

Walk Softly

Newsletter of the Yukon
Conservation Society
September 1996

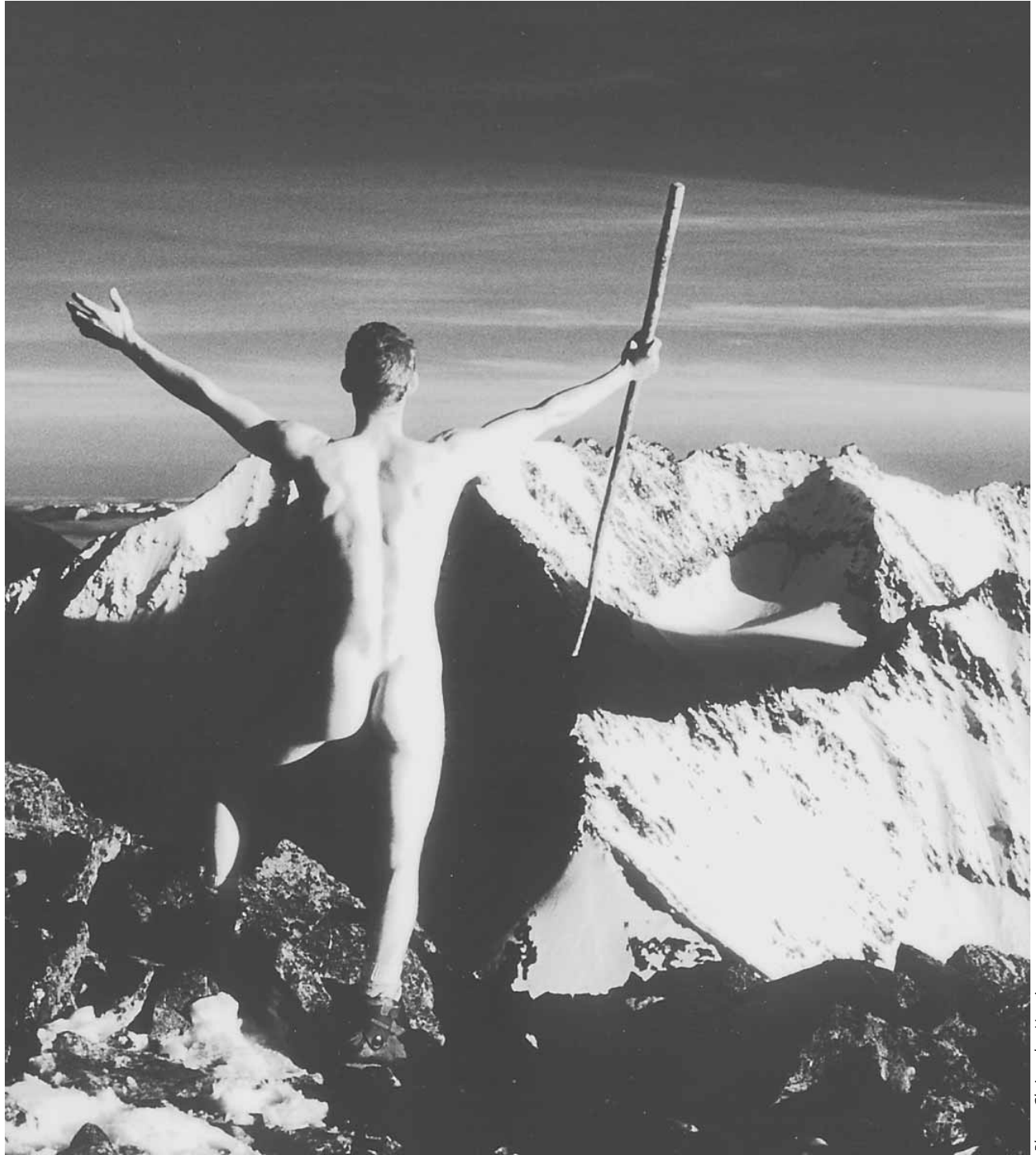


Photo: Christopher Herwig

INSIDE: *Forest Policy* ♦ *Election* ♦ *Ecosystems and Economies* ♦ *Staking*



Doorstep Questions for Candidates

This fall, candidates from a number of political parties will be knocking on Yukoners' doors seeking your support in the upcoming territorial election. Although polls tell us that the environment continues to be an important issue for most voters, last election it received little attention.

While all the parties have some level of environmental platform (representing a dramatic range in quality!), commitments to the environment are easy to make. Fulfilling them is what counts and that takes people who understand the importance of environmental protection and are committed to acting on promises that will give us a healthier world.

To help you discern whether or not the candidate on your doorstep is someone who cares about the environment and understands the issues we have drafted a few questions, with background information, which you may want to ask your potential MLA. As the intent of these questions is to find out what their personal commitment to the environment is, not what their party's position is, the questions cover issues which any person should be able to respond to on an individual level. They may appear simple — and only cover a few topic areas — but hopefully they will evoke enough discussion to give you an idea about a candidate's views on the environment.

?????? QUESTIONS: ???????

What do you do in your daily life to help the environment?

Possible things to look for in the response:

- reduce their consumption of goods, extra packaging
- reuse items like paper, clothes, bicycles
- recycle bottles, cans, paper, newspapers... (the more the merrier!)
- avoid using disposable products (carry a travel mug for coffee!)
- belong to an environmental group or donate to environmental work
- car pool, bike or walk to work, don't idle the car in winter
- use a compost

- conserve energy (i.e. by buying efficient light bulbs, retrofitting a home).

How do you define sustainability?

- Does the person have a thoughtful response? Many may talk about balancing environmental protection with the need for economic development. That is close. But without an environment, there is no economy. What must be "sustained" is the environment.
- Sustainable Development has been defined as meeting "the needs of the present without compromising the ability of future generations to meet their own needs." First Nations have talked of the need to plan for seven generations in all our decisions.

Do you support the goal of the Endangered Spaces Campaign?

- The goal of the campaign is to help conserve Canada's biodiversity by protecting at least one representative sample of each of the country's natural regions by the year 2000. A representative sample must be large enough to help ensure the survival of a full range of plant and animal species found in the ecoregion.
- If the candidate is familiar with this goal that is likely a good sign. But the real point is do they support the goal once it is outlined to them? The federal, provincial and territorial governments all support this goal. However, last year the Yukon got a "D" grade for its efforts towards achieving the Endangered Spaces goal. Only 6 of the Yukon's 23 ecoregions have such an area protected (protection means no industrial development).
- A commitment to protecting 12% of our land — as discussed in the Bruntland Commission report — is not what we are aiming for. We need to have all ecosystems adequately represented — not lots of one and little of another.

What are three things about forestry that concern you?

- This question is meant to highlight whether the person's emphasis may be on environmental protection or on the economic development of the forests. Do they talk of the need for a go-slow approach to allow for careful planning and balancing the diverse uses and values of the forest?
- If they mention devolution, ask them why it is one



of the top things on their list (e.g. is it to control impacts at a local level or to have stumpage fees stay in the Yukon?)

Do you support the use of predator control as a wildlife management tool?

- Wolf kill programs are extreme interventions in ecosystems, used to boost prey numbers which have usually declined due to earlier poor management practices. Caribou and moose populations are increasingly being impacted by human activities; predator control must not be viewed as a fall back option when a prey population declines.
- Proactive management tools include protecting

critical habitat from development, monitoring populations (of all species to give overview of ecosystem health), reducing hunting pressures, restricting access and preventing fragmentation of the habitat. Is the candidate on your doorstep familiar with any of these?

- Although the Yukon Wolf Conservation and Management Plan (which YCS supports) allows for predator control, it is only to be considered as a last resort if the prey population is endangered or if First Nation subsistence harvesting rights are not being met. Even then, "considering" something does not necessarily mean it must be used.

jennifer ellis

How we doin' eh? The State of the Environment Report

Reading the Yukon's first State of the Environment (SOE) report is a bit like going to the dentist; there's the good news, the bad news, and it seems to take forever!

It was co-written by Yukon Renewable Resources and Environment Canada as required by the Yukon Environment Act. It will be used as the measuring stick for the health of the Yukon environment. It can't be summarized easily, so get a copy and read it yourself!

It paints a picture of society where the myth of the limitless wild outdoors is challenged by pollution and overuse, mostly by Yukoners. The SOE has ducked a number of troubling human health issues such as vehicle/wood stove/diesel air quality problems, doubling of the motor vehicle population, and the near-complete lack of secondary sewage treatment for Yukon communities. Over-hunting and overfishing by a largely urbanized, but mobile population are also implied but not stated.

Global warming and stratospheric ozone depletion (thinning of earth's sun screen) are portrayed as problems for which the Yukon can play no real role, although half of Yukon's CO₂ comes from motor vehicles, and the SOE says that the permafrost has already melted 120 km North from its 1962 limit! Astonishingly, Whitehorse's wood-burning wasn't included in the Yukon CO₂ figures! Whitehorse is now in the top fifteen worst Canadian cities for carbon monoxide from vehicles, and is Canada's top water-wastage hog!

Significant issues, such as deforestation in the absence of a forestry policy, and the toxic legacy of abandoned mines, are only touched upon. One map shows that only one contaminated abandoned mine is being cleaned up, but you have to read carefully to find it!

The SOE Wilderness Mapping, which maps out how much of the Yukon is still wilderness, is based on very subjective environmental impact footprints. These don't count the area of hydro reservoirs, and assert that placer mining and forestry have no impact 0-2 km from their edges. Ask the loons and bears!

Disturbingly, some of the definitions used by the report do not use even 1995 scientific knowledge. The SOE hedges on whether Chloro-fluorocarbons attack earth's sun screen and doesn't recognize that particulate matter is now on Environment Canada's toxic suspect Priority Substance List.

The statement by Mickey Fisher accompanying the SOE implies that the Yukon Party government will only produce annual updates of the SOE, and not a new SOE every 3 years.

Much of the good news, such as the return of peregrine falcons from the banning of DDT, and the drop in lead levels in air from banning leaded gasoline, are victories borrowed from other jurisdictions.

So, the dentist is smiling, but how are our teeth?

paul davis



Another Backdoor Threat to the Porcupine Caribou

The battles to protect the calving grounds of the Porcupine Caribou herd in the Arctic National Wildlife Refuge continue. Last winter, the draft U.S. government budget included revenues that were to come from oil and gas development in the Arctic Refuge. After another intense lobbying campaign, including a ten city tour in the U.S., the Gwitchin and their supporters successfully managed to get that clause removed from the final budget.

However, it wasn't long before another battle came to the fore. Last May, a Calgary-based company, Northern Cross (Yukon) Ltd., applied to the Department of Indian and Northern Affairs and to the National Energy Board for permission to re-enter some oil wellheads in the Eagle Plains area in the Yukon. Northern Cross wanted to test the oil flow rates of three old wells — drilled 25 to 35 years ago — to see if the results would justify going into production.

Although on its own the project may be considered to have limited environmental impacts, in the bigger picture the consequences could be very significant. Protection of the Arctic Refuge is again in jeopardy.

The Canadian government has long supported the lobby to protect the calving grounds of the Porcupine Caribou and has international agreements with the U.S. to protect the range of the herd. If our government now approves permits for oil and gas activities on the Canadian side of the border, it could be significant enough to tip the balance in favour of those on the American side who are pushing to open up the calving grounds to development.

The pro-development forces will use any approval of oil and gas in the Porcupine Caribou range to their advantage. Although a localized oil flow testing project in the fall and winter range will have *substantially* fewer impacts on the environment than full-scale development in the concentrated calving grounds, this fact will likely be lost in the rhetoric. Just last year, mining activity in the calving grounds of another Northern Canadian caribou herd was used as an example of the Government of Canada's duplicity on the Arctic Refuge issue. However, when Prime Minister Chretien denounced development in any caribou herd's calving

grounds it served to quell this argument. Although his office is now aware of the Northern Cross proposal, at the time of writing we are still waiting to see if and how he will respond to this latest threat to the Arctic Refuge lobby.

The Vuntut Gwitchin First Nation is adamantly opposed to any oil and gas development in their traditional territory and believe approval of the Northern Cross proposal would be a direct contravention of their land claims agreement. According to the Vuntut Gwitchin, they say their agreement requires that a land use plan for the area and the new Development Assessment Process be in place prior to approval of any development in their traditional territory. They also argue that the chapter on economic measures requires government to look at the socio-economic impacts of any development in their area.

The Vuntut Gwitchin have, therefore, chosen not to participate in the environmental review of the land use and flow test applications. YCS has been commenting on the company's submission but we have been frustrated with DIAND's approach to the review. As with the review of mining activities at Killermun Lake two years ago — which led to YCS filing a lawsuit against the federal government — DIAND has refused to "bump-up" the review of the project from a Level One to a Level Two despite there being significant public concern (a requirement, DIAND claims, for a "bump-up"). And once again, we find ourselves participating in a "level one and a half," an unpredictable process without timelines or known guidelines.

YCS, the Vuntut Gwitchin First Nation and the Porcupine Caribou Management Board have all been working together to lobby government to delay any approval of the project until the Arctic Refuge is safely protected and a land use plan is in place. Any approval of the testing of the wells, after all, gives a strong nod of support for the idea of future development in the area and would compromise the options for a land use planning process for the area. The Northern Cross proposal is a classic example of a foot-in-the-door. And there is too much at risk to open this door at this time.

jennifer ellis



Editorial

Walk Softly

is published by the Yukon Conservation Society and is available free of charge to members of the Society. Memberships and information about the Society can be obtained by phoning the YCS at (403) 668-5678, (fax 668-6637), by writing to Box 4163, Whitehorse, Yukon Y1A 3T3, or by visiting the YCS office at 302 Hawkins Street, Whitehorse.

We welcome newsletter submissions and letters to the editor.

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Once again, it is election time in the Yukon and people will be sharpening their pencils to mark an "X" next to one person's name. Each riding—17 in all—will have a winner, someone who is elected to represent their constituents for the next four years.

But in our partisan system, we will also have a party forming the next government. Although "Independent" candidates have chosen not to align themselves with any one partisan policy, and will have the freedom to vote as they see fit on each issue, the next government will more than likely be formed by people tied by a political platform.

So what do you do when one candidate on your doorstep says they will take strong positions on protecting the environment but their party's platform appears weak to you? Is it the person or the party that will make the difference?

In Canada, most elected politicians tend to toe the party-line. Those who don't make the headlines because of the fact it is rare for an MLA to vote out of line with his or her party's position. An individual with good intentions and plans will have difficulty seeing them realized if the governing party is not committed to the same goals. If the government depends on each and every member's vote in the legislature, then an individual may have some additional leverage to get the government to commit to some of their ideas (in the past four years, it could be argued that two of the Independents had this clout).

In this issue, we have drafted a few questions that you may ask the individual candidate knocking on your door. The questions are designed to get at the individual's beliefs and actions on environmental protection. However, a quick poll of people in the YCS office indicates that most believe the party platform must be considered when marking your "X".

As the election gears up, these platforms will filter into the media and be passed on to you by the candidates. Just what do the platforms say about the environment? Do they reflect an understanding of environmental issues? Do the warm fuzzy statements on parks and protected areas, on forestry, on wildlife management contain commitments to actually *do* something?

This fall, before you go to make your mark on the ballot, think about both the person and the party platform. Think about what they say they will do in the next four years—and whether you believe the promises. In four years a lot can be done for the environment—and to it. Help tip the balance the right way.

jennifer ellis



Aishihik Awareness Weekend A Big Success

The Aishihik Awareness Weekend held on the Victoria Day weekend drew 75 people and public attention to the environmental devastation caused by low water levels at Aishihik Lake. Champagne and Aishihik First Nations co-sponsored the event with YCS.

YCS representative Richard Mueller attended and was shocked by what he saw. "This is a crime against nature," he said. "We must do whatever is necessary to raise water levels and prevent further devastation. The environmental devastation is too severe to justify a small increase in kilowatt hour production from the Aishihik dam."

Mueller was referring to the power company's plan to retain levels in the bottom half of the 9-foot water license. This is a problem because the lake's 3.5-foot natural range is at the top of the license and when water levels fall below that range, the shallow littoral areas are drained.

Under the power company's plan, more water could be stored in the lake during excessively wet years but that occurs only once every 25 years, on average. Meanwhile, leaving the biologically-important shallow areas — the lake's incubators — drained would continue environmental devastation to fish and wildlife.

Foot tours during the event provided a first-hand view of shallow areas that are so important to the lake's

ecosystem. Mueller said: "The biologists were amazed at the extent of the drainage. Everywhere you looked there were swan craters in the exposed lakebed. And I'll always remember the dust raised from walking through the dried-out aquatic vegetation. It really was an eye-opener."

The tour guides for the event were CAFN Councillors Harry Smith and James Allen, biologists Dave Mossop, Nick de Graff and Al von Finster, and the author. Juno award winner Jerry Alfred added to the event with an inspiring performance at the old Aishihik Airport.

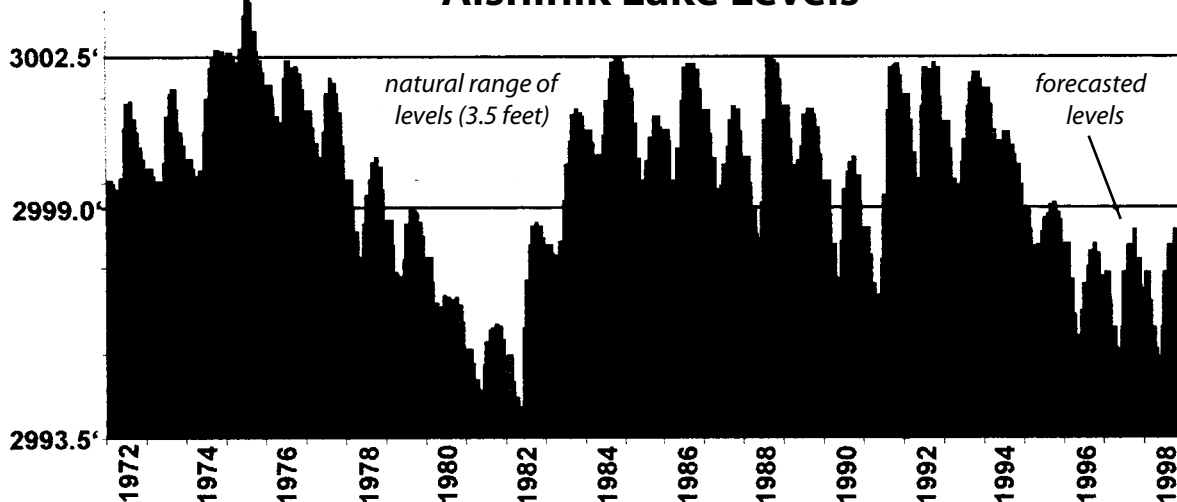
The weather was warm and sunny giving those who attended the opportunity to enjoy the beautiful wilderness of the Aishihik area and realize the need to protect this special place.

Organizers are hoping to get public support for changing the water license to prevent low water levels and further environmental devastation at the lake. The 25-year licence is expected to be renewed sometime within the next two years.

Public consultation scheduled for this fall will provide an important opportunity for the public to express concerns about the water license and impacts to the lake. The meetings will be part of the CEAA requirements to relicense the dam.

gary mcrobb

Aishihik Lake Levels





YCS under the knife again!

This spring, over a month into the fiscal year, the Yukon government informed us that the \$5000 for environmental education work they have been giving us for the previous three years (and four years ago was \$15,000) would not be renewed this year. The cut came without any warning.

We immediately met with the Minister of Renewable Resources, Mickey Fisher, to discuss the restoration of our funding. We were told that there was no possibility of getting an annual grant for our educational work. As he had said last year when we approached him for additional support after the federal government cut our \$18,000/year grant, his department would consider fee-for-service arrangements with non-government groups, but core funding was not an option.

Although our grant went to specific YCS educational activities and services (e.g. trail guiding, nature appreciation series, library resources), Fisher said that did not meet his idea of fee-for-service. When asked about the \$15,000 that the Department of Economic Development gave annually to the Chamber of Mines, he replied that they deliver specific services for that money. The Chamber's contract—signed over three months into the fiscal year—refers to services like providing lists of mining related companies to government on a quarterly basis, a membership to government, and putting on prospecting courses (which the Chamber charges for).

When asked about the \$1000 line item for entertainment for the Geoscience office's open house, Fisher replied that this amount represented a tiny portion of the \$1.3 million budget for this office (almost one-third being YTG money) and was, therefore, insignificant. To YCS, \$1000 of public money is \$1000.

To follow-up on the meeting with the Minister, YCS met with Renewable staff to discuss fee-for-service contract opportunities for the next year. Last year, we had received one small \$2000 contract to look at forestry legislation in other jurisdictions. This year, we were told, the budget was already finalized and directors could identify no opportunities for further contracts YCS may be able to fulfill. Planning for next year's budget began in August.

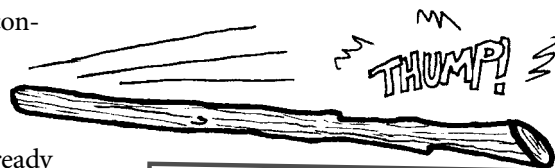
Although we will follow-on the possibility of contracts for next year—and on other opportunities with Economic Development and Tourism—the track

record to date gives us little hope for anything concrete. It also would be more efficient in terms of both YCS and government staff time to have one contract for a number of services—like we were providing in our educational activities—than negotiating and administering a number of small contracts.

YCS does get project funding to work with YTG on some projects (such as this summer's Wolf Creek Campground Talks or the interpretive walks at Canyon City). Although important activities, these projects can not be considered a replacement for our educational grant. The grant gave us the flexibility to determine how best to meet the needs of the community.

In the meantime, YCS continues to spend an increasing amount of time exploring and undertaking a diversity of fundraising activities to make up for lost government revenues. As part of our strategic planning process, we are developing a fundraising plan which includes establishing a bequest fund, doing direct mail campaigns, seeking corporate donations, expanding membership and increasing our contract opportunities. We will also continue with special events—such as our garage sale planned for September 7th.

Part of the YCS strategy is to rekindle our fundraising committee which will be chaired by the Executive Director. We will be looking beyond our board members—who work on a variety of issues and administrative business—to actively recruit volunteers with fundraising experience and people who have connections in the community and/or to potential funding sources. If we want to be successful in our long term plans, we need long term stability in our funding; and this requires a small core of people focusing on the one critical task of fundraising.



jennifer ellis

If you are interested in joining our fundraising committee OR helping out on activities as they happen OR know of someone else who would be perfect for the "job" OR have a great fundraising idea, call Jennifer at the YCS, 668-5678.



Ecosystems and Economies

The field of ecological economics addresses the relationship between ecosystems and economic systems and attempts to extend the areas of overlap between the two systems. In short, ecological economics encourages innovative ways of thinking about the linkages between ecological and economic systems in order to create locally sustainable communities.

To better understand the relationship between an economy and a forest ecosystem, Herb Hammond, in his book *Seeing the Forest Among the Trees*¹, considers the similarities and differences between an economy and an ecosystem. The definition of each system contains remarkable similarities.

A forest is an interconnected web of producers, consumers, and recyclers connected in time and space. Components of this web include plants, animals, microorganisms, soil, climate, and landscape.

An economy is described as:

...an interconnected web of producers, consumers, and recyclers connected in time and space. Components of this web include governments, corporations, shareholders, markets... consumers... and resources.

Economies and ecosystems are each grounded in the fundamental observation that it is not sustain-

able to deplete capital because it leads to bankruptcy. In the case of the forest ecosystem, capital refers to the components of ecologically mature forests, (i.e. the land, soil, trees) and bankruptcy refers to the collapse of ecosystem functioning; economic capital refers to money, buildings, land, equipment, and like ecological bankruptcy, economic bankruptcy is the loss of the capital necessary to maintain the system.

A sustainable forest-based economy in the Yukon depends first and foremost on protecting the capital of the forest at all scales—from the habitat of individual fungi that are necessary for decomposition and tree growth to the relationships between the boreal forest and global processes such as carbon storage. Some of the conventional economic assumptions that jeopardize the maintenance of a fully functioning forest are described below.

Conventional economic frameworks are based on the underlying assumption that economic growth is unlimited, and that potential shortages in energy and resources will be eliminated by the development of new technology. For example, many forest resource managers believe that future silviculture techniques will make trees grow faster, and that this increased growth will compensate for logging ecologically mature (old growth) forests. To conventional economists, a healthy economy is one that exhibits a consistent high rate of growth. In contrast, ecologists maintain that a functioning ecosystem exhibits periodic growth and that unlimited growth cannot be sustained in any ecosystem.

The conventional economist's accounting framework assigns no value to the presence of and change in natural resource stocks. In a conventional analysis, there is no difference between an ecologically mature forest and an immature tree plantation. Ecological economics maintains that there is no such thing as a free lunch—that natural resources are not simply free gifts of nature that have no investment costs to be written off.

Conventional market economies undervalue or discount future costs and benefits. A dollar today is worth more than a dollar one year or hundred





years from now. Unfortunately, when this premise is used with forest resources, there is great incentive to cut large volumes of trees now, because in a conventional cost benefit analysis, the profits from the trees are worth less in the future. Many parties now believe that the use of discounting is not appropriate in planning forest use because it jeopardizes environmental stability.

Conventional economies are often narrowly focussed on the production of short term activities and commodities in order to maximize profits. Current markets emphasize fibre production over other forest values and resources. Ecological economics focusses on sustaining the whole forest, rather than the production of one or two parts of the forest.

Conventional economies operate on the premise that the maximum is the optimum. Ecological economies recognize that ecosystems have biological limits and that it is rarely sustainable to base a natural resource economy on the maximum benefit that can be extracted.

Human economic activity relies completely on the processes of functional ecosystems. The capacity for humans to meet their basic needs of food, water and shelter depends on the capacity of the forest ecosystem to continue through its cyclic progression of decomposition and production (Robèrt et al. 1995). Healthy, stable economies depend first and foremost on healthy ecosystems.

¹ H. Hammond, *Seeing the Forest Among the Trees: a Case for Wholistic Forest Use*, (Vancouver: Polestar Press Ltd., 1991) chapter 4: The Politics of Forest Use, p. 177.

This article summarizes parts of a workshop held in Nelson, B.C. in February, 1996 "Using Ecological Economics to Make Practical Economic Plans." The author acknowledges and thanks the following agencies for support to attend the workshop: Forest Resources, Northern Affairs Program, Department of Indian and Northern Development and the Department of Economic Development, Yukon Territorial Government.

sue olsen

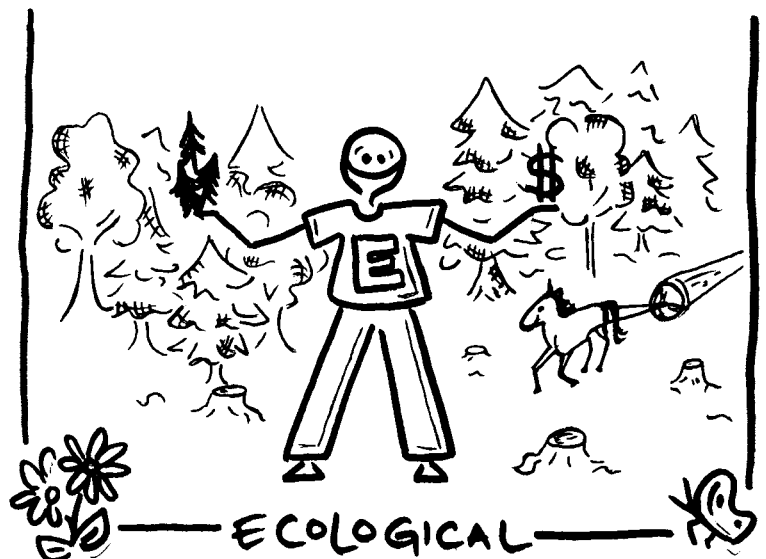
Preparation of an Ecological Economic Analysis

Conventional cost-benefit analysis is a tool used to evaluate whether society is economically better off as the result of a proposed activity.

Economically "better off" means that the winners are capable of (but not required to) compensate the losers. Conventional cost-benefit analyses are not concerned with the distributional effect of the proposed activity. The perspective of the local community does not enter into the analysis. Conventionally determined costs and benefits are discounted into the future, and only those costs and benefits that can be reported in dollar terms are included in the analysis. Ecological sustainability and social impacts are not considered in conventional economic analyses.

An ecological cost-benefit analysis adds onto conventional economic analysis by evaluating the viability of a proposed activity in an ecologically and socially responsible way. The local community is always the referent group in ecological cost-benefit analyses.

An ecological analysis includes all of the costs of carrying out a particular activity, including the costs associated with ecological and social degradation. Costs and benefits are not discounted into the future. Unlike conventional economic analyses





where employment is considered to be a cost, ecological analyses consider employment as a separate account. The evaluation of employment for a proposed activity includes the number of full and part time ecologically sustainable employment that will be created compared to short term resource extraction employment. Employment is evaluated based on its level of social responsibility. Wage and salary levels are incorporated into an ecological employment account, and lifestyle considerations are also included in the analysis.

Unpriced values such as biological and abiotic diversity, spiritual values, heritage and archaeological sites of indigenous and non-indigenous cultures are also included in a separate account and are considered on an equal basis with the costs, benefits and employment potential of the proposed activity.

Before starting an ecological cost-benefit analysis, the following questions must be answered:

- What are the ecological limits of the ecosystem (i.e. short growing season, dry soil, slow growth)?
- What is the existing economy (formal and informal)?
- What are the boundaries of the referent group (the local community)?

Step 1 Define and Carry out Sustainability Test

The standards developed to test the sustainability of the proposed activity must be shown to:

- maintain fully functioning ecosystems at all scales through time
- be part of a diverse, balanced ecosystem use that ensures that all human and non-human ecosystem users have fair and protected landbases

General standards must ensure that:

- natural landscape patterns will be protected, and the activity will not interrupt or fragment spatial or temporal scales of landscape level ecosystem functioning.
- the full range of natural composition, structures, and functions will be protected and maintained at all scales.
- processes of change in ecosystems, and the full range of successional phases will be maintained.

Specific standards may include: a long (i.e. 250 year) planning period, protection of snags, large downed trees and advanced regeneration.

Step 2 Assemble Data

Each activity to be evaluated in the cost-benefit analysis must be described and the associated benefits, costs,

employment, and unpriced values must be listed for each referent group.

Step 3 Carry out Ecological Cost-Benefit Analysis

Break the project into components and assign dollar values to:

- required capital investment
- direct project costs
- direct benefits (revenue)
- indirect costs and benefits
- subsidies

Apply the benefit-cost ratio test: total benefits / total costs (from the perspective of each referent group).

Step 4 Determine Employment Benefits

For each activity being evaluated, employment should be described as part of a separate account in the following way:

- number of and duration of jobs
- total jobs (regardless of duration)
- full-time equivalent jobs
- average wage or salary per job type

Step 5 Evaluate Impacts on Unpriced Values

Each unpriced value (i.e. biological diversity, heritage sites) is assigned a relative rating that quantifies the negative or positive effect of each proposed activity on the unpriced value. The individual ratings for each activity are totalled to determine the overall effect of each activity on the maintenance of unpriced values.

Step 6 Synthesize Cost-Benefit, Employment, and Unpriced Values Analyses

The results for each activity must be synthesized to determine whether an activity or mixture of activities should proceed. In the final analysis, activities must prove to be ecologically and socially responsible in the local community in order to be implemented as part of an ecosystem-based plan.

Ecological cost-benefit analyses introduce an ecosystem-based ethic to a conventional economic tool. The inclusion of a sustainability test, and separate employment and unpriced value accounts into a conventional cost-benefit analysis satisfies the goal of an ecological cost-benefit analysis: to develop a technique for evaluating the ecological and economical sustainability of specific activities.



Staking: The Facts and the Future

Last spring, quartz claims were staked near Stinky Lake in a greenbelt area of Porter Creek in the middle of Whitehorse City Limits. This incident again drew attention to the laws governing mining activity in the Yukon. This article attempts to explain these laws, in the context of the claims in the Stinky Lake area, and what rights they convey.

Mining in the Yukon is governed by the *Quartz Mining Act* and the *Placer Mining Act*. We will use provisions of the *Quartz Mining Act* to explain the system. The *Quartz Mining Act* identifies the following:

Who: “Any individual eighteen years of age or over”

What: “may enter, locate, prospect and mine for minerals”

Where: “on (a) any vacant territorial lands in the Territory; (b) any lands in the Territory in respect of which the right to enter, prospect and mine for minerals is reserved to the Crown.”

occupied by any building, any land falling within the curtilage of any dwelling-house and any land valuable for water-power purposes, or for the time being actually under cultivation, unless with the written consent of the owner, lessee or locatee or of the person in whom the legal estate therein is invested, any land on which any church or cemetery is situated, any land lawfully occupied for mining purposes and Indian reservations, national parks and defence, quarantine or other like reservations made by the Government of Canada, except as provided by section 15.”

This seems to give protection to private property until we read on. “15. No person shall enter on for mining purposes or shall locate, prospect or mine on lands owned and lawfully occupied by another person until he has given adequate security, to the satisfaction of a mining recorder, for any loss or damage that may be thereby caused, and the persons so entering, locating, prospecting or mining on any of those lands shall make



This is where the system becomes more complicated. The federal lands system divides property rights into surface and subsurface. In many cases when land is turned over to territorial or municipal governments only the surface rights to that land are transferred. The federal government keeps the subsurface rights and they continue to be available for staking. Also the federal government may turn over land which already has valid mining claims in place.

There are also some exemptions: “There shall be excepted from the provisions of section 12 any land

full compensation to the owner or occupant for any damage so caused.” To paraphrase, a person is entitled to compensation but there is no prohibition on staking private property.

The claims staked in Porter Creek were located in a greenbelt and trees were cut to mark the claim. Although City of Whitehorse bylaws protect greenbelt areas from disturbance, federal law is paramount. The Quartz Act requires that “When a mineral claim has been located, the locator of the claim shall immediately mark the location line between post No. 1 and post



No. 2 so that it can be distinctly seen throughout its entire length, and in a timbered locality, the marking shall be done by blazing trees and cutting underbrush". This was the disturbance that was noted by residents and caused the concern. There is more to consider however. To keep the claim in good standing, the Act requires that "each succeeding year the locator of the claim shall do, or cause to be done, work on the claim itself to the value of one hundred dollars." The holder of the claim does have the option of payment of one hundred dollars per claim per year in lieu of work but may also group a number of claims and do a larger amount of work on just some claims or do more work in one year and apply the excess to subsequent years.

This ability of miners to stake a claim anywhere the Crown retains subsurface rights (and has not established a moratorium on staking) is known as the free entry system. For other industries, like oil and gas, government first determines whether the activity will occur in an area (through review of a lease application) and then how the activity may occur (through terms and conditions on the lease or permit).

With mining, however, government is essentially only able to determine how it will occur as they are obliged to grant the right to develop minerals to anyone who applies. Under the current system, the government must withdraw land from staking altogether if they want to protect it from mineral development. Yet withdrawal is a clumsy and onerous way of setting aside

land and the arguments for protection must be very compelling for government to take action. Typically, withdrawal covers large tracts of land and does not allow for decisions on a small, localized scale.

As there can be no other consideration of other uses of public lands once a mineral claim is staked, the free entry system assumes mineral development is the most important interest in public lands. While this approach may have been acceptable at the turn of the century, it is not appropriate today. In order to make wise land use planning decisions which may equally take all uses and values into consideration, the free entry system must go.

Although three provinces in Canada and parts of Australia do not have free entry, this system is considered to be sacrosanct to many in the industry and as such it will be something that cannot easily be changed. In September, YCS will be raising it in our comments to the Standing Committee looking at amendments to the Yukon's mining legislation and in future discussions on DIAND's Northern Mineral Policy. We will keep members updated on what they can do to help as the opportunities arise.

The YCS library has the book Canadian Law of Mining by Barry J. Barton for those who may be interested in more details on this topic. If you would like to get involved in our mining committee, please call the office to let us know!

*bob van dijken
jennifer ellis*

South Access Road Gets Redone

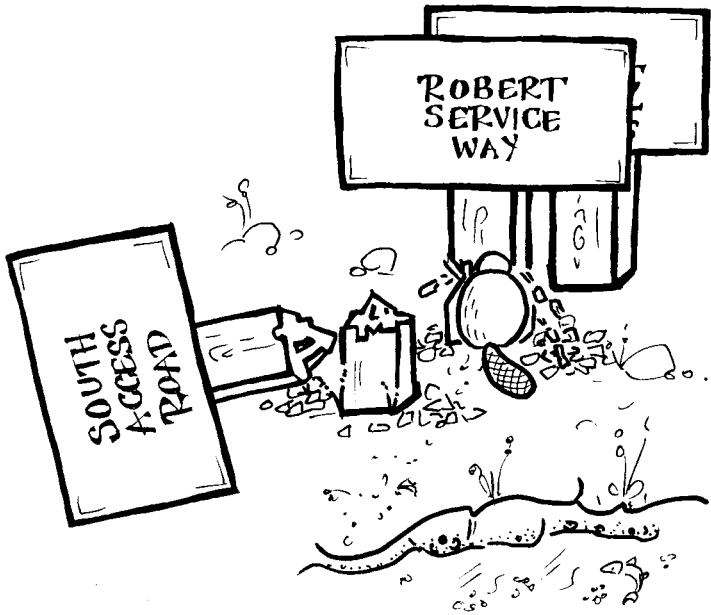
The South Access Road is getting a complete overhaul, from its name to its subbase. The new name will be the Robert Service Way (RSW) but that is not the only thing that gets a name change. To better reflect their composition, the clay cliffs will henceforth be known as the silt bluffs.

Semantics aside, the city of Whitehorse wants to do a major overhaul of the road and has set up a Project Advisory Committee (PAC). This committee is composed of various representatives of the city, federal and territorial governments, First Nations, business associations and local non-government associations including

the Cycling Club, the Miles Canyon Historical Society and the Yukon Conservation Society. The city hopes that by involving members of the community key issues can be resolved. It should be noted that input from the PAC is in addition to city open houses and general public meetings.

While some aspects of the design have not yet been finalized, the following are being discussed or have been tentatively decided upon.

Bike Lanes There will be a wide curb-side lane in either direction for bicycles. These will be part of the road, not the sidewalk.



Pedestrians There will be a pedestrian sidewalk on the river side of the roadway.

Traffic Lights Traffic lights will probably be installed at the RSW/Alaska highway intersection and maybe, if vehicle and pedestrian figures are high enough, the RSW/2nd Avenue intersection.

Alignment The new RSW will probably follow the existing roadbed pretty closely.

Grade The steep grades will be reduced somewhat, with an uphill vehicle passing lane on the steepest section.

Railway Tracks The railway tracks and the roadway might switch places, with the railway being closer to the river, the roadway closer to the silt bluffs. This will allow for fewer road/railway crossings.

Bluff Stabilization Where the bluffs are adjacent to the road, remedial work will be done to prevent erosion.

Part of the city's plan is to eventually make RSW into four lanes. To make room for this the section where the bluffs are adjacent to the road would have to be expanded into the river. From a design perspective it would be better to do all the roadbed expansion now, even if the actual asphalt for the extra two lanes is laid only when the traffic figures warrant it (ten to twenty years from now). By doing it now the river will be disturbed only once.

Part of YCS's concern over this project is the impact this intrusion into the river will have on fish habitat. Comprehensive fish studies are presently ongoing but

no final study has yet been released. Part of the study involves four samplings (spring, early summer, late summer, fall) and the study will not be finalized until after the last sampling. It should be noted that the city, while keen to expand into the river, is already talking of ways to minimize the impact the proposed road widening will have on river flow, fish habitat and recreational opportunities.

Any modifications of the river bed and bank require a Type B Water License under the Yukon Waters Act. Coast Guard Approval under the Navigable Waters Protection Act is also required as the Yukon River is a navigable water way and as the railway will most likely be modified or reconstructed approval from the National Transportation Agency will be required. These federal approvals will trigger a screening process called the Canadian Environmental Assessment Act (CEAA).

The city intends that all screening and regulatory information will be put together in an Integrated Environmental Assessment Report and would be submitted for CEAA screening of the entire project. This would cover Fisheries, river hydraulics, geomorphology, constriction of the river, impact on fish habitat, First Nation and public concerns.

The redone South Access Road will certainly make the road easier to use for bicyclists and pedestrians and stabilizing the silt bluffs will prevent silt eroding into the river. It remains to be seen how much impact the potential road widening will have on the river and whether the designers can minimize any detrimental effects. YCS, as part of the Project Advisory Committee, will have a chance to comment at all stages of the project.

lewis rifkind



If you want more information on PAC meetings or to offer some thoughts to the YCS representative, please contact Lewis Rifkind at YCS.

Flawed process leads to flawed policy

Last winter (oh brrr....!), the Yukon government circulated a discussion paper on forest policy for public comment. This was a very elementary publication with some information and background followed by spaces and lines to fill in answers to vague and philosophical questions. The government's initial one month deadline for input was extended by another month in response to several complaints about the short timeframe.

The YCS Forest Committee invested many hours reviewing this paper and compiling our concerns and suggestions. Especially troubled by the methods being used to gather public input, we requested that the Yukon Government create and circulate their plan for public consultation. (It's hard to keep a vision when you're working in the dark—did they have a plan?)

We even made suggestions and explained what we meant and why we wanted it. We asked them to “bring together stakeholders and interested members of the public to talk about issues involved in the development of a Yukon-specific forest management policy.

This process must be broad based, inclusive and, in order to develop common language among interested organizations and individuals, it must occur soon. It is our experience that consultation through written comments only serves to keep people separated. Full participation is only possible through meaningful dialogue.” (January 8, 1996)

They did not respond to our request. In late May, another paper was released, this time a draft policy paper. It was another “fill-in-the-blanks” style document. Again, Yukoners had a one month deadline for comments. Four Yukon communities received the benefit of “open houses” to explain the paper's content and purpose.

As the Forest Committee began reviewing this draft forest policy our level of frustration increased. Instead of

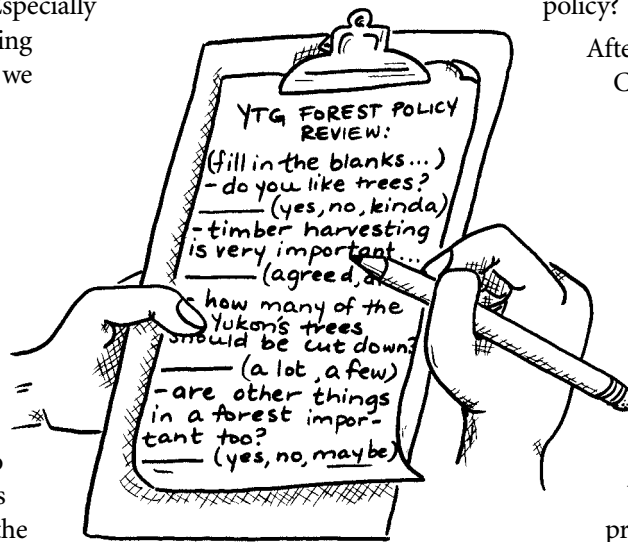
finding significant movement forward since the last paper, we were confronted with many contradictions and omissions. Positive statements on the importance of ecosystem-based management were diluted by comments about maintaining forest “productivity” for timber harvesting activities.

The concept of “stewardship” (the focus of a whole section in the previous paper) was missing entirely from the draft policy. The word “stewardship” in fact did not appear anywhere in the draft policy. This was supposed to be “visionary” forest management policy?

After deliberation, the Forest Committee decided that continued involvement in YTG's forest policy consultations was a waste of time. Although we want to help shape a workable and sustainable forest policy for the Yukon, this process seemed ineffective to the point that any participation had a minimal impact on the outcome. The Committee proposed that YCS withdraw from the process until three changes to the current consultation process were addressed. The Board agreed.

We informed the government and this time the public as well of our desire to see Yukoners brought together, face-to-face, to develop a sensible, comprehensive forest policy. We also told them not to consult with the Yukon public in the middle of the summer and to allow longer response times for any written submissions. Finally, we urged them to collaborate in their public consultation with the federal government, which is scheduled to come out with their own forest policy for public review in the fall. “Dismissive” would be a suitable way to describe the government's response to our concerns.

In media interviews, Mickey Fisher, Minister for Renewable Resources, portrayed this as the sole decision of YCS Executive Director, Jennifer Ellis, saying she was politically motivated (insulting to Ellis as well as to the numerous forest committee volunteers). Fisher





stated that he knew of some YCS members who did not support our decision to withdraw until the process improved. However, YCS has not heard any negative feedback from our members or the general public.

Fisher further claimed that other groups liked the process so he wasn't going to change it. In a July 12th letter to YCS he stated, "I will not reconsider the timing or process being followed." Since then, the Yukon Forest Coalition, Liard First Nation, the Council for Yukon First Nations and a member of the Association of Yukon Forest Industries have publicly expressed serious concerns about the Government of Yukon's consultation process.

As promised, the government arrived on our doorstep on August 1st with a third paper, the "Revised Draft Yukon Forest Management Policy." Once again, they have provided a one month period in summer for written comments. We have been told there will be a policy workshop in Whitehorse sometime in early September to "allow those interested in a made in Yukon forest management policy to meet and review the merits of the proposed policy."

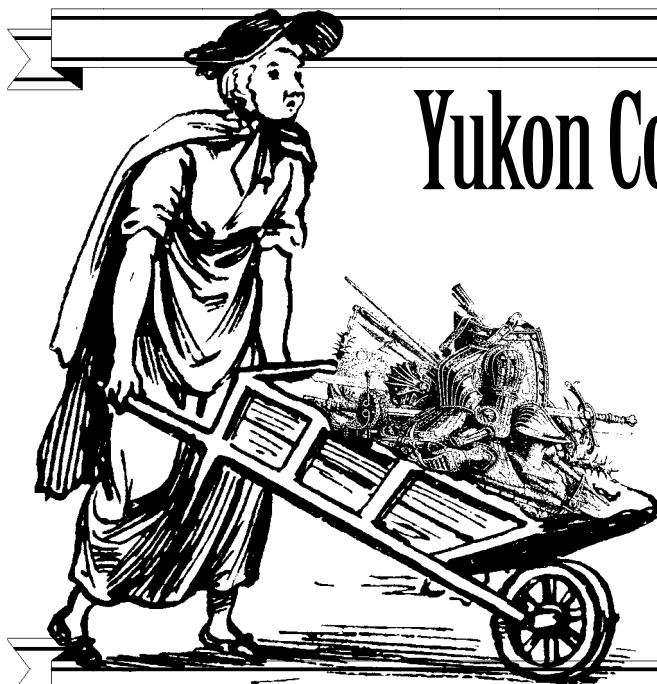
It is frustrating, to say the least, that the government is willing to invite people to a workshop only *after* the comment period is over to "review" the merits of the policy! It leaves little hope that there is room for Yukoners to have any substantive impact on the final

document. As no details on the workshop were provided with the release of the third paper, we don't know when the workshop will be, if expenses will be covered, if there will be professional facilitation, or any details about the agenda.

It remains to be seen how long Fisher will continue to keep his head firmly planted in the sand, pretending the process is bringing Yukoners together to develop a policy we can all support. This policy is critical to the future of the Yukon's boreal forests as it will set the framework for forest management in the Yukon for decades to come. The Yukon Government must take this seriously.

Submitting written comments in isolation of other stakeholders won't work. Meeting with government at "open houses" (designed to give information, not collect it) won't work. If the process doesn't work, neither will the policy that evolves out of it. YTG must invest the resources to bring Yukoners together to learn about the options and opportunities and to talk things through. We believe there is an opportunity for all Yukoners to come to consensus on what will work for the health of the forest environment, for First Nations and for all Yukon communities. Another case of "missed opportunity" by the current Yukon Government.

ycs forest committee



Yukon Conservation Society

Presents Its First Ever Annual

GARAGE SALE

302 Hawkins Street
Saturday, September 7, 1996
10am - 1pm

- ☞ Looking for donated items prior to the 7th
- ☞ Looking for volunteers to staff the sale on the 7th
- ☞ Looking for your financial support on the 7th

For information contact Lewis at 668-5678



WHAT'S HAPPENING AT YCS?

A more apt phrase might be "what's not happening at YCS these days?" Summer brings visitors and students searching for work to the Yukon and to YCS. Take a look below to get a taste of the frenzy of activities at YCS.

Canyon City

Once again this summer YCS teamed up with the Heritage Branch of YTG to provide a nature and archaeology interpretative program. The program wrapped up August 9th and was a great success thanks to student interpreters Sara Nielsen, Jakub Jirousek and Owen Williams.

Guided Nature Walks

Wow! Our 16th summer of offering free guided nature walks was a busy one. Wilmonica VanBibber and Hannah Jickling kept our visitors walking and talking for a solid eight weeks. They did a great job and represented YCS well.

Wolf Creek Campground Talks & Walks

With support from the YTG Wildlife Viewing Program, YCS put together a summer interpretive program which ran at the Wolf Creek Campground 3 nights a week. Topics of discussion ranged from photographing nature to traditional medicines to bear ecology. Thanks to Yodit Johnson for coordinating the project.

Another Hikes & Bikes Summer

It was another Hikes & Bikes summer here at YCS. Once again we offered a series of guided trips (trails selected from our book *Whitehorse & Area Hikes & Bikes*). Trips began the beginning of May and continue until the end of September. Give the office a call to find out what is still upcoming. Thanks to the many trip leaders!

Climate Change

YCS is planning public climate change information sessions for mid-September. Call the office for details.

Sustainable Communities Workshops

YCS successfully delivered five three-day regional community environmental training workshops this spring.

This summer we have been following up on some immediate actions arising out of the workshops and exploring what options there are for future work with the communities and First Nations.

Yukon Forest Advisory Committee

The YCS is a member on the *latest* federal advisory committee. The committee will be focusing on DIAND's policy and procedures development for forestry.

Contaminants Study and Yukon Hunters

YCS, on behalf of the Yukon Contaminants Committee (including Renewable Resources, DIAND, CYFN and others), is leading a program to determine the contaminants levels in the livers and kidneys of animals taken by Yukon hunters. For more information, or to get involved, contact YCS or your nearest Renewable Resources office.

White Pass

The National Energy Board is holding a hearing regarding a White Pass application to abandon their pipeline and tank farm (Skagway-Whitehorse). YCS is preparing a submission to the Board with environmental concerns.

Tombstone Mountain and the Blackstone Uplands

Join the Tr'on dek Hwech'in First Nation, CPAWS and YCS for a fall Celebration at the Tombstone Campground on the Labour Day Weekend. The event includes guided hikes, interpretive activities, wildlife viewing, a salmon barbecue, storytelling and live music! Phone 668-6321 or 668-5678 for details.

Aishihik Lake

As part of the Aishihik re-licensing process, YCS is reviewing resource inventories for the area on everything from fisheries considerations to the socio-economics of the area. YCS is a participant on the Technical Advisory Group providing recommendations for the relicensing of the Aishihik Hydro-electric Facility.

Wildlands

Next Wildlands meeting is 7:00 pm, Thursday, September 26th at the Whitehorse public library.