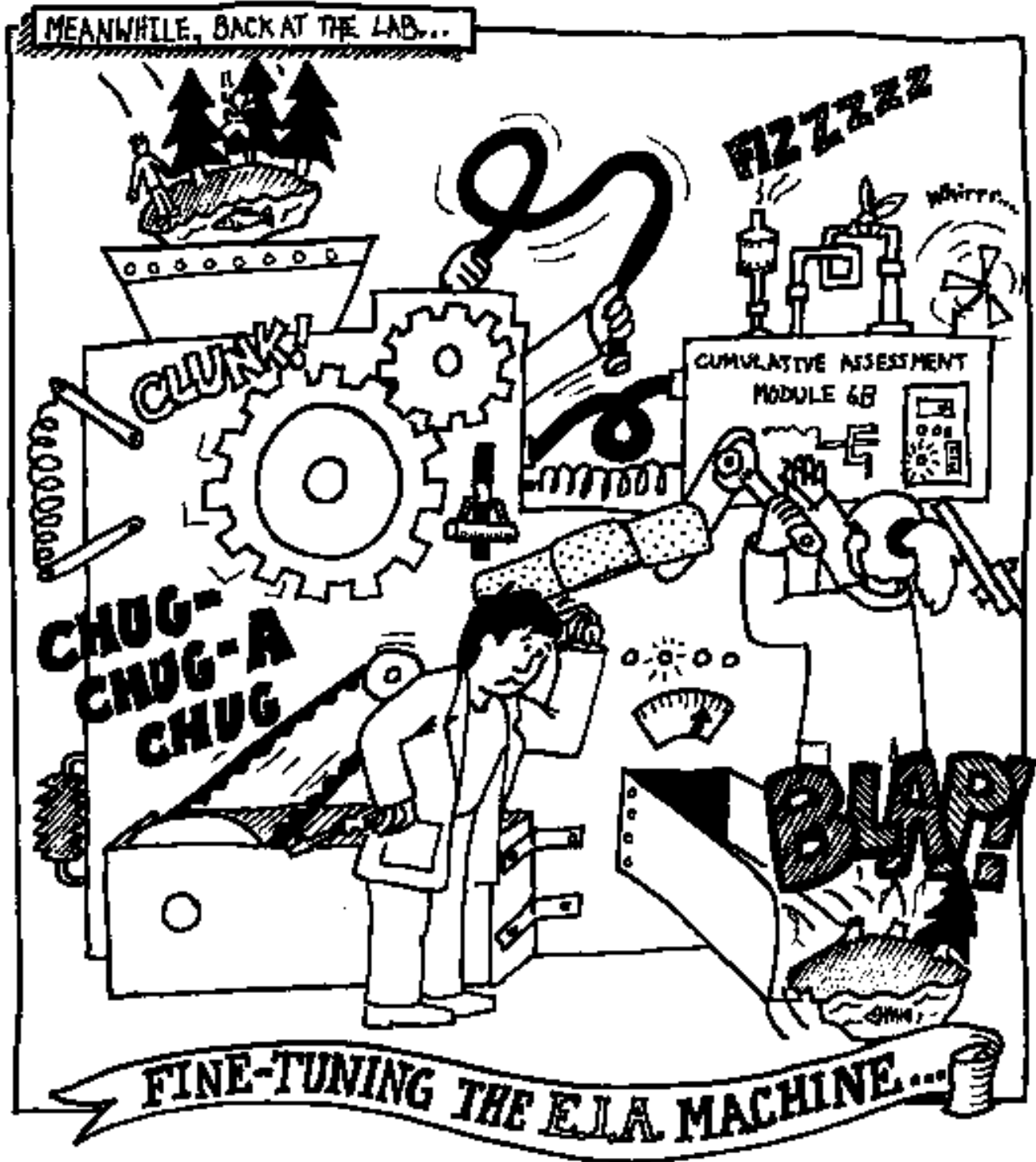


# Walk Softly

Newsletter of the Yukon  
Conservation Society  
April 1997



**INSIDE:** Forest Forum ♦ DAP ♦ Climate Change ♦ Environmental Rights



## Setting a Course

*The following article summarizes the YCS Strategic Plan which was completed this past winter. It gives us hope again. If you would like to read the complete document, stop by the office and pick up a copy.*

**T**he Yukon Conservation Society is an activist environmental organization with a long history of responsible and vigorous advocacy and strong community service. Founded in 1968, this non-government, non-profit society has served the Yukon public through education, research and advocacy on a broad range of environmental issues. YCS has a solid foundation in the community. It is supported by active and highly dedicated volunteers and part-time staff and owns the building which houses its office and a rental suite.

This strategic plan establishes a program of work that will help the organization continue as a dynamic entity and respond effectively to the challenges of the



next four years. Against a backdrop of fiscal restraint and heightened public anxiety about the environment, YCS is faced with public expectations that it will be more active on a range of issues of concern.

### The context

The combined effect of the implementation of land claims settlements in the Yukon and the devolution of resource management from the federal to territorial government is producing dramatic changes to institutions, legislation, regulations, policy and public processes affecting resource development and conservation. These changes will produce great challenges and opportunities for sound environmental management.

Arising from the implementation of Yukon land claims agreements, there is an increasing decentralization of responsibilities for the management of renewable resources, land use planning and development assessment. Working toward effective conservation management of the Yukon environment will require strengthening existing partnerships and building new ones between YCS, First Nations, new co-management bodies, community organizations and rural residents.

Mining, the Yukon's largest industry, continues to demand the attention of YCS. Recently, the Yukon's antiquated forestry policies have crumbled in the wake of a boom in forestry activities. The lack of wildlife habitat protection measures or a protected area system leaves Yukon wildlife and wilderness prone to continued fragmentation.

As part of the North, the Yukon faces several circumpolar issues that are gaining prominence: international habitat protection of migratory species; pacific salmon conservation; climate change; contaminants; and protection of biodiversity.

### Meeting the challenges

The mission of YCS is "to pursue ecosystem well-being throughout the Yukon and beyond, recognizing that human well-being is ultimately dependent upon fully functioning healthy ecosystems." To achieve this, YCS has established goals for each of its core areas of activity: education; research; and advocacy.

In the area of education, YCS has long recognized the importance of instilling conservation values and practices which can be applied in every day



situations. Priority areas for education initiatives will be linked to advocacy concerns, particularly on forestry and mining. The successful annual Nature Appreciation Series and Trail Guiding Program will be continued as they are both educational and provide YCS with a positive profile in the community. With the increasing decentralization of resource management decisions to the communities, programs designed to build community capacity and environmental awareness are seen as critical. Such programs also offer an important avenue for building partnerships.

Research efforts typically support the advocacy and education work of the society as needed and as resources allow. Forestry practices, sustainability indicators, energy use, mining and contaminants have been identified as priority areas over the next four years.

The society's work on advocacy can be divided into three areas: establishing new legislation and policies to promote a sound environmental management regime; working within existing regimes to advocate for best practices; being a watchdog by monitoring compliance and enforcement of established laws and regulations. In the current context of the implementation of land claims agreements and devolution of responsibilities, working on issues of new governance is a dominant goal for the next four years. In addition to participating extensively in the development of new legislation and regulations on development assessment, forestry, habitat protection and mining, YCS will focus on the shaping of new processes for land use planning and fish and wildlife management.

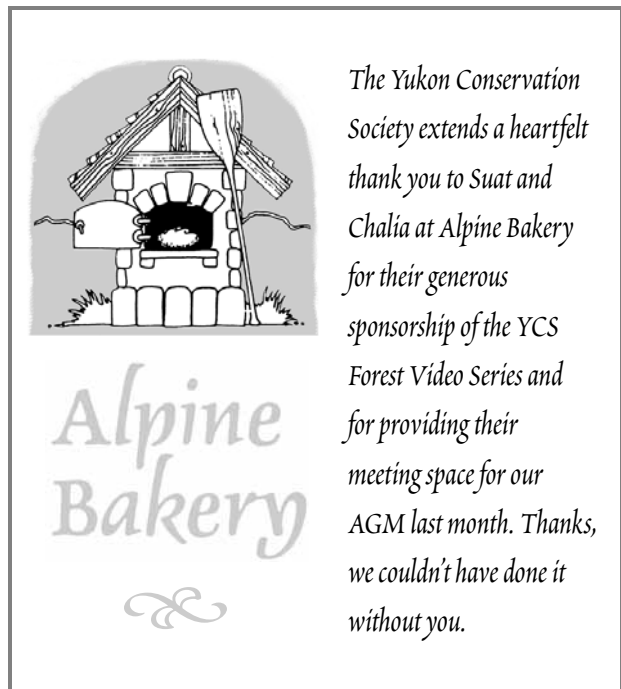
In assigning priority to the actions necessary to achieve these goals and objectives, the following questions were considered:

- Is this a response to an existing or potential environmental crisis?
- Does this take advantage of a single window of opportunity with far-reaching implications?
- Can anyone else take effective action?
- Does this respond to a high level of interest among YCS members?
- Is there potential for significant effect or multiple spin-offs?
- Is there potential for net resource gain in terms of volunteers, funding, or expertise?
- Are the consequences of inaction unacceptable as in lost opportunity or harm to the environment?

Recognizing that fulfilling our activity goals is dependent upon an effective base to work from, YCS established a fourth goal for building and maintaining a strong territory-wide organization which is efficient, effective and responsive to Yukon ecological and human conditions. This will necessitate building partnerships, improving volunteer and staff management practices and policies, increasing staff and volunteer development opportunities, and maintaining a community profile through effective communications.

Most importantly, it will involve strengthening the financial stability of YCS in an era of deficit reduction and increasing competition for community support. A model fundraising plan outlines a number of avenues to be explored by a fundraising committee composed of "well-connected" individuals. One-quarter of the Executive Director's time will be dedicated to supporting this committee and undertaking fundraising efforts. To be able to fully implement the targeted actions in the strategic plan, YCS is working toward securing the resources to support the equivalent of two full-time staff positions.

The strategic plan is a dynamic product. Its implementation will be monitored regularly and evaluated annually by the YCS board. The board will consult with its membership at the annual general meeting to review identified priorities and establish new ones as necessary.





# Take note of your Environmental Rights

The environmental debate of the early 1990s centred on the Yukon government's proposed Environment Act and its "Bill of Rights". The first section of the Environmental Rights clearly summarizes the goal of this part of the act: "The people of the Yukon have the right to a healthful natural environment." (s. 6) The subsequent sections outline a number of rights which are designed to provide people with the tools to ensure this basic right to a healthy environment is guaranteed.

When the act was being drafted, many were concerned about these new "tools." There were fears that the right to file a legal action or the right to request an investigation would result in people filing nuisance suits or instigating frivolous investigations which would interfere with business activities. Honest people, they believed, would be unjustly subject to criminal prosecutions by an enviro-cop force. The environmental community, however, was supportive of the new provisions and argued that strong enforcement measures were critical in any act. We believed that people would only use these measures if truly necessary and only the polluters should be worried about the effectiveness of the enforcement provisions.

One of the main sections that concerned critics was the one which provided Yukoners with the right to bring a legal action against people who impair or likely to impair the natural environment (s. 8). Additionally, Yukon people could also bring an action against the Yukon government if it had "failed to meet its responsibilities as trustee of the public trust to protect the natural environment from actual or likely impairment."

Until last October, this section applied only to activities which the Yukon government had developed regulations for (e.g. pesticide use, contaminated sites, spills). As of October 1, 1996, however, actions may be brought against a polluter or the Yukon government whether or not a regulation has been developed for the activity in question. The five year window was designed to provide a grace period to allow government to develop regulations for each activity outlined in the act. It was felt that after five years of implementation, people deserved the right to adequate legal tools for protecting their environment. If government had still not fulfilled its responsibilities and introduced regulations for all activities gov-

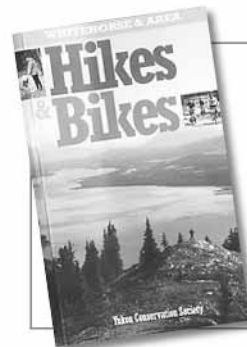
erned by the act after five years, they should be accountable for their inaction.

There are two outstanding sets of regulations which the government has not yet passed. Regulations for Air Emissions are in the works and stakeholders have been involved in an initial round of consultations. The Solid Waste regulations, however, lag much farther behind. Initial research on similar laws across Canada has been initiated but there is no clear target for completion of this important set of regulations.

Solid waste regulations are needed to govern the unrestricted burning in over 30 dumps around the territory, to outline basic construction requirements (e.g. segregation of wastes on site to promote recycling and handling of special wastes) and provide for siting criteria (e.g. to protect groundwater). In the absence of these regulations, it is pretty clear that the Yukon government's management of our community dumps falls far below the most basic environmental standards followed in other jurisdictions. Until these regulations are passed it is debatable whether or not the government is meeting "its responsibilities as trustee of the public trust to protect the natural environment from actual or likely impairment."

Although the passage of each set of regulations under the Environment Act has been accompanied by a news release and a fact sheet describing the new regulations, there appears to be little public information related to people's rights under section 8 of the act. The passage of the October 1st deadline was, not surprisingly, met with silence by government. However, people need to know that the section which allows them to hold the Yukon government accountable for living up to its responsibilities to protect our environment is now fully in force.

*iennifer ellis*



YCS has a few ever-so-slightly damaged **Hikes & Bikes** books which we are offering to members for the reduced price of \$15.95. Stop by the office to pick up your copy.



# Editorial

## Walk Softly

is published by the Yukon Conservation Society for members. 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. Views expressed in *Walk Softly* are not necessarily those of the Society.

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Jeremy Rifkind, in his recent bestseller on the economy, jobs and the future "The End of Work", expounds on the value of the volunteer sector of the economy. He points out that "more often than not, the combination of small professional staffs and large numbers of volunteers offers the ideal combination of expertise and empathy needed to assist others." Seem familiar? He also goes on to discuss what changes need to take place in society to encourage growth in the volunteer sector. It is a good read; pick it up if you have the chance.

At YCS we are presently trying to increase the rewards of volunteering with the society and help ourselves gain a more accurate understanding of the amount of volunteer effort being given.

We now have a Welcome Mat; a pamphlet which introduces potential volunteers to YCS and aids in the placement process. It promises to be a good tool for volunteer orientation and skills assessment.

We are also asking volunteers to keep track of the time they give to YCS. We see a number of benefits to be gained. YCS will be able to: demonstrate to potential funders significant community investment, demonstrate more accurately to present funders the volunteer participation in projects, and demonstrate to ourselves and the community as a whole the volunteer support given to YCS.

The individual volunteer will benefit by knowing where their volunteer time is going, which will help them direct their efforts. Hopefully with this knowledge, we will be able to avoid volunteer burn out more often.

Accurate tracking of volunteer participation in public processes is needed. We believe that beyond a certain point, it is unreasonable to expect participation to be volunteer and honoraria should be given. Often the case is that the YCS volunteer is the only unpaid stakeholder at the table.

We are tracking volunteer efforts through a simple process of having folks "pay" poker chips into a pot representing the time they have given. Volunteers will pay the pot on a self-determined basis: daily, monthly, or on a project to project basis. Whatever works best for them.

If you'd like information on these efforts, just stop into the office or give us a call.

*shelley gerber*

P.S. If anyone has poker chips they'd like to donate for this use, we'd appreciate it. The volunteer effort is large and so our need for chips will be great.



# Cumulative Effects Assessment

One of the changes resulting from the passage of the Canadian Environmental Assessment Act (CEAA) is the requirement to do cumulative effects assessment as part of the environmental assessment process. The situation is complicated in Yukon by the fact that a number of projects still under review were submitted before CEAA came into force and are still being assessed under the Environmental Assessment Review Process (EARP) guidelines.

Cumulative effects assessment is a concept which is still being defined and refined. Even the "Agency", tasked with implementing the CEAA legislation cannot give definitive answers on what is required. A major challenge is to determine the scope of the review, both spatially and temporally. In order to fully evaluate cumulative effects one must first define the spatial area to be studied. This may vary for different components of a project or different ecosystem components. One must also review the socio-economic effects of the project. The temporal component of any review must also be established. This is handicapped by the fact that the review can only look at existing projects and other projects which have been permitted. It does not consider other projects which are also in the permitting process or which may become viable due to the infrastructure being built. For example if there is a road or mill built for one mining project which may enable other mining properties to be developed, this subsequent development

is not assessed. In the case of the Finlayson Lake area, the assessment of Cominco's Kudz Ze Kayah project does not consider the cumulative effects of Westmin's Wolverine Lake project even though Westmin has stated in the press that they will develop this property and are about to enter the permitting process. Also because none of the exploration activity in the area requires a permit, the cumulative effects of this exploration activity cannot be documented, controlled or evaluated.

Another project where cumulative effects assessment has failed is the City of Whitehorse Robert Service Way reconstruction project. The review has been fragmented with land based activities on the Riverdale side of the Yukon River being reviewed separately from the water licence application and the potential development of a new quarry in the rock garden area being ignored. The creation of compensatory habitat on the Riverdale side of the river was a last minute addition to the project. The review was constrained, rushed and short circuited due to construction timelines. The City has admitted that the project design and review should have taken two years rather than 10 months.

Cumulative effects assessment is off to a rocky start in Yukon. YCS will continue to monitor the process and insist that proper reviews take place but it may take more than words to ensure that the process is followed.

*bob van dijken*

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## And so much more...

*The following is the President's Report as presented by Cameron Eckert at the Yukon Conservation Society Annual General Meeting on March 19, 1997. Here's what we've been up to.*

### **Sustainable Communities**

YCS, in partnership with DIAND and the Council for Yukon First Nations (generously funded by the Walter and Duncan Gordon Foundation), embarked on the Sustainable Communities project. The project provides for regional community-based workshops promoting

environmental awareness and community organizing. Sustainable Communities also provides YCS with an avenue for community outreach: fostering community connections. Last spring YCS delivered five three-day regional community environmental training workshops and developed valuable First Nations connections.

### **Strategic Plan and Personnel Committee**

This year YCS, with the generous support of the Walter and Duncan Gordon Foundation, conducted a strategic plan. One of the important initiatives resulting from that process is the establishment of a "Personnel



Committee". The goal of this committee is to transform YCS into an employer which better meets the basic needs of our employees. We are doing this through the formation of a personal policy which will deal with work place related issues such as sick leave, vacation time, benefits, pay scale and job descriptions.

### Development Assessment Process (DAP)

An area of new legislation development which is a high priority for YCS is the Development Assessment Process (DAP). YCS is participating on the Yukon government's DAP working group. A joint stakeholder/government body, the working group is designed to provide input on key issues the Yukon government is negotiating at the table with the Federal government and the Council of Yukon First Nations. YCS also attended the first in a series of consultative workshops on DAP which are being hosted by both the federal and territorial governments.

### Mining

In the past year there have been no major new initiatives by YCS with respect to mining, however, our organization has been actively reviewing numerous mining proposals such as Lochi Gold and Dublin Gultch. Many actions have been identified for the coming year.

### Forestry

YCS continues to support ecologically/economically sustainable development of Yukon forests. To provide a framework for our work on forestry issues we have been developing our organization's policy positions on forest management so that we can proactively influence the consultative process.

Our policies will seek the establishment of community-based forest management in the Yukon to promote long-term stewardship and to deter large-scale industrial logging.

- YCS participation on the Yukon Forest Advisory Committee: focusing on DIAND's policy and procedures development for forestry.
- YCS has coordinated a new weekly column in a local newspaper. "Forest Forum" presents different environmental perspectives on a range of forest issues to help prepare the public for upcoming forest policy consultations.
- YCS initiated a monthly public education evening on forestry. The first one drew in over forty people, including five government members (the Minister of Renewable Resources, the Forest Commissioner, the Development Assessment Process Commissioner and two other MLAs).

A substantive amount of work remains to develop our concept, build alliances with First Nations, loggers, government and other community interests in order to successfully influence the design of the final policy.

### Contaminants

YCS (on behalf of the Yukon Contaminants Committee including YTG Renewable Resources, CYFN, and DIAND) is leading a program to determine the contaminants levels in the livers and kidneys of animals taken by Yukon hunters.

Further, in October YCS traveled to Iqualuit for the Canadian Conference on Contaminants, the Environment, and Human Health in the Arctic. The conference gathered concerned Northerners, academics, government and business representatives, and scientists to develop a clear long-term strategy to deal with contaminants in the North.

### YCS – Kluane Park History Paper

Will Jones has authored a most impressive volume relating the history of YCS as it relates to the formation of Kluane National Park. The paper provides insight into both the rich history of YCS and the Yukon from 1968 to present.

### So much more ...

- Guide nature walks (17 years and going strong), Canyon City interpretive program (co-sponsored with YTG Heritage Branch) and Wolf Creek Campground talks and walks (with support from YTG Wildlife Viewing).
- Nature Appreciation Series
- Fall celebration at Tombstone Mountain and Blackstone Uplands: with Tr'ondek Hwech'in First Nation and CPAWS.
- Public education at every opportunity: the election questionnaire, YCS shuttle bus to the Celebration of Swans.
- Birdathon continues to celebrate our unique northern birds while raising funds for Conservation Education.
- YCS has also secured a research contract from the Department of Renewable Resources on endangered species.
- Walk Softly, the YCS newsletter, continues to set a high standard. Paul Mantle and Shelley Gerber both deserve our sincere thanks for their efforts.

*cameron eckert*



# Avoiding the “Nasty Game” in DAP

In early March, the Walter and Duncan Gordon Foundation of Toronto released a provocative report entitled *The Nasty Game: The Failure of Environmental Assessment in Canada*. The report’s author, environmental journalist Andrew Nikiforuk, pulls no punches in his opening lines:

Environmental Assessment (EA) has become a cynical, irrational and highly discretionary federal policy in Canada. What should be a coherent and democratic filter to ensure that ecological and economic follies do not ruin Canada’s natural riches has become a bureaucratic exercise that is neither cost-effective nor conservation-minded. (p. i)

As many players in the Yukon are currently grappling with designing assessment legislation for our territory, the Development Assessment Process (DAP), the report is both alarming and timely. What lessons can we learn from this review of the federal environmental assessment practices? What are the key elements of effective assessment and can we ensure they are reflected in DAP?

An earlier review of environmental assessment practices in Canada by Bob Gibson, “Environmental Assessment Design: Lessons from the Canadian Experience” echoes many of the concerns raised in *The Nasty Game*. Like Nikiforuk’s opening lines, Gibson begins by highlighting what environmental assessment should be:

Environmental assessment is an approach to planning ... At minimum, environmental assessment is a means of anticipating and avoiding or reducing problems before they arise. More positively, it is a broader and more far-sighted approach to determining what actions we should take to make the best of our opportunities. (p.12)

Gibson outlines a number of key principles to effective assessment. Many of these principles are used here to provide a framework for discussion of some of the significant issues raised by Nikiforuk and to highlight some of the key areas for consideration in the design of DAP.

## Basic Principles

### Integrated and dedicated to Sustainability

According to Gibson, an effective process must be integrated and dedicated to achieving and maintaining local,

national, and global sustainability. In order to fulfill international commitments to “sustainable development”, he argues wealthy nations must *reduce* their demands on the environment while pursuing development. Therefore, in addition to minimizing environmental impacts, environmental assessment should examine how to avoid the excessive waste of resources.

Nikiforuk writes that effective environmental assessment “can only be effective by imposing limits and discipline on an economy.” (p. 3)

To achieve sustainability, Gibson believes environmental assessment must also broaden the definition of “environment” to include biophysical, social, economic, and cultural factors and their interrelations as these factors are inevitably linked. While the DAP chapter reflects this multiplicity of factors, current federal legislation, the *Canadian Environmental Assessment Act* (CEAA) is restrictive as it only provides for the review of non-biophysical factors when they are directly related to an environmental impact.

### Apply broadly

Environmental assessment should apply as broadly as possible to cover all planning and decisionmaking that involves potentially negative environmental effects. Additionally, “it should probably also apply wherever there are significant opportunities for potentially positive reductions in current resource requirements and environmental impacts.” (p. 15).

Clear and consistent application to decisions on such undertakings is critical so that proponents know from the outset that they must incorporate environmental considerations in the planning of their projects or activities. The Nasty Game specifies that one of the key principles of effective environmental assessment is that it must be done before the project has been designed.

The importance of the broad application of environmental assessment is also promoted by Nikiforuk. CEAA, he points out, is narrow in scope as it confines assessments to projects or “physical activities”. “Policies and programs





whose impacts could be more ruinous than any one project are excluded from the act.” (p. 10)

Both Gibson and Nikiforuk raise concerns about incremental impact of assessing one project at a time without looking at the cumulative effect. The panel review of the BHP diamond mine in NWT is one of many examples of the avoidance of cumulative effects assessment. The panel process considered only the impacts of BHP’s mining project despite the common understanding that others would soon follow.

Gibson argues that if “cumulative effects are to be addressed, environmental assessment requirements must also be applied to groups of related projects and to decisions on programs, regulatory initiatives, plans, and policies intended to encourage or guide sets of individual projects.” (p. 15)

The DAP chapter allows for the assessment of “plans” (which is defined as a plan, program, policy or proposal) if government or a First Nation (with the consent of government) requests such a review. As Gibson notes, however, environmental assessment rarely occurs unless it is mandatory. Therefore, it is uncertain if an Official Community Plan, a Regional Forest Management Plan, a revised Agricultural Policy, or a “Roads to Resources”

funding program will ever be subject to an assessment in the Yukon.

There is no reference in the DAP chapter to mandatory cumulative effects assessment; however, as DAP must “meet or beat” CEAA which does require cumulative assessment, it is fully expected that this will be incorporated in the new regime.

goals. (p.17) Nikiforuk asks “Could other developments such as a railway, highway, ferry or bicycle path create more jobs, do less damage and still fulfill the original need of moving people about?” (p. 15). His query could have been expanded to include the importance of examining the perceived need for the undertaking and the option of doing nothing at all.

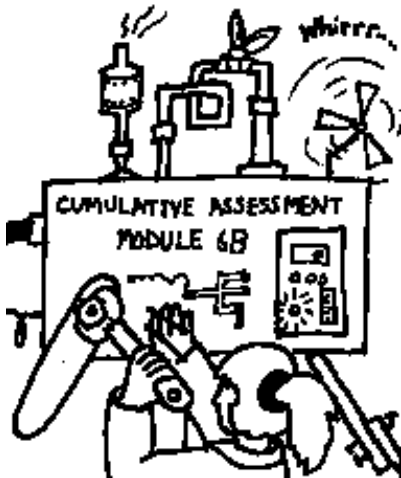
CEAA requires only an examination of “alternative means” of carrying out the proposed project and is mute on the need to review the purpose of the project and alternatives to it. The DAP chapter is fortunately broader, stating that “alternatives to the Project or alternative ways of carrying out the project that avoid or minimize significant adverse environmental or socio-economic effects” shall be considered (12.4.2).

### Limit Discretion

Voluntary compliance with environmental assessment requirements is rare, Gibson explains. Therefore “all central components of the process must be enshrined in law” and compliance with the established process and outcome must be legally enforceable. (p. 17) When decisions are subject to the discretion of ministers or officials, the tendency is to compromise environmental assessment objectives in the face of other immediate pressures. *The Nasty Game* is full of such examples of assessment being compromised by politicians (e.g. in the case of the fixed link to PEI, the sale of a CANDU reactor to China, military flights over Labrador).

Gibson believes it is necessary to give the responsibility for assessment review and final decisionmaking to an independent authority (or at least someone with a mandate that emphasizes environmental protection). However, in CEAA, the department or agency who has the authority to issue the relevant regulatory approval, who may be funding the project, or who may be carrying out the project itself is also the department charged with assessing the project and making the final decision on whether or not it goes ahead. It is also the agency responsible for monitoring adherence to the terms and conditions.

In the DAP chapter, the body which will coordinate or undertake the reviews of most projects is the Yukon Development Assessment Board (YDAB). The board will be arms length from governments although its members are nominated by the Council for Yukon First Nations and Government. There will also be an unspecified number of Designated Offices which will likely handle many of the reviews for smaller projects and undertakings. The



### Identify best options

Regulatory requirements, such as those set out in the *Yukon Waters Act* or the *Territorial Lands Act*, typically are designed to ensure projects meet “acceptable” standards. Gibson advocates that environmental assessment processes must “be aimed at identifying best options, rather than merely acceptable proposals. It must therefore require critical examination of purposes and comparative evaluation of alternatives” in order to meet sustainability



DAP chapter does not specify whether or not these offices will also be arms length or whether the regulatory agencies responsible for the project, its funding or permitting will also do the assessment (as occurs now for smaller projects). Having offices separate from the regulator(s) would strengthen the independence of the assessment process (and likely improve the ability to do integrated assessments).

However, YDAB and the Designated Offices have no decisionmaking authority. Once the assessments are complete, responsibility for decisionmaking rests with Government and/or a Yukon First Nation (depending on things like location and which government's permits are required). The "Decision Body" may reject or vary the terms and conditions recommended by the assessment process for certain reasons which are outlined in the chapter. For example, the Decision Body may reject or vary the recommendations if it considers the terms and conditions to be "so onerous as to undermine the economic viability of a Project". (12.13.4.2.(c)). This "out" clearly has the potential to compromise assessment objectives in the face of more immediate pressures.

### **Ensure public involvement and fair treatment**

One of the purposes of environmental assessment is to open up decisions to greater public involvement and scrutiny. Accordingly, "assessment work and decision-making must be open, participative, and fair," Gibson writes. (p. 19)

Although some have considered the identification and evaluation of impacts to be a technical matter for "experts", disagreements among experts and presenters at hearings highlight the value laden nature of the process. Public involvement, Gibson argues, helps to combat narrow biases and encourages attention to areas of public concern.

People's unwillingness to rely on "experts" and assurances of authorities and their desire to be involved in decisions affecting their lives has also made public involvement in environmental assessment a political imperative. Input from interested and affected parties should occur as early as possible in the assessment process. In some jurisdictions, proponents are encouraged to engage in consultation with agencies, groups and individuals prior to submitting their proposals.

Effective involvement by public participants typically requires financial resources many do not have. At the level of panel hearings, CEAA does provide for intervenor funding. However, in the Yukon, federal panels

occur about once a decade.

The bulk of assessments occur at a lower level and interventions are not longer financially supported.

Discussions on DAP will include when and if participant funding should be provided, and by whom. As Gibson notes, however, even with intervenor funding, public participants can seldom match the resources of the project proponents. Nikiforuk highlights this discrepancy in his review of the BHP diamond mine panel hearing. "While the company paid \$14 million for this environmental analysis, the government provided only \$250,000 for the public to challenge or review it." (p. 12).

To ensure fair treatment of all involved, Gibson proposes that there must be "independent administration of the process, explicit criteria for impartiality in appointments to review and decisionmaking bodies, mandatory release of documents including reasons for decisions, separation of advocacy, regulatory and enforcement functions, and regular independent auditing of overall performance." (p.20) DAP encompasses a fairly independent administration and will require written reasons for decisions if the Decision Body rejects or varies the recommendations of the DAP process. Whether or not the other factors will be met in the new legislation remains to be seen.

### **Enforce and monitor**

Most decisions in an assessment process result in approvals which are subject to terms and conditions. It would, therefore, make sense that these conditions be specific and that compliance be monitored and enforced. However sensible this may seem, in practice many environmental assessment processes do not provide for enforceable approvals and even fewer require monitoring to determine if the conditions are met.

Under CEAA, the agency responsible for the assessment is supposed to ensure implementation of any measures it considers necessary to mitigating significant environmental impacts. However, the Act itself contains no enforcement measures for non-compliance. Other regulatory tools are used (e.g. a water license, a land use permit) to specify, and hopefully enforce, necessary mitigation measures. Although these permits may be broad-





ened to include conditions relating to more than just impacts on water or land (e.g impacts on air quality or birdlife), regulatory agencies in the Yukon have been reticent to include any terms and conditions that are not explicitly covered by the regulations. Consequently, there are many gaps in the ability to enforce all the terms and conditions recommended by the assessment review.

A key part of enforcement is the ability to monitor compliance. Monitoring can also provide a valuable tool for gauging the effectiveness of the proposed terms and conditions. Did the proponent implement the terms and conditions and, if so, were the effects as predicted or do they (and future recommendations) need to be adjusted? Both Gibson and Nikiforuk argue that although environmental assessment is partly exercise of making predic-

tions, little has been learned about the effectiveness of environmental assessment recommendations. Nikiforuk

sites a number of instances of dramatically inaccurate information or unforeseen impacts of projects.

“Without any follow-up, bad science is not exposed, ineffective mitigation methods are not abandoned, politicians and technicians are not held accountable for their

bad work and the land continues to be ruined by unforeseen effects.” (p. 22).

The DAP chapter briefly states that Decision Documents (the Decision Body’s response to the recommendations of the process) may be made enforceable (12.15.5) but it is not at all certain this will occur. YDAB may recommend that a Decision Body undertake effects monitoring and the Board may review the results of the monitoring studies, *if* the Decision Body agrees to do it. Government or a First Nation (with consent of Government) may ask YDAB to undertake effects monitoring.

## Conclusion

The Mackenzie Valley Pipeline environmental assessment process, headed by Justice Thomas Berger in 1974, “still stands as a singular model of excellence.” (Nikiforuk, p. 4) Based on extensive community input

and an integrated review of social, economic and environmental considerations, the inquiry was Canada’s first “no-go” decision recommended by an environmental assessment panel.

Unfortunately, rather than forming a firm basis for future processes to follow, it appears from the review by Gibson and Nikiforuk that the Canadian government learned to avoid Berger’s standard of excellence for fear of the potential outcome. In the intervening years, environmental assessment, as Nikiforuk said, “has become a bureaucratic exercise that is neither cost-effective nor conservation-minded.” (p. i)

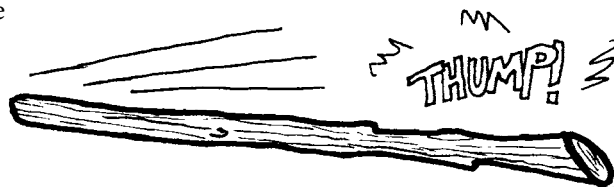
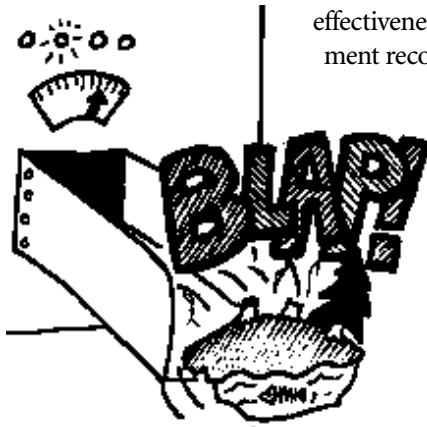
With the creation of new legislation, the Yukon has the opportunity to learn from past mistakes and legislative pitfalls. The DAP chapter incorporates some key elements which are critical to effective assessment. However, the new legislation also has the potential of limiting its ability to be a proactive planning tool, to be broadly applied, to effectively involve the public, to be enforceable and to be a process we will learn from.

In the coming months there will be opportunities for public input into the design and review of the legislation (the new DAP legislation is targeted to be finalized by December 19, 1997). The potential of the new process will only be realized if voices call for mechanisms which will enshrine the critical elements into the act rather than leaving it to the discretion of decisionmakers.

*jennifer ellis*

1. Nikiforuk, Andrew. *The Nasty Game: The Failure of Environmental Assessment in Canada*. Walter and Duncan Gordon Foundation, March 1997. Research for the paper included interviews with over 50 scientists, lawyers, bureaucrats, business people, environmentalists and consultants. It can be downloaded from the web site: [www.carc.org](http://www.carc.org).

2. Gibson, Bob. “*Environmental Assessment Design: Lessons from the Canadian Experience*.” *The Environmental Professional*, Vol. 15, pp 12-24, 1993.



*If you would like to learn more about the DAP process or help YCS shape its input, give Jennifer a call at 668-5678.*



## Forest Education Committee Activities

The Forest Committee has been one of the hardest working committees at YCS over the past five years. Due to the accelerating pace of discussions on the subjects of forest devolution and the development of a made-in-Yukon forest policy over the past six months or so, our workload and our numbers have exploded. But we still need more volunteers to carry out our plans.

The Forest Education Committee was set up in the fall of 1996 and has been busy delivering forest education since then. Starting in January we began coordinating weekly columns on forest issues in the Yukon News. We are in need of people to write articles, so if you have any free time your energy and ability will be put to work in a flash. A list of Forest Forum subjects as well as the relevant background sources are waiting for authors so if you have some time please get in touch.

The other event which we are very excited about is the series of monthly public meetings on forest issues we are sponsoring. The purpose of these meetings is to provide education and bring concerned Yukoners together to talk openly about how we can build a sustainable forest economy in the future without compromising the multitude of other forest uses which depend on fully functioning forests.

There are all kinds of projects which we are involved in and many more we would like to pursue: school presentations; setting up a booth at the trade show; providing educational opportunities through the City of Whitehorse; networking with other like-minded people and organizations in other jurisdictions and organizing a YCS forest conference are just a few of the ideas we are exploring and acting upon. However, we need to find more help from the membership.

*forest education committee*



*IF YOU ARE* a forest lover, a writer, an organizer, a forest science type, or just plain concerned, phone up or visit the office so we can put you to work. We would welcome your involvement.

Our public meetings are held on the first Wednesday of every month, so the next get-together is at 7:00 pm on May 7 at the Alpine Bakery. You can sign up then!

## Clean out your basement for YCS



Spring is on the way and so is the second annual YCS garage sale. YCS is looking for donations of items that will be useful to others but are presently useless to you. Bring us your tents, backpacks, camping gear, bikes tools, books. . . Items can be dropped off at the YCS office, 302 Hawkins Street, from now to the actual day of the sale on Saturday, June 7. Due to space limitations, clothes will not be sold at the sale. And don't forget to attend and/or volunteer for the sale.



## Going with the Flow

“Nothing succeeds like success.” Truer words have rarely been spoken. In our quest to develop a progressive Yukon forest policy, we would be well served to steal a page from the story of Merv Wilkinson’s Wildwood forestry business on Vancouver Island.

The original timber cruise of Wilkinson’s 55 hectare (120 acre) woodlot reported 1.5 million board feet of standing timber. Since then Merv has selectively logged his woodlot nine times harvesting 1.25 million board feet of wood. Today, Wilkinson’s land is an intact, diverse forest ecosystem with nearly the same volume of standing timber as it had in 1935.

Wilkinson developed his successful logging practices based on a deep personal relationship with the land. “I grew up on the edge of the forest — natural, wild and comparatively undisturbed. The animals, the birds, the variety of trees that grew in that forest

beyond my yard were a source of wonder to me then and have remained so ever since. I do not want to be around when the last forest is gone. Rows of trees are not forests, they represent blind stupidity and a one track mind.”

“I grew up to believe that forests are my friends. They are there to use. They are there to enjoy. They are there to maintain and should never, never be destroyed.”

Merv Wilkinson’s selective harvest operation proves that it is feasible to log for profit while still maintaining a healthy, intact forest available for the enjoyment and profit of other forest users. In other words, Wilkinson’s approach removes only the “interest” as opposed to withdrawing all of the “capital” or standing timber as practiced in conventional clear-cut forestry.

Merv estimates that 250 hectares of his type of coastal forest would keep two people fully employed

and financially solvent in perpetuity. Based on this formula, the 40.9 million hectares of suitable forest land in B.C. could provide four times the number of jobs presently generated by industrial logging.

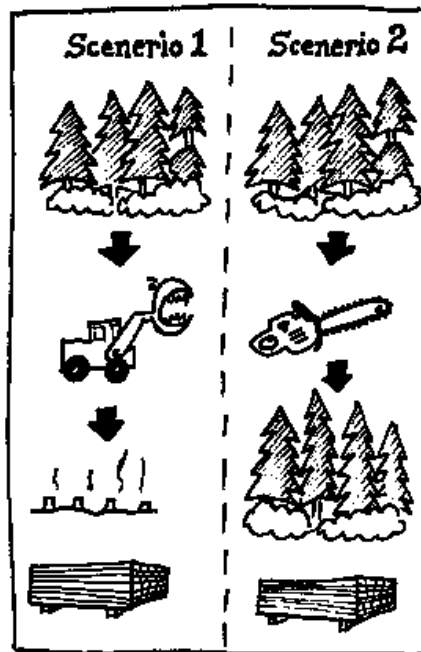
Unfortunately, B.C. has long since signed over logging rights on much of its land to industrial interests. Yukoners, on the other hand, are still in the position of having the choice of what sort of forestry we want to practice. Given the slower growth of Yukon forests, Wilkinson’s approach, if applied here, would only require larger woodlots to provide the same benefits.

Interestingly enough, the Yukon has a few of its own “sustainable logger” success stories to brag about and we will be exploring some of these in future installments of Forest Forum.

Hopefully, the wisdom and experience of these successful business people will be reflected in the forest policy choices we make. As Merv Wilkinson says, “You can

work with nature and have a forest from which you harvest a crop periodically and regularly, a forest from which enjoyment can be extracted, where all the living organisms are present and healthy. It is not difficult at all. Furthermore, you can make a good living with this type of operation.... The alternative is no forest at all.”

*brad finnon*



Anyone wishing to contribute to Forest Forum can contact the Yukon Conservation Society for more information at 668-5678.



## A One Way Street

The recent and ongoing brouhaha over the Robert Service Way (RSW) expansion has shown how vehicle dependent Yukoners and visitors to the Yukon are. This article isn't about RSW (which this author is in favour of expanding because of the increased downtown access it would provide and the bicycle/pedestrian/railway facilities it will improve) but about vehicles and our use of them. Part of the reason for widening RSW is to allow for future increased traffic flow. This is also part of the argument against expanding it, as doing anything to encourage vehicle growth is perceived as a bad thing. If we want to get serious about reducing vehicle growth it must be asked what it is about vehicle growth that is of concern.

The vehicles themselves are an environmental problem. First, they pollute in their day-to-day operations and secondly, they consume resources both in their construction and disposal. Both are the most visible form of vehicle environmental damage, and both can be dramatically reduced from present levels. Advances in emission control, alternative forms of energy for propulsion and constructing vehicles with reusable and recyclable components will make a dramatic difference in the environmental footprint (or tyre track) each individual vehicle will leave.

The above environmental controls are still in their infancy but technical and legislative progress is being made. German automobile manufacturers are well on the road to mass producing vehicles that will be built of

components that are entirely reusable or recyclable. Within Canada, British Columbia's lower mainland Air Care program could be the norm across the county on vehicle emission levels. Hopefully, zero emission vehicles (such as are being developed and used in California) will become widely available soon. To implement these ideals will be expensive, especially to vehicle owners. This could mean that the majority of people might not be able to own a private vehicle. This would dramatically reduce the amount of vehicles on the road, and cause a huge outcry. Why the outcry? In response, why does almost every household in Whitehorse require a vehicle?

Whitehorse sprawls. It takes over half an hour, driving at 70 to 90 km/hour to travel from one end to another. The city population is around the 21,000 mark, and yet the land size of the city is one of the largest in Canada. One excuse for such extended boundaries is that one day a mine might start up within the city limits and it would provide a tax base. No mine, however, has started up. Instead, the city has built rural subdivisions as far away from the downtown area as is humanly possible. If it takes half an hour to travel by car to work or a recreational site from a place of residence of course every household is going to require at least one vehicle.

So here is the odd situation. People like country residential living, yet work and play in the downtown area. People like country residential living, yet insist on having quick and convenient access by vehicle to the downtown area. People like country residential living, yet in an effort to be seen as environmentally friendly are insisting on having public transportation in their areas while existing medium density suburbs cannot get efficient service. People cannot continue living like this.

One solution to reducing our vehicle dependency, and therefore the amount of vehicles on the road, is for people to start living closer to their areas of work and play. This can be done by establishing regional commercial, work and recreational areas in the suburbs. It is essentially bringing all the amenities of a downtown to the suburbs. And it will





destroy Whitehorse. While cities with a large population base (Vancouver, Toronto) have been doing this, in a small community it kills the downtown core and, to be specific to Whitehorse, would in all likelihood result in commercial strip malls along the Alaska Highway. So much for the magic and mystery of the Yukon.

A second solution is for people to live closer to their areas of work and play by actually moving into existing suburbs that are already physically close to these areas. Existing bylaws within the city of Whitehorse are extremely onerous. How else to explain the concentration of housing at the Carcross cut-off, the Takhini Hot Springs road and the Echo Valley area. Allowances are going to have to be made by city planners that not everyone will want to or can afford to live in a split level duplex. Zoning bylaws will have to be changed to allow for a variety of new types of housing, ranging from more than one rental unit on a suburban property to communes. By increasing the concentration of people

in existing areas the provision of municipal services will become efficient and maybe, in the case of public transport, cost recoverable.

The measures described above are draconian, given the amount of space available in the Yukon. But if we are to reduce our vehicle usage we are going to have change the way we live. It will not be easy and it might not be pleasant at first. No-one wants to give up a five acre country lot for the chance to live in condo with a view of the neighbours laundry. But we have to change the way we think about transportation and how and where we live. Because nothing is killing the planet faster than the way we North Americans live.

*lewis riffkind*

*Lewis owns a car and lives outside city limits where he spends most of his time watching Media Foundation commercials (from which the last line of the above article is taken).*

## Climate Change

Good news?? Current climate change models show the Yukon becoming warmer over the next few decades as greenhouse gas emissions continue to fuel global warming. This may seem at first glance to be a blessing with the prospect of lower fuel bills and increased local agricultural production, however negative global implications far outweigh any possible local benefit.

At a workshop held in Vancouver at the end of February, the implications of climate change on B.C. and Yukon were examined. Climate change has been equated to global warming but conditions are expected to become more variable and more extreme. There has been speculation that last years disastrous floods in Quebec may be a symptom of this variability. The Christmas snows and March downpours on Vancouver Island and the lower mainland of British Columbia may be signals of what is to come. The last ten years of extreme weather have made insurance companies believers. While pay-out for natural disasters such as earthquakes has remained stable the cost of natural disasters such as floods, hurricanes, typhoons, tornados and hail damage have skyrocketed. Periods of flood and drought are expected to become more frequent and more severe. The implications on human populations

could be catastrophic. The effects are predicted to most severe on small developing island nations and countries such as Egypt where flooding may become chronic. In the Yukon design specifications for dams and culverts may have to be modified to account for this increased variability. There may be increased permafrost melt-out, particularly in northern Yukon.

The issue of climate change continues to be debated, meanwhile Canada falls further behind in its commitment to reduce our greenhouse gas emissions. Despite figures documenting increasing emissions the government continues to rely on voluntary programs to solve the problem, programs which are too little, too late. Canada must begin an aggressive program to reduce our emissions in order to fulfill promises made internationally. The Yukon to has committed to reducing emissions to 1990 levels by the year 2000, this target will not be reached without a concrete plan of action being implemented. Countries such as Germany have proved that reductions are possible, it just takes the political will. We should urge our politicians, in forums such as YTG's energy commission, to implement a realistic plan of action.

*bob van dijen*



# What's Happening at YCS?

After a winter that led to a cold temperature policy for the YCS office (at temperatures below -40, the office will remain closed in order to let people live more in sync with the environment), we had our first outdoor meeting on the sunny deck on Feb. 24th! Another "official" year has begun for YCS and a new Board of Directors are assuming the reins of responsibility following the 1997 Annual General Meeting. You can find a list of the directors on page 5.

## Fundraising Committee!

The new, improved and revitalized fundraising committee is up and running, churning those creative wheels. (Note: It's never too late to become a part of this vital committee!) Stay tuned for some upcoming exciting YCS fundraising schemes!

## Endangered Species Legislation!

Representatives from YCS, the Fish and Wildlife Management Board, the Fish and Game Association and CYFN were in Vancouver presenting to the House of Commons Standing Committee on Environment and Sustainable Development as it toured the country. They highlighted the need for Bill C-65 (Endangered Species Legislation) to result in effective legislation that looked at the problem from a national basis. The Committee made some good changes to the bill but it is currently stalled in Parliament by development interests that wanted the changes to go the other way.

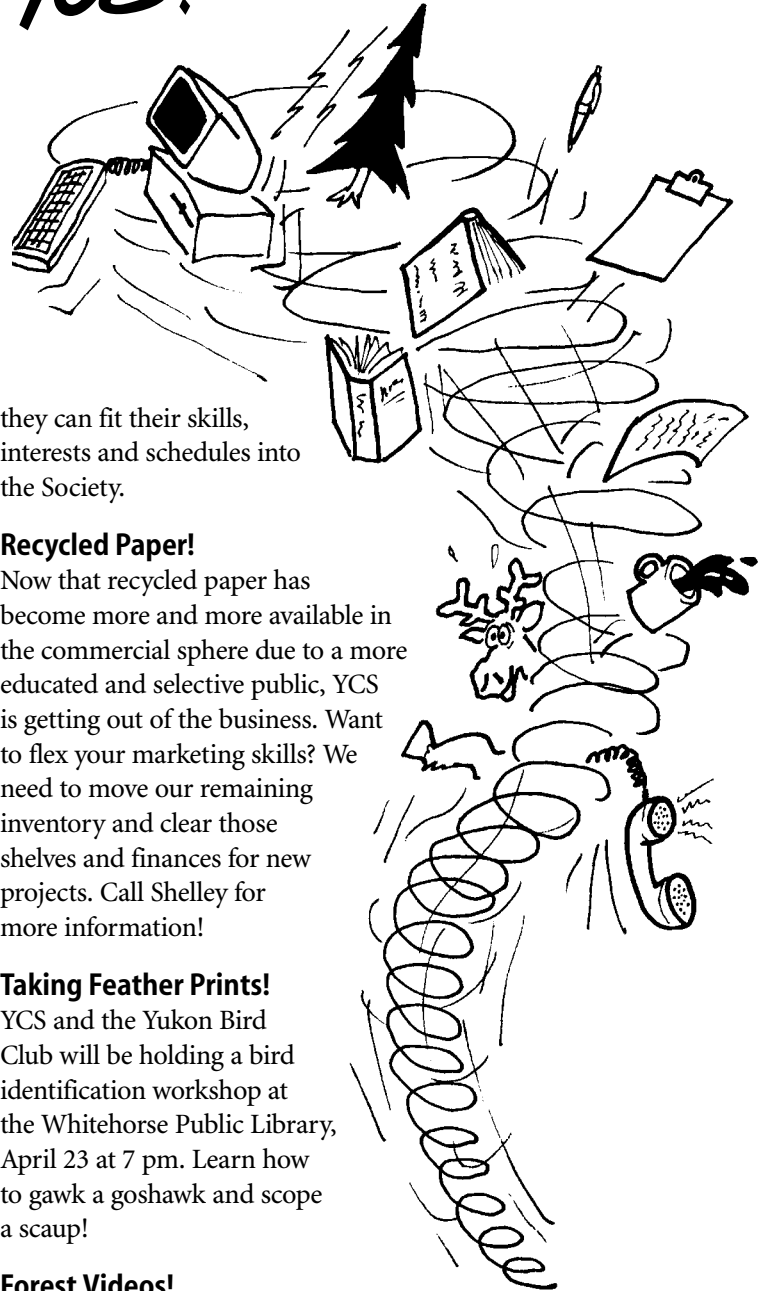
## Climate Change!

YCS participated in a workshop on Climatic Change in B.C. and the Yukon. See the full article in the newsletter for the precise elements. (Get it?)

Louise Comeau of the Sierra Club of Canada will be speaking in Whitehorse on climate change on May 24th. Call the YCS office for details

## Welcome Mat!

YCS has put out a spiffy new welcome mat in order to encourage and facilitate the new volunteers that keep an organization like us going. This mat is in the form of a brochure that will give newcomers insights into how



they can fit their skills, interests and schedules into the Society.

## Recycled Paper!

Now that recycled paper has become more and more available in the commercial sphere due to a more educated and selective public, YCS is getting out of the business. Want to flex your marketing skills? We need to move our remaining inventory and clear those shelves and finances for new projects. Call Shelley for more information!

## Taking Feather Prints!

YCS and the Yukon Bird Club will be holding a bird identification workshop at the Whitehorse Public Library, April 23 at 7 pm. Learn how to gawk a goshawk and scope a scaup!

## Forest Videos!

YCS has a number of forest videos (including *Thinking Like a Forest*, *A Cut Above*, *Lenny the Lumberjack*, *A New Leaf*) which you are welcome to view in the office. We're not lending them out at this point as they are in very high demand.

## Nature Appreciation Series!

At the time of printing, final scheduling of the series is being carried out. Call the office to find out what we have lined up this year.