities in and around wetlands are conducted in a responsible manner. There is also a need to encourage and support individual and organizational stewardship of wetlands.

The Government of Yukon will work with its wetland stewardship partners to improve wetland education, communicate the benefits of wetlands to the public, and support active local participation in wetland stewardship.

IMPLEMENTATION ACTION

8. Promote public awareness of wetlands

8 Managing human impacts

Managing human activities that impact wetland benefits is an essential component of sustaining the benefits of Yukon's wetlands and ensuring sustainable and responsible economic and community development. Human activities that impact wetland benefits include those activities occurring directly within a wetland and those activities occurring outside a

wetland that may impact the wetland, for example through altering local hydrologic connectivity.

While this policy provides an overarching approach to managing human impacts, more specific policies and guidance may be developed where there are local, regional, or sectoral requirements. In those instances, this policy provides the foundation for development of additional guidance.

The Government of Yukon will manage the impacts of human activities on wetlands by implementing a mitigation hierarchy—a set of sequential and prioritized steps that must be followed to manage the loss or reduction of wetland benefits. Through this mitigation hierarchy, human activity proponents will be expected to demonstrate how and to what extent they will:

1. First avoid impacting wetland benefits wherever possible; then
2. Minimize impacts to wetland benefits which cannot be fully avoided; and
3. Reclaim impacted wetland benefits.
4. If required, offset residual impacts to wetland benefits.

8.1 Guiding principles and considerations for managing human impacts on wetlands

Determining whether proposed mitigation actions are sufficient is a complex decision that must consider the specific context for the proposed human activities. The following principles and considerations will guide decisions about managing the impacts of human activities on wetlands. Implementation guidance documents will provide additional clarity on the application of these principles and considerations to activities impacting wetland benefits in Yukon and how the mitigation hierarchy will apply.

- All human activities must first seek to avoid the loss or reduction of wetland benefits.
- Minimizing impacts and reclaiming impacted wetlands constitute a loss or reduction of wetland benefits. The level of loss must be limited to the maximum extent possible.
- Wetland reclamation is a suite of short term actions undertaken to repair impacts caused by a human activity that recover some priority wetland benefits and ecological characteristics.
- Loss or reduction of wetland benefits is permissible in some circumstances, but cumulative loss of wetland benefits must remain below an accepted ecological or management threshold for a watershed, where established.
- A more restrictive application of the mitigation hierarchy may be necessary for those projects impacting wetlands in watersheds that already have high loss or reduction of wetland benefits (e.g., heavily impacted areas).
- A more restrictive application of the mitigation hierarchy may be necessary for those projects impacting wetlands that cannot be effectively restored within a defined timeframe.

- Evaluation of proposed mitigation measures is an iterative and adaptive process that recognizes that at each successive step through the mitigation hierarchy, there is:
 - increasing risk of a time lag between lost and recovered wetland benefits;
 - decreased probability of mitigation success; and
 - increased costs of mitigation measures.
- Best available information, including scientific, traditional and local knowledge, is used to guide decisions and this may evolve as more information is available about Yukon's wetlands and their reclamation.
- Loss of wetlands contribute to greenhouse gas emissions, and therefore reducing wetland losses supports the Government of Yukon's commitments to address climate change in the territory.

Additional implementation guidance related to interpretation and application of the above guiding principles will be developed to assist the Government of Yukon and proponents with implementation of this policy. Sectoral or regional guidance may also be developed to support the implementation of this policy.

IMPLEMENTATION ACTIONS

9. Develop guidance for the application and use of the mitigation hierarchy.
10. Update or develop proponent guidance to be used when submitting wetland impact mitigation information.
11. Update or develop Standard Operating Procedures or Preferred Management Practices for different activities impacting wetlands.

8.2 Managing human impacts on wetlands during the assessment and regulatory stages

The Government of Yukon will address this policy's requirements through our participation in assessment and regulatory processes for human activities. The Government of Yukon's input to environmental assessment processes and interventions during regulatory reviews conducted by the Yukon Water Board or other external regulators will be consistent with this policy.

If a proposed human activity may result in loss or reduction of wetland benefits, and is outside of a Wetland of Special Importance, the proponent will be required to provide information outlining how the project will follow the steps of the mitigation hierarchy. This information should be provided within documents supplied during assessments conducted by independent boards or committees (e.g., as part of submission to the Yukon Environmental and Socio-economic Assessment Board) or within documents required during independent regulatory review (e.g., water use licence applications submitted to the Yukon Water Board). If sufficient information on potential wetland impacts and mitigations is not provided during assessment, or for human activities that did not trigger an assessment, the Government of Yukon can require the information in the regulatory stage (except water licences) prior to considering authorization.

The information provided about wetland impact mitigation measures must outline specific measures taken to avoid, minimize, reclaim and, if appropriate, offset impacts to wetland benefits. The proponent must outline how each step of the mitigation hierarchy will be applied. The Government of Yukon may work directly with proponents to ensure that adequate information on wetland impact mitigation is provided.

The Government of Yukon's recommendations during assessment, and the requirements during the regulatory stage, will consider whether there is an established ecological or management threshold in place and will consider the guiding principles for managing human impacts (Section 8.1).

8.2.1 Mitigation hierarchy

8.2.1.1 Avoidance

Avoiding impacts is the preferred and most effective way to protect and conserve wetland benefits. Avoidance practices are proactive measures taken to prevent impacts on wetland benefits.

Examples of measures that can be undertaken to avoid impacts on wetland benefits include, but are not limited to:

- (Re)locating the activity, or parts of the activity;
- (Re)designing the activity to avoid impacting wetland benefits;
- Scheduling activities to take place at a time that would avoid impacting wetland benefits; and
- Not undertaking certain activities.

Based on the type of human activity, avoiding loss or reduction of wetland benefits may only be possible if the activity does not proceed.

8.2.1.2 Minimization

If impacts to wetland benefits cannot be completely avoided, the human activity proponent will be responsible for demonstrating how they will minimize their impacts to wetland benefits to an acceptable level. Minimization refers to the reduction or control of significant impacts on wetland benefits through project modification or implementation under approved conditions. It would be practiced after all reasonable attempts to avoid impacts have been undertaken.

Examples of measures that can be undertaken to minimize impacts on wetland benefits include, but are not limited to:

- Physical controls: adapting the physical design of infrastructure to reduce potential impacts (e.g., culverts and clear span structures to maintain water connectivity, sedimentation trapping structures to reduce sediment runoff, etc.),
- Operational controls: managing and regulating the activities of people associated with the project or activity (e.g., changing operational procedures and staff training,

restricting roadway access to minimize increased human access to wetlands, scheduling activities to minimize impacts, etc.),

- Abatement controls: reducing levels of pollution (e.g., emissions of dust, chemicals, light, noise, etc.), through reduction of sources or barriers, etc.

8.2.1.3 Reclamation

Where decisions are made that would allow human activities to cause unavoidable, but justifiable impacts to wetland benefits, the proponent will be responsible for demonstrating how and to what extent they will progressively reclaim wetlands to restore wetland benefits throughout the life of, and at the completion of, the activity. Reclamation refers to specific measures taken to recreate self-sustaining wetland environments following disturbance in order to address impacts caused by the human activity. Within this policy the goal of reclamation is to recover priority wetland benefits and ecological characteristics within impacted areas, effectively minimizing the overall loss or reduction of wetland benefits caused by the human activity. Reclamation can be considered a subset of “minimization”, as the outcome of reclamation—minimizing impacts—is similar. It is separated here to ensure that reclamation actions are considered along with other minimization efforts.

Some wetlands cannot be effectively restored within a defined timeframe. For example, it is not currently feasible to restore peatlands due to the time required to accumulate partially decomposed organic matter. Similarly, degradation or loss of permafrost can alter an area’s hydrology (e.g., through lowering the water table), which makes it difficult to establish similar wetlands post reclamation until the permafrost has regenerated.

Reclamation of wetlands to achieve restoration of the same wetland class as was present prior to the human activities is encouraged. Where this cannot be reasonably achieved, reclamation that results in different but valuable wetland benefits can be acceptable, subject to the guiding principles for evaluating the mitigation hierarchy (Section 8.1). Reclamation resulting in changes in wetland class can result in increases in some wetland benefits; however, these increases must be considered in the context of the lost benefits provided by the original wetland.

Further general wetland reclamation guidelines, as well as sector specific guidance, may be necessary to inform the Government of Yukon’s evaluation of proposed reclamation activities.

IMPLEMENTATION ACTION

12. Update or develop general wetland reclamation guidelines, and, where required, sector specific guidelines.

8.2.1.4 Offsetting

Where decisions are made that would allow human activities to cause permanent loss or reduction of wetland benefits through direct loss or failed reclamation efforts, additional mitigation measures to offset losses may be required. Offsetting should be considered as a last

resort, and only after best efforts to avoid, minimize and reclaim lost wetland benefits have been implemented.

Specific guidance documents around acceptable wetland offset approaches will be developed to support implementation of this policy.

IMPLEMENTATION ACTION

13. Develop guidance for offsetting wetland impacts.

8.3 Linkages to planning processes

This policy provides a tool, and foundation for managing human impacts, but additional regional, sub-regional, local or sectoral guidance may further refine and expand on this guidance based on unique regional circumstances or needs.

This policy will inform the Government of Yukon's comments and contributions to planning initiatives. The Government of Yukon will make every effort to ensure plans, at a minimum, meet this policy's guidance. However, as jointly negotiated documents, final approved plans may diverge from this guidance if agreed to by all parties.

Land use planning may provide detailed guidance at a regional, local, or sectoral level. This policy establishes a blanket approach to applying a mitigation hierarchy throughout the territory, but a land use plan may expand on the mitigation hierarchy by providing specific targets, such as required amounts of wetland avoidance, or by providing an ecological or management threshold. A plan could establish specific requirements to avoid certain classes of wetlands, or set requirements for maintaining a certain amount of undisturbed wetlands in a specific land management unit.

9 Protection of Wetlands of Special Importance

While all wetlands are important ecosystems, the Government of Yukon recognizes that some wetlands merit enhanced protection and specific mitigation measures by virtue of their unique ecological characteristics, the benefits derived from them, or the cultural connections people have with them.

Through the implementation of this policy, the Government of Yukon will create a new land designation for Wetlands of Special Importance using an existing legal instrument.

The Government of Yukon shall ensure no loss or reduction of wetland benefits from new or future human activities within designated Wetlands of Special Importance.

Designation of a wetland as a Wetland of Special Importance can be applied as a tool within land use planning (e.g., local, district, sub-regional, or regional). Designation may be a tool for protecting wetland benefits without limiting adjacent activities³ within larger planning units.

Designation as a Wetland of Special Importance can also be applied outside of land use planning processes, in advance of the completion of a plan, or in an area that does not have an established land use planning mechanism

9.1 Definition of Wetlands of Special Importance

9.1.1 Criteria

The following criteria will be used when evaluating and making a decision about whether a wetland is designated as a Wetland of Special Importance. The proposed area will be evaluated based on its wetland benefits (Table 1) and the criteria below. If a wetland meets more than one criteria, it will have higher consideration than a wetland which meets only one criteria. Additional implementation guidance will be developed to provide more detail on the interpretation of each of these criteria. These specific and measurable criteria will also inform the Government of Yukon's approach to considering wetlands within planning processes.

- Significant social or cultural importance, as identified by an Indigenous government or group.
- A wetland which, if impacted, would result in substantial alteration of the quality, quantity or rate of flow, including seasonal rate of flow, of water on, adjacent to or flowing through a Yukon First Nation's Settlement Land.
- Identified as a **Wetland of International Importance**⁴ (a "Ramsar Site") or as a national or international **Key Biodiversity Area**⁵.

3 See section 9.1.2. Wetland of Special Importance boundaries should be inclusive of buffer areas adjacent to wetlands where development could impact the wetlands.

4 **Wetland of International Importance** – a wetland which has been formally listed under the international Convention on Wetlands (Ramsar, 1971) and is recognized by the international community as being of significant value not only for the country, or the countries, in which they are located, but for humanity as a whole. In the Yukon, the Old Crow Flats is listed as a Wetland of International Importance.

5 **Key Biodiversity Area** – an area or site that contributes significantly to the global persistence of biodiversity. The area or site must meet the criteria outlined in the new Key Biodiversity Area Standard developed by an International Union on the Conservation of Nature Task Force and recommended for use in Canada by the Pathway to Target 1 National Advisory Panel.

- **Critical Habitat**⁶ for the recovery of one or more federally listed species at risk.
- Habitat required for the continued survival and optimal productivity of a fish or wildlife species in the Yukon.
- A rare or threatened type of wetland in the Yukon.
- An important source of surface and/or groundwater for a Yukon community.
- Important flood control upstream of a community.
- Critical water filtration downstream of sources of impacted waters.
- A significant carbon reservoir.
- An intact representative wetland in a watershed where further alteration or loss will cross an accepted ecological or management threshold.

IMPLEMENTATION ACTION

14. Develop specific and measurable guidance for the interpretation and application of nomination criteria.

9.1.2 Nomination and designation of Wetlands of Special Importance

The Government of Yukon will apply an appropriate legal designation to Wetlands of Special Importance. The specifics of the nomination process may be adjusted to meet legislative requirements of the selected designation. Key aspects of this nomination process are presented below.

Wetlands may be nominated as Wetlands of Special Importance by a government (Indigenous, federal, territorial, municipal) or by a board or council with authority to make recommendations to the Government of Yukon (e.g., a Renewable Resource Council, a Regional Land Use Planning commission, or a wildlife management advisory board or council).

The Government of Yukon will perform an initial administrative review of an application in consideration of other land use rights and interests present. The boundary of a proposed Wetland of Special Importance should be inclusive of the entire wetland area (including wetland complexes) as well as areas surrounding the wetland that would impact the wetland if developed. This will be determined on a case by case basis depending on the characteristics of the wetland, objectives-based values or interests at stake, and associated wetland benefits being protected. The Government of Yukon may amend boundaries based on available wetland mapping and include appropriate buffers within the proposed boundaries.

If a nominated area includes Settlement or private lands, the Government of Yukon will first consult the Indigenous government(s) and group(s) or the landowner(s) to determine whether

⁶ **Critical Habitat** – the habitat necessary for the survival or recovery of a species listed under the Canadian Species at Risk Act (2002) as endangered or threatened, and identified in the recovery strategy or in an action plan for the species.

they support listing the area as a Wetland of Special Importance. If they do not support the listing, the nomination will either be refined to exclude the Settlement or private lands or it will not proceed.

The Government of Yukon will make a decision on listing an area as a Wetland of Special Importance after public engagement and consultation with the relevant Indigenous governments and groups. The decision will be based on (1) input received from public and consulted governments; (2) how the proposal meets Wetland of Special Importance criteria; and (3) an assessment of economic impacts and legal risks. A record of the decision will be made public as part of the catalogue of Wetlands of Special Importance.

The Government of Yukon will update and maintain a publicly-accessible catalogue of Wetlands of Special Importance. The publicly-accessible catalogue will include accepted and designated Wetlands of Special Importance, as well as proposed areas that have not been accepted as Wetlands of Special Importance. No additional protection or mitigation measures will be applied to proposed, but not accepted, Wetlands of Special Importance.

A Wetland of Special Importance may be considered for removal from the list by a formal written request from a government (Indigenous, federal, territorial, municipal), board or council. The Government of Yukon will make a decision about removal of a listed Wetland of Special Importance after consultation with the relevant Indigenous governments and groups, and, if applicable, the landowner. The process for considering a removal will follow the same steps as a new Wetland of Special Importance nomination.

IMPLEMENTATION ACTIONS

15. Establish a process for, and regulations to support, legal designation of Wetlands of Special Importance.
16. Create a publicly-accessible catalogue of Wetlands of Special Importance.

9.2 Assessment and regulatory stages for activities proposed within Wetlands of Special Importance

The designation as a Wetland of Special Importance does not require the withdrawal of the area from land disposition or a prohibition of mineral staking, exploration, and mining. However, the Government of Yukon will only authorize activities proposed within a Wetland of Special Importance if the proponent is able to describe how they will achieve no loss or reduction of wetland benefits during assessment and regulatory stages.

Where human activities overlap with a Wetland of Special Importance, proponents are encouraged to include details on potential wetland impacts and mitigations during an assessment process; however, each independent assessment body (e.g., the Yukon Environmental Socio-economic Assessment Board and the Environmental Impact Review

Board within the Yukon North Slope) may create different information requirements. If sufficient information on wetland impacts and mitigations is not provided during an assessment, or for human activities that did not trigger an assessment, the Government of Yukon can require information during the regulatory stage prior to considering authorization. This information is required so that the Government of Yukon can assess potential impacts to wetland benefits.

During assessment consistent with this policy, the Government of Yukon will evaluate whether there are any specific required mitigation measures that could ensure no loss or reduction of wetland benefits. If there are none, the Government of Yukon will recommend that the activity not proceed during assessment processes. Human activities which impact wetland benefits, but where wetland benefits could be reclaimed or restored post-disturbance, are not consistent with the commitment to no loss or reduction of wetland benefits.

Similarly, the Government of Yukon will ensure that all of its regulatory decisions achieve no loss or reduction of wetland benefits within designated Wetlands of Special Importance by either requiring specific mitigation measures or by not authorizing the activity. The Government of Yukon's intervention comments within a regulatory review conducted by the Yukon Water Board and other regulators will be consistent with this policy.

9.2.1 Conditions for activities within Wetlands of Special Importance

In addition to specific mitigation measures to ensure no loss of benefits within Wetlands of Special Importance, conditions on human activities include, but are not limited to:

- Human activities proposed within a Wetland of Special Importance may not alter or convert a wetland from one class to another.
- Human activities may not alter the hydrology or water connectivity within the boundaries of a Wetland of Special Importance. This includes construction of infrastructure, such as semi-permanent or permanent structures, roads or other earthworks.
- Construction of permanent structures is not permitted within the wetland area of a Wetland of Special Importance. Note: construction within the buffer area surrounding the wetland area would be considered based on an evaluation of impacts to wetland benefits.

9.2.2 Existing authorizations and tenure

Existing tenure and regulatory authorizations will not be affected by the listing of a Wetland of Special Importance. Previously authorized activities may proceed as authorized, which can lead to some loss of wetland benefits; however, new authorizations within a Wetland of Special Importance will be required to achieve no loss or reduction of wetland benefits. Where the Government of Yukon makes decisions about issuing new tenure within Wetlands of Special Importance, the requirement to achieve no loss or reduction of wetland benefits will be considered.

9.2.3 Human activities necessary to Yukon society

According to Section 9 of the *Civil Emergency Measures Act*, if a state of emergency has been declared, the Minister of Community Services may take actions to deal with the emergency. These actions may include human activities that impact wetland benefits of a designated Wetland of Special Importance.

There may be limited circumstances outside of an emergency situation where the Government of Yukon may approve critical infrastructure which would benefit Yukoners that cannot be relocated outside of the boundaries of a Wetland of Special Importance. In these cases, the Government of Yukon will consult with the affected Indigenous government(s) or group(s) and provide a public comment period before allowing such a human activity to occur. If any critical infrastructure is allowed to impact wetland benefits of a Wetland of Special Importance, it will follow the mitigation hierarchy outlined in Section 8.2.1.

9.3 Planning processes and Wetlands of Special Importance

Land use planning provides direction on the management of human activities and stewardship actions, and can effectively balance competing interests on specific areas of land. Plans are targeted to specific scales, including local area, district, sub-regional and regional. They may be created through negotiated agreements or through other collaborative processes.

There may be situations where application of the Wetland of Special Importance designation to a specific wetland area, land management unit, or portion of a land management unit, may provide the most appropriate and flexible tool for safeguarding an areas wetlands through a planning process. A Wetland of Special Importance designation can be used as a tool to require specific mitigation measures to safeguard wetland benefits without requiring that an entire region is designated as a protected area. Additionally, Wetlands of Special Importance can address areas which may be too small for the land management units and zoning to be considered in a planning process.

Where an approved land use plan (at local, district, sub-regional or regional level) identifies an area as a Wetland of Special Importance, the nomination process (Section 9.1.2) may be abridged. If there has been sufficient consultation with Indigenous government(s) and group(s) and engagement with landowners, the Government of Yukon may proceed to legal designation for the identified area. Where consultation and engagement does not meet the standard of this policy, the Government of Yukon will proceed with the nomination process (Section 9.1.2) before advancing to designation.

If there are wetlands within existing protected areas in Yukon, the Government of Yukon will assess whether they meet the no loss or reduction of wetland benefits requirement of a Wetland of Special Importance. If not, the Government of Yukon will ensure that the management partners consider protection of wetlands when reviewing the protected area's management plan. Through review of the management plan the parties may choose to adopt a

Wetland of Special Importance designation for some or all of the wetlands within the protected area.

10 Implementation and evaluation

Implementing the Wetland Policy will be a government-wide initiative. The Government of Yukon will work with its wetland stewardship partners including Indigenous governments and groups, municipal and federal governments, mandated boards and councils, independent assessment bodies, non-governmental organizations, businesses, academic institutions, and the public to fulfill the objectives of this policy.

This policy is based on the Government of Yukon's best available knowledge; however, new information will improve our ability to steward Yukon's wetlands. This policy will be adaptable to respond to new information.

This policy provides the framework for how the Government of Yukon will steward wetlands, however, in some areas additional information must be collected to support implementation of this policy. Please see Appendix A for a summary of the implementation actions noted throughout the policy document, target timelines for completion, and initial approaches prior to action completion.

The evaluation of progress on the specific actions outlined in this policy will consist of three levels of reporting, the results of which will be made public:

1. Yearly implementation tracking. Annual tracking of progress on implementation actions will be accomplished through the annual State of Environment Report. In addition to tracking progress on each of the numbered implementation actions presented herein, the following metrics will be considered when tracking implementation:
 - Area of wetlands protected through designation as protected areas.
 - Number and area of wetlands identified as Wetlands of Special Importance.
 - A summary of actions taken to mitigate wetland impacts, including:
 - Total area of human activities that affect wetland benefits;
 - Total area of reclaimed wetlands and total area committed to being reclaimed as wetland; and
 - Equivalent area of wetlands where impacts to wetland benefits were offset.
 - State of and progress on Yukon's wetland inventory.
 - A summary of established wetland thresholds and status of wetlands relevant to those thresholds.
 - A summary of feedback or comments related to wetland stewardship from Indigenous governments and groups.
2. Implementation review. A detailed policy implementation review will be prepared within five years. This implementation review will evaluate progress towards implementation of this policy, including a review of progress on specific policy implementation actions,

implementation document development, and the above tracking metrics. The implementation review may trigger an earlier policy review, if substantial issues with policy implementation are identified.

3. Policy review. A full review of the policy will be conducted within ten years, unless otherwise agreed to by all wetland stewardship partners. This review will evaluate the progress towards achieving the policy goal, as well as provide an opportunity for ensuring the long-term direction outlined in this policy is still relevant and consistent with overall wetland stewardship direction in the territory.

The roles and responsibilities for the evaluating progress on policy implementation are as follows:

- The Government of Yukon is responsible for yearly implementation tracking. The Government of Yukon will ensure all wetland stewardship partners have the opportunity to contribute information for annual tracking purposes.
- The Government of Yukon will be responsible for reviewing and developing the five-year implementation report. The Government of Yukon will ensure all wetland stewardship partners have the opportunity to contribute to or participate in the five-year implementation review.
- The full policy review will be completed in collaboration with all wetland stewardship partners, including Indigenous governments and groups, federal, territorial and municipal governments, mandated boards and councils, industry associations and non-governmental organizations.

Appendix A: Summary of implementation actions, target timeline, and initial approaches

The following table summarizes the implementation actions raised throughout this policy. The Government of Yukon will be responsible for completion of these actions, however, additional wetland stewardship partners will be needed to successfully complete these actions. The table identifies how the Government of Yukon plans to engage with partners on these initiatives, as well as a targeted timeline for completion. Near-term refers to actions which will be initiated immediately upon approval of this policy. Mid-term refers to actions which will be initiated prior to the five year policy review. Long-term refers to actions which are unlikely to be initiated in the first five years of policy implementation. Where appropriate and prior to the action being completed, the table also outlines initial approaches the Government of Yukon will use.

For the purposes of this table: YG = the Government of Yukon; IG = Indigenous governments and groups.

Implementation actions	Lead(s)	Targeted timeline	Initial approach, prior to action completion
Wetland benefits			
1. Develop guidance for the evaluation of wetland benefits in the Yukon	YG-led, with opportunity for comment by all interested parties.	Long-term	The area of each wetland class impacted by a human activity will be used as a proxy for wetland benefits prior to completion of guidance documents.
Building knowledge			
2. Update and finalize a Yukon wetland classification system	YG-led, with opportunity for comment by all interested parties.	Near-term	Apply the Canadian Wetland Classification System, as well as existing Yukon Bioclimate Ecosystem Classification ecosite specific guidance.
3. Develop an accessible and easy to use guide to identifying Yukon's wetlands for proponents and the public.	Collaborative process amongst interested parties	Mid-term	The Yukon Bioclimate Ecosystem Classification ecosite guidebooks provide technical guidance for wetland identification.
4. Develop wetland mapping standards for regional, local, and project specific mapping applications	YG-led, with input from IG and industry	Near-term	Apply best available approaches to wetland mapping, along with guidance from the Ecological and Landscape Classification guidelines.

5.	Create a broad scale territory-wide wetland inventory.	YG-led, with opportunity involvement from IG	Near-term Within five years of policy approval	Evaluate wetland inventory requirements as they arise. YG will work with IG and land use planning bodies to identify priorities.
6.	Support local scale wetland mapping, where needed.	YG, IG and proponents to complete as necessary.	Ongoing, as required	Mapping needs arising from ongoing land use planning or assessments will be high priority for local scale wetland mapping.
7.	Promote northern wetland research.	Various, through fostering collaboration and partnership	Ongoing	Themes identified in this policy, as well as emerging needs identified by communities or First Nations will inform research priorities.
8.	Promote public awareness of wetlands.	Various through fostering collaboration and partnership	Long-term	Initial communication and education efforts will focus on sharing an understanding of the policy and sharing knowledge about Yukon wetlands.

Managing Wetland Impacts

9.	Develop guidance for the application and use of the mitigation hierarchy	YG-led with opportunity for input from IGs, mandated boards and councils, independent assessment and regulatory bodies.	Near term	YG will rely on a best interpretation of the guiding principles when evaluating proposed human activities on a case-by-case basis.
10.	Update or develop proponent guidance to be used when submitting wetland impact mitigation information.	YG-led with opportunity for input from IGs, mandated boards and councils, independent assessment and regulatory bodies.	Near-term	Requirements will be evaluated on a case-by-case basis. Where existing guidance documents are available they will be used.
11.	Update or develop Standard Operating Procedures / Preferred Management Practices for different activities impacting wetlands	Determined case by case.	Long-term, as required	Case-by-case, informed by this policy and using best available information. Where existing guidance documents are available (e.g., Preferred

			Practices for Works affecting Water), they will be used.
12. Update or develop general wetland reclamation guidelines, and, where required, sector specific guidelines.	YG-led with opportunity for input from IGs, mandated boards and councils, independent assessment and regulatory bodies.	Mid-term, as required	Case-by-case, informed by this policy and using the best available information. Where existing guidance documents are available they will be used.
13. Develop guidance for offsetting wetland impacts.	YG will provide draft for comment by all interested parties.	Long-term	Offsetting wetland impacts will not be permitted until guidance documents have been developed.
Wetlands of Special Importance			
14. Develop specific and measurable guidance for the interpretation and application of nomination criteria.	YG-led	Near-term	N/A
15. Establish a process for legal designation of Wetlands of Special Importance, e.g., through existing legislation such as application of Wilderness Management Areas under the <i>Environment Act</i> .	YG-led	Near-term	Wetland of Special Importance nominations will not be accepted until guidance documents and legal designation process and mechanism is established.
16. Create a publicly accessible catalogue of Wetlands of Special Importance.	YG will develop and maintain.	Mid-term	A list of nominated and listed Wetlands of Special Importance will be available upon request from the Department of Environment, Habitat Programs.

Appendix B: Legislation and governance of wetlands in the Yukon

Policies and legislation that relate to wetland stewardship

Land Claim responsibilities

The Government of Yukon has a responsibility to uphold Aboriginal and Treaty rights, as affirmed in Section 35(1) of the *Constitution Act of Canada* (1982) and specific land claim agreements. Land claim agreements are constitutionally-protected modern treaties that outline the rights of Indigenous government and groups' within their traditional territories. The Government of Yukon has a responsibility to meet the commitments outlined in land claim agreements.

The following chapters in Yukon First Nation Final Agreements are of particular importance when considering the stewardship of wetlands:

- **Chapter 10** identifies Special Management Areas, many of which are created to protect wetland values.
- **Chapter 11** supports the development of broad scale land use plans, outside of community boundaries. Regional planning processes may result in identified values and management direction for wetlands.
- **Chapter 12** provides guidance with respect to project assessment. Note: this chapter serves as guidance for development of the *Yukon Environmental and Socio-economic Assessment Act*. The Act now serves as the principal authority for project assessment.
- **Chapter 14** outlines the rights of Yukon First Nations related to the use and protection of water. Chapter 14 defines the right of Yukon First Nations to use water for Traditional use in the Yukon, exclusive use of water on or flowing through its Settlement Land, and the right to have water on, flowing through, or adjacent to Settlement Land remain substantially unaltered as to quantity, quality and rate of flow. Wetlands play a critical role in the regulation of water quantity, quality and rate of flow, and stewardship of wetlands is thus intimately linked to Yukon First Nation water rights.
- **Chapter 16** addresses the management, use and conservation of fish and wildlife populations in the Yukon, many of which live in wetlands.

Under the *Inuvialuit Final Agreement*, Chapter 12 addresses land in the Yukon, referred to as the Yukon North Slope, within the Inuvialuit Settlement Region.

Appendix C of the *Gwich'in Comprehensive Land Claim Agreement* outlines the Yukon transboundary agreement and contains sections related to water, wildlife harvest, resource management, and land use planning.

Territorial legislation

Area Development Act – guides land use designation decisions within the context of local area planning.

Environment Act – outlines the Government of Yukon's commitments to maintenance of essential ecological processes and preservation of biological diversity, ensuring wise management of the environment, promoting sustainable development, ensuring comprehensive and integrated consideration of environmental and socioeconomic effects in public policy making, and fully using knowledge and experience of all Yukon residents in formulating public policy on the environment. The Act creates the Wilderness Management Area designation, which may be applied to Wetlands of Special Importance. The Act also establishes permitting requirements for fuel storage and handling, solid waste management, hazardous waste management, air emissions and/or the assessment and clean-up of spills. Review of permit applications may, depending on the situation, consider how close a project is to a wetland area and the likelihood of impacts to wetlands.

Forest Resources Act – describes a comprehensive forest management planning and regulatory process. The *Wetland Riparian Management Standards and Guidelines* under the *Forest Resource Regulation* identify operating procedures for forest resources harvesting and related activities to conserve the integrity of wetlands, water quality and quantity, hydrology and associated fish, wildlife and wetland habitat. The *Wetlands Riparian Management Standards and Guidelines* established under this Act set out a requirement to identify and consider all five wetland classes within timber harvest plans or site plans and provide specific riparian management areas around shallow open water and marsh wetlands. Forest management activities may be considered in bog, fen, and swamp wetlands, however site-specific sensitivities will be considered during development of a timber harvest plan or site plan.

Lands Act and Territorial Lands (Yukon) Act – set out terms and conditions that determine thresholds for project activities. Land Use Permits are required for projects that use power driven machinery, fuel storage, clearing, cutting or leveling a trail on land administered by the Government of Yukon.

Municipal Act – provides a means whereby official community plans and related matters are prepared and adopted to maintain and improve the quality, compatibility, and use of the physical and natural environment in which the patterns of human activities are situated in municipalities.

Oil and Gas Act – enables the disposition of oil and gas rights and establishes regulatory requirements for these activities. Before oil and gas activities are licensed, most projects require an Environmental Protection Plan. These plans set out how the development activity will limit disturbance to water courses (including wetlands), as required by the regulations.

Parks and Lands Certainty Act – enables creation of Yukon's territorial parks. Parks are designated depending on protection and use objectives. Most of the Yukon's Ecological Reserves, Wilderness Preserves, and Natural Environment Parks include wetland areas.

Placer Mining Act – enables the disposition of placer mining rights and establishes regulatory requirements for these activities. The Act includes a system for classifying activities, based on certain thresholds. Classes 2 through 4 require a Yukon Environmental Socio-Economic Assessment Act assessment, Class 1 operations require a notification to the Government of Yukon and affected Indigenous governments or groups. Classes 3 and 4 also require an approved Operating Plan before any exploration activities can take place. Both Yukon Environmental Socio-Economic Assessment Act assessments and Operating Plans may consider impacts to wetlands. A placer operation that requires a water licence under the Waters Act is Class 4 and the Yukon Water Board issues both the mining land use approval and the water licence for these activities.

Quartz Mining Act – enables the disposition of quartz mining rights and establishes regulatory requirements for these activities. The Act includes a system for classifying activities, based on thresholds. Impact to wetlands may be considered in the review approval of Classes 1 through 4 Quartz Mining Licences. Operators may also be required to obtain a Water Licence (administered by the Yukon Water Board), depending on the proposed activities.

Subdivision Act – guides subdivision decisions within the context of local area planning.

Waters Act – provides for the use of waters, and outlines the regulation of activities impacting waters. The Act establishes the Yukon Water Board to provide for the conservation, development and utilization of waters in the Yukon. The Yukon Water Boards serves as an independent regulatory body, with authority to issue Water Licences. Licensing is connected to the amount of water to be used, the type of project proposed, the activities that would take place in the project, if a certain sized watercourse is crossed or altered during the project, and whether waste will be deposited into water. The definition of water includes water within or flowing through wetland areas.

Wildlife Act – outlines the regime for management and conservation of wildlife and wildlife habitats. The Act allows the creation of Habitat Protection Areas. Many of these areas, such as Old Crow Flats, Łútsäw, Nordenskiöld, and Horseshoe Slough Habitat Protection Areas were created to protect the wetlands they contain.

Federal legislation

Canada National Parks Act – designates National Parks wherein the Federal Policy on Wetlands Conservation applies. There are three National Parks in Yukon: Ivvavik, Vuntut, and Klwane, and all three contain wetlands.

Canada Wildlife Act – allows for the creation, management, and protection of wildlife areas for wildlife research activities, or for conservation or interpretation of wildlife. There is one National Wildlife Area in the Yukon, the Nisutlin River Delta, established out of the Teslin Tlingit Council

Final Agreement. It is co-managed by the Canadian Wildlife Service and the Teslin Renewable Resources Council.

Federal Policy on Wetland Conservation – promotes wetland conservation through the full range of federal decisions and responsibilities. Federal Cabinet directed that it should be applied to all policies, plans, programs, projects, and activities carried out by the federal government.

Fisheries Act – requires that projects avoid causing harmful alteration, disruption or destruction to fish and their habitat unless authorized. This would apply to wetlands containing fish and fish habitat.

Impact Assessment Act – the legal basis for the federal environmental assessment process. The Act sets out the responsibilities and procedures for carrying out the environmental assessments of projects which involve federal government decision making. The Act is founded on the following guiding principles: i) to achieve sustainable development by promoting high quality environmental assessment; ii) to integrate environmental factors into planning and decision-making processes; iii) to anticipate and prevent degradation of environmental quality; and iv) to facilitate public participation in the environmental assessment of projects where the federal government is involved. Where wetlands are identified as an important element during project review, mitigation of significant impacts on wetlands may be required.

Migratory Birds Convention Act – protects and conserves migratory birds, and their nests, as outlined within the Convention. Regulations may be created under this Act to protect areas for migratory birds and nests, and describe management of these areas. There are currently no Migratory Bird Sanctuaries designated in the Yukon.

Species at Risk Act – intended to prevent the disappearance of wild species in Canada, to provide for the recovery of those that no longer exist in the wild in Canada, are endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. Fulfilling these objectives may require protection of wetlands or parts thereof identified as Critical Habitat for species listed as Threatened or Endangered.

Yukon Environmental and Socioeconomic Assessment Act – establishes and guides the process for assessing the environmental and socio-economic effects of certain activities in the Yukon. Where wetlands are identified as a valued ecosystem component, and a project may result in significant impacts, wetland mitigation measures may be recommended.

Appendix C: Summary of policy development process

The Government of Yukon began developing this policy in late 2017. Recognizing the high level of interest in wetland stewardship, the Government of Yukon adopted an inclusive round-table based process.

The process began with initial “pre-engagement” meetings with a variety of partner organizations and governments. Pre-engagement participants were asked about what elements of wetland stewardship are working well, and where challenges exist. Additionally, it was an opportunity to explore participants’ hopes for the final policy, and for how the policy would be developed.

Participants identified a number of hopes for the policy, including:

- An assertion that wetlands matter, culturally, economically, and intrinsically
- Improved management clarity
- Recognition of the diversity of values and interests related to wetlands
- A policy that is realistic and effective

Informed by this pre-engagement information, the Government of Yukon developed an inclusive round-table approach. More than fifty partners were invited to participate in the round-table discussions, including Indigenous governments and groups, municipal and federal governments, mandated boards and councils, industry associations and environmental non-governmental organizations.

The Government of Yukon hosted four in person round-table meetings, along with a final virtual round-table discussion. In addition to the larger round-tables, a small working group formed to tackle early policy development and drafting. This working group included Indigenous, federal and territorial governments, industry association, and environmental non-governmental organization members.

Working between round-tables 1 through 4, the working group developed an early draft of policy, which was presented to the broader group at round-table 4. That draft policy included many of the broad elements that are present within the final policy.

Following round-table 4 in 2019, and in recognition of concerns raised by Indigenous partners, the impacts of the covid-19 pandemic, and several related wetland initiatives (e.g., the Yukon Water Board’s Hearing in the Public Interest on Wetlands and Placer Mining, their subsequent wetland information guidelines, the development and public review of a regional land use plan for the Dawson region, and implementation of an interim approach to protection and reclamation of wetlands within the Indian River valley), the overall approach for developing this policy shifted.

The Government of Yukon adopted a leading role on drafting of the policy, seeking input and review from all round-table partners. The Government of Yukon completed a public review of the policy in late 2021, and released a summary report of that feedback in early 2022.

The Government of Yukon conducted a final consultation stage with Indigenous governments and groups in fall 2022.

How we created a Wetlands Policy





**Yukon**