

Yukon Wetlands Policy Roundtable #4

March 26-27, 2019
Yukon Inn, Whitehorse



Workshop Report

Prepared by John Glynn-Morris and Mark Nelson, Process Facilitators

Executive Summary

In April of 2018, the Government of Yukon convened a roundtable process to develop its new wetland policy in partnership with First Nations and transboundary Aboriginal groups, federal and municipal governments, industry, and organizations.¹ This report summarizes the discussions and outcomes from the fourth roundtable (RT4), which dealt mainly with a draft policy document. This was prepared by a Drafting Group (DG) composed of RT representatives. RT4 also addressed matters raised by an Indigenous Breakout session.

Draft Policy Summary Presentation

Members of the DG gave an overview of their work on the draft policy sections and key elements. These include the draft Policy Goal, Guiding Principles, and Policy Objectives, which were all discussed at length throughout the RT.

Indigenous Breakout

Following a request and practice started at RT3, breakout time was provided for representatives from Indigenous governments and land claims boards and councils to meet and report back to the whole RT. Participants expressed general frustration and concern that the working draft policy does not reflect their key interests, including clarity on how wetlands will be protected, and the importance of Traditional Knowledge and Indigenous legal rights in guiding management decisions about wetlands. These participants also expressed a desire for community engagement to hear peoples' perspectives and knowledge about wetlands, in order to guide policy development.

Policy Goal

The DG developed a draft Policy Goal statement along with their work on Principles and Objectives: *...to ensure the functions and values of Yukon wetlands are sustained for all living things while allowing for economic opportunities in Yukon.* Because the Policy Goal statement summarizes the overall intent of the policy, it will require further discussion once more clarity is achieved on policy principles and objectives. Given this, there was limited discussion about the Policy Goal at RT4, and it was acknowledged that the drafting group was not in agreement about the final clause, *'allowing for economic opportunities'*.

Guiding Principles

The RT provided feedback on the draft guiding principles developed by the DG. This feedback included various perspectives on the importance of wetlands in the broader ecosystem, the importance of recognizing traditional knowledge and Indigenous rights, and consideration of responsible development. The discussion reflected the diverse values at the roundtable, regarding ecological, cultural and economic benefits of wetlands. One RT member stated that traditional and scientific knowledge should be “walking on both sides of the stream together” as we work together on managing activities in wetlands.

¹ Complete background information on the wetland policy process and roundtables can be found at <https://online.engageyukon.ca/project/yukon-wetlands>

Draft Objective #1: Protection of Wetlands of Special Importance

The RT reviewed the proposed criteria for identifying wetlands that have special importance, and processes for protecting them. The draft criteria for identifying wetlands of special importance were generally well-received, while concerns were raised about suggested use of existing processes to designate areas for protection. There have been frustrations in recent years with processes to designate Special Management Areas and Habitat Protection Areas, and also delays with local and regional land use planning processes.

Draft Objective #2: Balance ecological and cultural values with economic values when managing human impacts on wetlands.

The DG generally agreed that a mitigation hierarchy (Avoid > Minimize > Offset) is an important policy tool for managing effects of human activities on wetlands. The DG flagged the need for further RT discussion about what decision makers should be managing for (e.g. wetland functions, values, or benefits) and what should be the overall target of management decisions (i.e. “to what end?”).

The RT assessed benefits and challenges of three different potential management targets – minimize loss, no net loss, and a hybrid threshold approach. No firm conclusion was reached on a preferred management target, and the matter will require further discussion and recommendation, likely by a DG.

Draft Objective #3: Improve our collective understanding of Yukon wetlands.

The DG had limited time to work on this objective, and put forward some proposed approaches for consideration: support for a wetland inventory, support for research, and improved public awareness and appreciation. Feedback from the RT included the importance of gathering Yukon-specific information (e.g. permafrost), ensuring that local knowledge and Indigenous Traditional Knowledge play prominent roles, and collecting information about social and cultural values, as well as ecological ones.

Draft Objective #4: Monitor and review implementation of the policy, and adapt actions accordingly.

The DG had limited time to work on this objective, but put forward some proposed approaches for consideration: monitoring and reporting back to the public on policy implementation, and commitment to adaptive management. Feedback highlighted the need for different review timeframes for different aspects of the policy, monitoring of people’s perspectives on the policy as well as technical metrics, and more on-the-ground monitoring capacity. Several people noted that monitoring, review and adaption are a central element to any policy, rather than a specific policy objective.

Next steps

There was a request to conduct a community engagement tour prior to further work on the policy draft. The Government of Yukon will be reviewing this request and consider if, or how, the process could be adjusted to satisfy this request.

Note on Report Layout

RT4 generated much discussion, and therefore many notes from the breakout tables and large group conversations. The sections in the body of this report summarize the background information and key discussion points for each topic, and more detailed notes from participants’ comments can be found in Appendix B.

Contents

1. Opening Prayer and Agenda Overview	4
Process Recap	4
2. Draft Policy Summary Presentation	5
Key points	5
Initial reactions	5
3. Indigenous Breakout Report	6
4. Guiding Principles	7
5. Draft Objective #1: Defining and Protecting Wetlands of Special Importance	9
Summary of Draft Objective 1	9
Concerns and Suggested Changes	9
6. Draft Objective #2: Balancing Ecological, Cultural, and Economic Values	10
Mitigation Hierarchy & Wetland Management Decisions	11
Benefits and challenges of policy options	13
Viability of the ‘no-net-loss’ policy option	14
Next Steps	14
7. Draft Objective #3: Improving Our Collective Understanding	15
Summary of Draft Objective 3	15
Suggested Ideas & Changes	15
8. Draft Objective #4: Implementation, Monitoring, and Review	16
Summary of Draft Objective 4	16
Suggested Ideas and Changes	16
10. Closing	16
Appendix A - List of Participants	17
Appendix B: Detailed Participant Feedback on Policy Sections	19

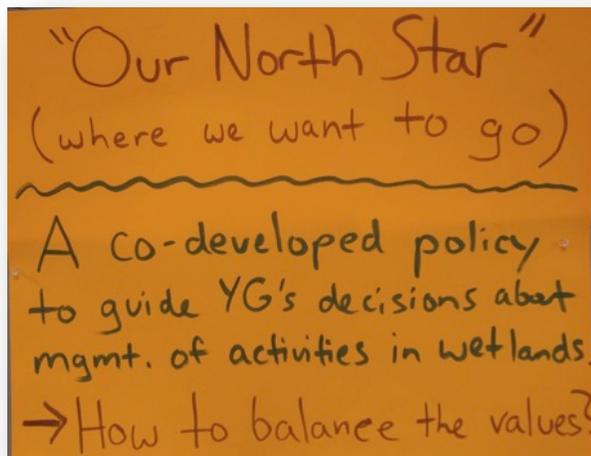
1. Opening Prayer and Agenda Overview

Ta'an Kwäch'an Council Elder Bill Bruton provided an opening prayer for inspiration and guidance to help participants navigate important conversations. The agenda for the fourth roundtable (RT4) was based upon working through the various sections of the latest draft policy document produced by the Drafting Group (DG) as follows – note that “Obj” refers to draft policy Objectives:

Day 1	Day 2
<ul style="list-style-type: none"> • Draft Policy Summary • Obj. 2: Balancing Ecological, Cultural, and Economic Values • Obj. 2 (cont): Mitigation Hierarchy • Day 1 Reflections 	<ul style="list-style-type: none"> • Indigenous Breakout + Report-Back • Obj. 1: Defining and Protecting Wetlands of Special Significance • Obj 3: Improving our Collective Understanding • Obj 5: Implementation, Monitoring, and Review • Closing

Process Recap

The facilitators quickly reviewed the overall roundtable process, including the target of a co-developed draft policy (our “north star”) and the intended road to an initial draft policy and public engagement process. **Note that this intended timeline has shifted as a result of desire for community engagement at this point in the process – see section 9.**



2. Draft Policy Summary Presentation

The Drafting Group (DG) presented a summary of their work on the draft policy (version 4) since the last roundtable.

Key points

- The DG members represent the diversity of interests and participants at the roundtables; considered how to approach balancing [what? Interests? Economic/environmental?]
- Many areas of agreement on the draft policy contents (e.g. protecting Wetlands of Special Importance)
- Some areas of difference or no consensus yet (e.g. overall intent/target of the policy)
- Policy Goal - draft statement speaks to various values - ecological, cultural, and economic
- Guiding Principles - last roundtable pointed out that we need these to help inform our decisions about the policy; tried to create meaningful, substantial principles and avoid buzzwords
- Policy Objectives:
 - 1. *Protection of Wetlands of Special Importance* - general DG support for the approach, noting that this should not mean other wetlands are not important
 - 2. *Balancing ecological, cultural and economic values* - agreement that the policy needs to guide this approach, and that a Mitigation Hierarchy is a good tool (Avoid > Mitigate > Offset); no agreement on what overall intent/target
 - 3. *Improve our Understanding* - DG did not spend much time here; most content is from RT#3 input
 - 4. *Monitor, Review and Adapt* - general agreement that this needs to happen, no full agreement on how to approach; DG did not spend much time on this matter

Initial reactions

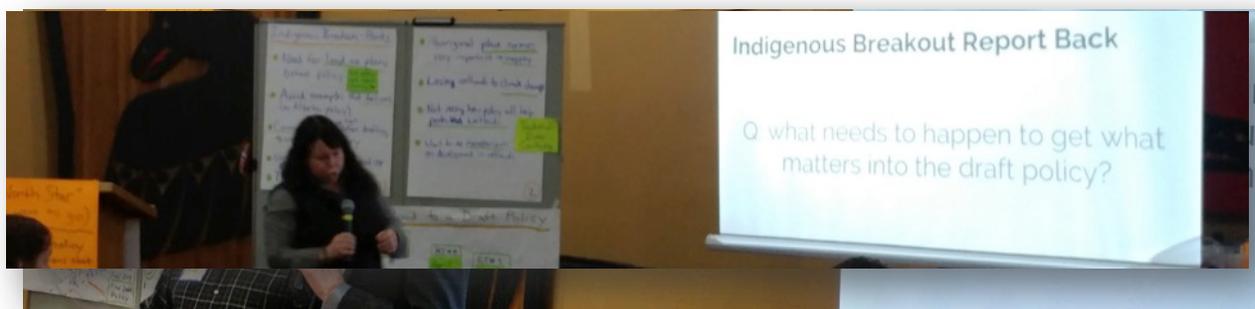
- Diverse people and interests worked together
- There are underdeveloped concepts - e.g. importance of wetlands for water quality, collective Importance of small wetlands, local and Traditional Knowledge
- Meaty issues were raised, but we are not on track to having resolution given only one more RT is scheduled after this
- Regulatory uncertainty is not addressed

3. Indigenous Breakout Report

As was done in RT#3, breakout time was provided for reps from Indigenous governments, and UFA boards and councils. Overall, participants in that breakout expressed frustration and concern about the absence of community engagement so far, and about key ideas and details that are not reflected in the draft policy document:

- People want to see community meetings before drafting of the policy so grassroots people can speak to their concerns about wetlands
- The wetlands policy needs to affirm that Traditional Knowledge is to be given equal weight and consideration as scientific knowledge in management decisions
- Want to see a stronger sense of protection for wetlands in the policy document, with a “protection-first” approach; concerns about phrases like ‘balance protection and economic activity’
- Desire for a moratorium on development in wetlands areas until there is more knowledge on their status and an effective policy and tools to address cumulative impacts
- Concerns about being inclusive of Indigenous participants:
 - Technical information and long written documents can be difficult
 - Using local examples would help participants understand the implications of the broad concepts being discussed;
 - Concerns that opinions shared during RT session were not being captured or reflected
 - Many people uncomfortable with sharing their views in front of a large group
 - Concern over lack of FN representation on drafting group
- Timing with respect to land use planning (mixed views):
 - some feel that land use plans (and local wetland mapping) need to happen before a policy is created
 - some people pointed out that a wetlands policy could help guide land use planning choices about wetland areas
- We should avoid talking about policies that don’t work (e.g. Alberta)
- Indigenous place names are very important for showing the importance of the land

The feedback from the Indigenous Breakout session has implications for the overall policy development process, as well as for the content of the policy. The Government of Yukon will consider the concerns raised at RT4, including how to address the request for community engagement.



4. Guiding Principles

At RT#3, several participants expressed the need for guiding principles. The Drafting Group (DG) worked to develop a first draft of eight principles for review by the RT:

1. Wetlands are essential for maintaining the health of Yukon ecosystems, which includes water, biodiversity, and people.
2. The rights and cultural perspectives of all Indigenous peoples in Yukon must be respected.
3. Any use of wetlands should be done in a responsible manner.
4. Managing the cumulative impacts of human activities on wetlands through time is needed to maintain wetland function and value.
5. Around the world, intact wetlands are increasingly rare and we recognize our responsibility to manage activities affecting Yukon wetlands accordingly.
6. Adaptive management strategies are necessary to deal with uncertainty, evolving knowledge, and change.
7. Decisions should be consistent in how wetlands are considered, across all resource sectors and for all land uses.
8. There should be flexibility to address regional conditions, perspectives and management processes.

The roundtable discussed what people liked and were concerned about regarding the draft Guiding Principles. The following results emerged from breakout discussions, with suggested changes below. The feedback particularly reflects diverse perspectives on how the values of wetlands should be reflected in the principles, and how the knowledge and rights of Indigenous peoples are reflected in the policy.

Likes:

- Statement that wetlands are essential for ecosystem health
- Adaptive management - we don't know everything, and need to be prepared to change
- Cumulative impacts are given attention

Concerns:

- Want to see the precautionary principle - protection and conservation first (consistent with *avoid* as a first strategy)
- Wetlands are connected to larger ecosystems, and water flows throughout them
- Recognize the rights of the land itself as an entity; give the land a seat at the table
- More affirmative language throughout - "shall" rather than "should"
- The contributions of development towards the public good should be considered
- Indigenous governments should be partners in the policy development process - improving government to government communication with Indigenous is necessary; all government policy is part of reconciliation
- Traditional and local knowledge needs to be given equal weight with scientific
- Affirm the value of all forms of knowledge in a way that unites us rather than divides - "walking on both sides of the stream together", (Traditional Knowledge on one side, science on the other) – there are places where the banks narrow and we walk together as we move upstream

- Indigenous rights are a given and are the law, not a principle - move this to preamble that acknowledges Final Agreements and legal rights
- First Nations have used Respect, Caring and Sharing as key principles

Suggested Changes (by principle #)

1. Wetlands also protect the quality of our air
2. Recognize rights and cultural perspectives of all Yukon citizens
3. What does use in “responsible manner” mean? Don’t like “use” - implies ownership - maybe “activities”
4. Implies that use and degradation are a presumption of the policy; Cumulative impacts - should be “limiting” not managing”; should consider climate change and invasive species
5. “Accordingly” is ambiguous - need to clarify what this means (i.e. importance of safeguarding the intact wetlands we do have)
6. No suggested changes at this time
7. Processes should be consistent, not “decisions”; confusing as stated
8. No suggested changes at this time



5. Draft Objective #1: Defining and Protecting Wetlands of Special Importance

During RT #3, it was clear that participants wanted to see the policy provide guidance for identifying and protecting wetlands of special importance. The policy would not identify specific wetlands as being of special importance (e.g., the policy is not a land planning exercise), but rather speaks to processes for defining and protecting them. Some concern was noted in regards to clear and effective steps for implementation of this approach

Summary of Draft Objective 1

A. How to define and identify Wetlands of Special Importance

Potential criteria for defining important wetlands:

- Representative of wetland classes for a particular land management unit
- Significant social or cultural importance,
- Wetlands that are:
 - internationally significant and listed under the RAMSAR convention
 - rare or at risk in Yukon
 - important for the recovery of species at risk
 - providers of critical fish and wildlife habitat
 - providers of critical hydrological functions
 - substantial historical cumulative loss within a land management unit

Potential process for identifying Wetlands of Special Importance:

- Recognize that this will happen through existing processes, e.g., regional land use planning.
- Mechanism for any person to nominate Wetlands of Special Importance to the Wetland Technical Committee.

B. Protection of Wetlands of Special Importance

- Determined through existing processes and designations (e.g. land use planning, Habitat Protection Areas and Special Management Areas).
- Stewardship expectations include:
 - Ensuring the long-term protection of the ecological functions and values
 - Ensuring the cultural or social values of the wetland area are maintained.

Concerns and Suggested Changes

Criteria

- Start by identifying intact wetlands and applying criteria such as rare species habitat, cultural and spiritual importance
- Learn from criteria used to select special wetlands in treaties
- Must acknowledge that climate change will create wetland change over time

Process

- Concern that existing mechanisms for protection (e.g., Habitat Protection Areas or Special Management Areas) can be very slow, and difficult to be applied to new areas (i.e. not previously identified in Land Claim agreements)
- General support for an independent wetland advisory body, so long as it includes local YFN's and RRC's and considers different knowledge systems and ways of knowing
- Nomination process must consider the limited capacity of small communities
- Concern about implying that those wetlands not designated as having special importance are somehow less valuable or expendable; creates tension between the idea of 'special' and 'less special' wetlands, but also recognition that every wetland is special to someone
- Challenges with scale and context in identifying wetlands of special importance – is it regionally special wetlands, or relative to Yukon as a whole? How to define boundaries, and who does this?

Other Considerations

- Objective 1 should guide and not duplicate the work of Regional Land Use Planning
- Concern was raised about anti-development sentiments. The societal value of some types of development (e.g. sewage lagoons) other than for direct economic gain, was raised
- Concern raised about general anti-development sentiments. The Village of Mayo needed to convert a wetland into a sewage lagoon to avoid the continued pumping of sewage into Stewart River. The use of that wetland was seen as benefit

Specific Changes Suggested:

- Line 94: add wetlands that are culturally significant to First Nations
- Line 95: sense YFNs and RRC's should be at the front of the list
- Line 100: concern about how 'rare' is determined and at what scale
- Line 103: re: hydrological function, specify to include 'surface' and 'groundwater'
- Line 109: concern about 'who' / 'what' is the mechanism and that political intervention might compromise the effectiveness of the process



6. Draft Objective #2: Balancing Ecological, Cultural, and Economic Values

Objective #2 is fundamental to the draft policy because it will guide the Government of Yukon's decisions around human activities affecting wetlands. This section summarizes the RT#4 discussion about how to approach balancing the values involved, which was focused around three fundamental and interdependent questions about managing values of wetlands:

- **Of what?** - what exactly is being managed?
- **From what?** - how to define a baseline from which to measure change?
- **To what end?** - what is the overall policy target?

Tyler Kuhn from the Government of Yukon made a technical presentation to further explain these questions and how they fit together, which can be found on the wetland policy engagement website (online.engageyukon.ca).

Participants at RT#4 did not come to agreement on the policy approach for Objective #2, and more work will be required on this topic – see Next Steps below.



Mitigation Hierarchy & Wetland Management Decisions

The drafting group agrees that a mitigation hierarchy is a critical component of the wetland policy, and a tool that helps decision-makers address effects of human activity on wetlands.

Mitigation Hierarchy – managing effects of human activities on wetlands		
<p style="text-align: center;"><u>Avoid >>></u></p> <ul style="list-style-type: none"> • Redesign • Relocate • Decline activity 	<p style="text-align: center;"><u>>>> Minimize >>></u></p> <ul style="list-style-type: none"> • Project controls • Reclamation 	<p style="text-align: center;"><u>>>> Offset</u></p> <ul style="list-style-type: none"> • Protection • Restoration • Knowledge growth

However, a mitigation hierarchy raises important questions about how to assess effects on wetlands, and does not by itself say anything about the overall management goal of the policy. To effectively manage effects on wetlands, a policy needs to address the three fundamental questions:

Of what?

The first question is to clarify ‘what’ is being considered in management decisions. This could be:

- **Function** or what wetlands do (e.g. controlling water flows, moderating nutrient levels, provide wildlife habitat, and provide natural fire breaks);
- **Value** or what wetlands do for us as people (e.g. health and safety benefits (e.g. flood control, water filtration, fire control), harvest opportunities (e.g. wild berries, hunting), and cultural and aesthetic value)

One alternative is to use the term ‘**benefits**’ to capture both ‘function’ and ‘value’. For example, the Alberta Wetland Policy states: “...to sustain the benefits provide to the environment, society, and the economy”.

From what?

The second question is to clarify what starting-point or baseline from which to measure impacts of activities on wetlands. The roundtable did not have time to address this question at RT#4, and will need further discussion.

To what end?

The third question is to clarify the overall target of management decisions about activities affecting wetlands. Three general options were explored, noting that these require clarity on the question of what is being managed for (functions, values or benefits):

1. **Minimize loss** – make best efforts to limit effects on wetlands functions/values/benefits without setting a specific policy target
2. **No net loss** or **Net gain** – set a formal target of no net loss of wetland function/value/benefit
3. **Hybrid - threshold approach**: apply the different approaches above depending on whether a certain regional impact threshold has been crossed

Benefits and challenges of policy options

RT participants went through a scenario exercise to try applying these different policy approaches to real-world activities, and consider the benefits and challenges. (The two scenario examples used were a mining operation and a tourism land development).

Options ↓	Benefits	Challenges
Minimize Loss	<ul style="list-style-type: none"> - Not zero-sum game - Flexibility - Proactive over reactive - Allows for adaptive management - Practical for proponent and regulator 	<ul style="list-style-type: none"> - How to quantify and qualify - How to monitor - How to be consistent - What scale: local? Regional? - How to account for ‘other’ changes like climate change?
No Net Loss	<ul style="list-style-type: none"> - Provides greater conservation certainty - Provides resilience to climate change - Enhanced habitat of area - Provides response to concerns about impacts on wetlands 	<ul style="list-style-type: none"> - Challenge in measuring - how practical now for Yukon? Burden of defining overall wetlands types and benefits for all of Yukon, regions - How to define scale – regional? Yukon-wide? - Who defines benefits and how?
Hybrid: thresholds	<ul style="list-style-type: none"> - Flexibility - Allows ecosystem-level management - Practical path for proponents, with enough certainty for conservation (ecological and cultural) at the ‘top end’ - Monitoring of cumulative effects 	<ul style="list-style-type: none"> - Initially, complex to understand - Requires an inventory - Requires acknowledgment that some loss is acceptable - Defining threshold: what and when?



Viability of the ‘no-net-loss’ policy option

The “no net loss” approach to wetlands management has been employed in various forms in other jurisdictions, and some feel it is an approach that should be implemented in Yukon. Others question its overall effectiveness and whether it is viable to implement in the unique Yukon context. Participants shared different perspectives on this topic, with the intent of informing further work and recommendations by the Drafting Group:

Perspectives that ‘no-net-loss’ is a viable option:

- Of ‘function’, yes (of ‘area’, no)
- Concern that the aggregate of loss over the long-term will lead to significant loss
- Concern that any ‘acceptable’ loss or rate of loss eventually leads to substantial or complete loss in the future if restoration is not required on par.
- Given the long term view, the policy needs to be aspirational
- ‘Offsets’ can include non-direct options such as funding research
- Concern that only the ‘no-net-loss’ option will provide conservation certainty
- Some open to hybrid-threshold option to provide some conservation certainty

Perspectives ‘no-net-loss’ is not a viable option:

- Sense that ‘no-net-loss’ not practical in Yukon due to lack of inventory of wetlands, their types and their benefits
- Approach may be difficult or unworkable for smaller scale developments (e.g. agricultural lease, woodlot)
- Not necessary given the relatively small impact of development in Yukon
- Concern that the hybrid threshold approach could encourage widespread low-level damage across unimpacted wetlands and lead to general loss of functions and values across the landscape

Other perspectives:

- Priority should always be to avoid impacts to wetlands
- Other jurisdictions are avoiding a point-in-time baseline and instead measuring against a natural rate of change
- Lack of Yukon inventory will pose a challenge, though there is a commitment from the Water Strategy for increased inventory
- There are other policy mechanisms that support ‘no-net-loss’ like the Federal *Fisheries Act*, though also concern that these have been difficult to implement

Next Steps

No firm conclusion was reached on a preferred management target, and the matter will require further assessment and recommendation, likely by a DG or through additional engagement and roundtable discussion.

7. Draft Objective #3: Improving Our Collective Understanding

Since the start of the wetlands policy process, it has been noted that we collectively do not have enough information about Yukon's wetlands. In fact, this was noted in the Yukon Water Strategy 2014-18, which called for a wetlands inventory as part of a new policy.

Summary of Draft Objective 3

The DG did not have enough time between RT#3 and RT#4 to address this topic in detail. High-level concepts and related details for review by the RT include:

- A. **Support for a Wetland Inventory** - using the Canadian Wetland Classification System and Ecological and Landscape Classification system; focus first on areas of high development and protection interest
- B. **Increase Wetland Knowledge** - promoting research on northern wetlands, including permafrost effects, reclamation and restoration, carbon cycle relationships, and indicators of wetland health
- C. **Promote Public Awareness and Appreciation** - including roles in the ecosystem, personal and corporate stewardship

Suggested Ideas & Changes

- Putting more emphasis on a wetland inventory should become a baseline for moving forward; inventory can establish a baseline to look at quality, function and lifecycle - use all available technologies as well as ground-truthing; Don't duplicate effort - better use knowledge and info we have
- Develop new maps and draw on current ones to capture current data (number, location, class, quality, lifecycle) so we can see significant values already identified incl. development activity in relation to wetland areas
- Gather Yukon-appropriate info (e.g. permafrost conditions - sporadic, discontinuous, continuous, biodiversity values in different wetlands classes)
- Traditional and local knowledge play a key role in improving our knowledge; create a bridge of understanding with science
- Public education about role and benefit of wetlands to people (e.g. drinking water)
- Draft is missing role of social and cultural science, e.g. harvesting, place values
- Pay more attention to wetlands values - draft policy focuses a lot on functions
- Changes in wetlands happen over a long period - monitoring needs to be long-term
- More understanding of climate change effects
- Compare reclaimed vs. natural wetlands, using long-term approach

8. Draft Objective #4: Implementation, Monitoring, and Review

It has been noted at previous RTs that an implementation plan will be important for the success of the policy, including commitments to monitoring its application and review.

Summary of Draft Objective 4

The DG recommended adding a policy objective on these topics, but did not have enough time between RT#3 and RT#4 to address this topic in detail. High-level concepts for consideration, include:

- A. **Monitor and Report to the Public** - using the Government of Yukon's annual State of the Environment report to share details on wetland protection, development effects and mitigation efforts (including requirements of development proponents)
- B. **Commitment to Adaptive Management** - monitoring the effectiveness of policy tools and adapt them as needed, considering new knowledge that may emerge

Suggested Ideas and Changes

- Policy review should probably be a separate section of the policy, since it is a given rather than an objective (as every policy should be reviewed).
- Review time frame - will differ for various policy elements; progress on achieving overall policy goal could be longer term (10 yrs), while review of policy details should be much sooner (2-3 yrs)
- Should be a wetlands database to track metrics and elements being reviewed
- Policy needs to spell out who is involved in monitoring - will be many groups (e.g. the Government of Yukon, Water Board, First Nations, project proponents)
- Review should also address subjective matters, not just technical metrics - e.g. how public and communities feel about the policy, how the policy has affected decisions about projects
- Tracking metrics is good, but unsatisfying as a basis for the review
- Policy needs initial grassroots consultations to ensure that it is strong to begin with, not waiting for a review
- More on-the-ground monitoring people needed to help gather info (e.g. Indigenous Guardians)
- Consider how monitoring and review fits with regional land use planning .

10. Closing

Tyler Kuhn from the Government of Yukon spoke about the overall timelines and steps of the policy development process, acknowledging the concerns that were heard from the Indigenous Breakout about the absence of community engagement meetings so far in the policy process. The Government of Yukon will consider the concerns raised at RT4, including how to address the request for community engagement, further work on the draft policy, and final review.

Coralee Johns of Ta'an Kwäch'än Council led the group in a closing prayer which spoke to the importance of all Yukoners working together to chart a common future.

Appendix A - List of Participants

* Denotes participant in the Drafting Group

ORGANIZATION	NAME
First Nations & transboundary Aboriginal groups	
First Nation of Na-Cho Nyäk Dun	Josee Tremblay
Selkirk First Nation	Ellie Marcotte
Tr'ondëk Hwëch'in	Kim Melton*
Ta'an Kwäch'än Council	Coralee Johns and Bill Bruton*
Kluane First Nation	Kate Ballegooyen
Tetlit Gwich'in Council	Johnny Kay and Annie Kay
Municipalities / Federal government	
Town of Faro	Cheryll Stubbs
Village of Mayo	Blair Andre
Canadian Wildlife Service	Nathalie Lowry*
Fisheries and Oceans Canada	Jeska Gagnon
Industry Organisations	
Yukon Woods Products Association	Myles Thorp
Yukon Prospectors Association	Grant Allan* and Mark Prins
Yukon Agricultural Association	Joanne Johnson
Chamber of Mines	Randy Clarkson and Len Mychasiw
Klondike Placer Miners Association	Jonas Smith* and Trish Hume
Yukon Energy	Travis Ritchie
Environmental Organizations	
Canadian Parks and Wilderness Society	Randi Newton*
Ducks Unlimited Canada	Jamie Kenyon*
Yukon Conservation Society	Mike Walton* and Sebastian Jones

Wildlife Conservation Society	Hilary Cooke
Boards	
Yukon Water Board	Neil Salvin and Jon Bowen
Land Use Planning Council	Sam Skinner and Copper Joe Jack
Yukon Fish and Wildlife Management Board	Tecla van Bussel* and Carl Sidney
RRCs	
Alsek Renewable Resources Council	Larry Joe and John Carney
Carcross/Tagish Renewable Resources Council	Don Toews
Carmacks Renewable Resources Council	Lorraine Graham and Joseph O'Brien
Selkirk Renewable Resources Council	Jerry Kruse and Jerry Alfred
Teslin Renewable Resources Council	John Martychuk and Carolyn Allen
Mayo Renewable Resources Council	Ed Johnson and Jimmy Johnny
Laberge Renewable Resources Council	Betsy Jackson
Government of Yukon	
Department of Environment	Amy Law*, Tyler Kuhn,* Jen Meurer, Nicole Novodvorsky, Mitch Heynen, and Denise Gordon
Dept of Energy, Mines, Resources	Briar Young*, Jocylyn McDowell*, Jeff Bond and Alex Taylor
Dept of Highways and Public Works	Rob Smith
Executive Council - Major Projects	Shannon Jenson
Support	
Facilitators	John Glynn-Morris and Mark Nelson
Sound	Mark Penner and Jeff Hamm

Appendix B: Detailed Participant Feedback on Policy Sections

RT#4 participants provided their feedback and input on draft policy (v.4) sections through various breakout discussions, and also by written submissions on sticky notes.

Policy Goal

- *I'd like to see "protection" or "conservation" in the goal; should not include "while allowing for economic development in the Yukon" because this is a wetlands policy, not an economic development policy.*
- *Suggest, following Alberta policy and other Yukon legislation: "To conserve, restore, protect and manage wetlands to sustain the benefits they provide to the environment, society, and economy".*
- *Promote conservation and sustainable use in an equitable way"*
- *Protect, conserve, restore and manage wetlands to ensure sustainable use, sharing the benefits arising within and around the wetland area*
- *Remove "while allowing for economic opportunities"*
- *Wetlands have been drained, destroyed and damaged across Canada while wetlands policies are in place. So does this policy protect wetlands so we do not replicate (e.g. Alberta)?*

Policy Scope

- *Should include a temporal element. Need recognition that the policy we develop now will not be the same in 20-30 years. What we need now is a policy that will allow us to move forward for the next 3-5 years to be re-examined after that.*
- *Clarify intent of YG to integrate wetlands policy objectives into permitting decisions, conditions and monitoring*
- *"Policy does not apply to..." new human-made wetlands; does this also mean wetlands re-purposed for these uses?*

Guiding Principles

- *Suggest identifying more explicitly the point of the guiding principles. Policies cannot cover every situation, especially with regard to topics about which not a lot is known. So the principles are there to refer to when decisions need to be made about policy elements, programs and activities/actions - not only YG actions but actions by all parties.*
- *Try to have fewer principles - maybe combine a few*
- *Add recognition of connectivity*
- *"The rights and cultural perspectives of all citizens in the Yukon must be respected when doing any activities in wetlands"*
- *Recognize Indigenous/Aboriginal culture and rights, but consider language that unites us all - e.g. YESAA section 2(d)*
- *Include language that directs the consideration of all forms of knowledge and ways of knowing (e.g. TK, scientific and local knowledge)*
- *Wetlands → Grassy Lakes (consider other lens, other language)*
- *"Integrated management of cumulative impacts of human activities and environmental changes (e.g. climate changes, invasive species) on wetlands is needed to sustain the integrity of wetlands"*

- *Decisions need to be informed by, and based on, all sources of knowledge (local and Traditional Knowledge given equal weight to scientific knowledge - UFA)*
- *This policy needs to acknowledge that there are limits; without accepting limits to impacts to wetlands, we shall eventually impact all the wetlands*
- *Don't degrade/destroy a landscape that cannot be restored*
- *Respect rights and perspectives of all living beings that rely on and live in wetlands*
- *Precautionary principle: where we do not have perfect or even relatively complete knowledge, we must defer to conservation, because we can always decide to destroy a wetland, but we cannot restore a wetland*
- *Add climate change impacts and stressors and increasing uncertainty*
- *"Responsible use" presumes agreement on "use", aka degradation/impact - should remove or be much more precise with language that allows saying NO to development*
- *Cumulative impacts of human activities on wetlands through time and space must be considered to maintain wetland function and value*
- *There is a responsibility to protect intact wetlands in the Yukon, as they are increasingly rare globally*
- *Do not use Alberta's wetland policy as a model because its wetlands are vanishing*
- *Because wetlands and their functions are inseparably linked to their surroundings, wetland conservation must be pursued through an integrated system approach to environmental conservation and sustainable development*

Objective 1: Wetlands of Special Importance

- *The mechanism for nominating and designating wetlands of special importance must be as accessible as possible. It cannot be confined by the Regional Land Use Planning process. It cannot be the same method as that for designating SMA's and HPA's because that process has not worked*
- *Need to acknowledge that existing processes do not work. Technical Working Group Shall include local representation i e First Nations and RRC's, and not developers because they have a conflict of interest.*
- *Are wetlands technical committee is a decent idea. It should be set up similar to the technical working groups that advised Planning Commissions*
- *In places that have implemented Regional Land Use Plans, the Planning Commission's could be the body that designate Wetlands of special importance*
- *Does the committee have TK experts? It should.*
- *If we will rely on YESAB to support the avoidance of wetlands, YG must support their decisions*
- *Suggestion - develop a points-driven system to evaluate specialness*
- *All wetlands are important so challenging to Define special ones*
- *The term significant is loaded especially at a regional scale therefore, we need to look to a territorial scale*
- *Define what it is that makes them important: hydrology, rarity, wildlife habitat, and connection spiritually and culturally*
- *Things that are special and rare should be protected*

- *I like the list of criteria*
- *Feels like criteria are pointing more towards already impacted wetland as opposed to those that are intact*
- *We are all connected, we have to think of historical impacts, current changes such as permafrost thaw, and understanding how those affect what is special*
- *There has been some mention that intact wetlands are important both biologically and socially*
- *There are many areas identified through land claims that should be considered special*
- *Chapter 14 acknowledges traditional territories and the rights of First Nations*
- *How do we ensure a technical committee considers First Nation cultural and traditional values and Aboriginal Treaty rights if they are tasked with determining wetlands of special importance?*
- *Policy to give guidance for identifying these areas through other processes*
- *Use the RRC's as a venue to identify areas but remember not every First Nation has an RRC*
- *A committee tasked with determining wetlands of special importance should include First Nation government representation from affected First Nations, or the committee can have a process that requires consultation with affected First Nations.*
- *An interim or non-legislative tool to temporarily protect Wetland areas while decisions are being considered for activity on or around Wetland is to put an administrative Reserve in place. YG would have to do this*
- *To my knowledge, YG has the legislative authority to establish management zones. To my knowledge all of Yukon is one zone. There may be options to make use of management zones to help manage, protect and conserve wetland areas that are territorially significant*
- *Existing processes for designating protected areas have failed to designate any new SMA's, HPA's, or similar. Therefore, using existing processes seems like a terrible idea*
- *Throughout this objective, the word 'specially' should accompany 'important wetland' because all wetlands are important*
- *Section A: "...to determine and identify of wetlands..." (take out word 'of')*
- *Section A: need a line for 'important climate mitigation and or stabilization function'*
- *Line 93: Insert 'especially' before 'important'*
- *Line 95: change 'and/or' to 'and'*
- *Line 96: change "...local residents 'or'..." (to 'and', i.e and other interest groups)*
- *Line 97: include "or individuals"*
- *Line 109: either remove or roll into Line 107*
- *Line 113: replace 'could' with 'should'*
- *Line 129: insert 'original' before 'ecological' because otherwise a door is left open to modification*

Objective 2: Balancing ecological, cultural and economic values

- *Avoid the word balance as it assumes that economic values are somehow equivalent to ecological values. It must be recalled that without a healthy environment there will be no economy in the long run*

- *On the term values, consider that we are in the midst of a climate crisis. The climate related functions of intact wetlands and climate-related impacts of disturbing Wetlands must be explicit in the policy*
- *The mitigation hierarchy has to be informed by what we know about wetlands: Rarity? Amount of type protected already? Importance to Wildlife? Etc.*
- *For wetlands on private lands, consider:*
 - *Conservation easements*
 - *Incentives such as conservation land tax rebates*
 - *Park dedications in subdivision developments or cash-equivalent*
 - *Within municipalities and unincorporated communities with Planning and Zoning, you are required to obtain a development permit*
- *Can we agree on a 'minimize loss of wetlands' objective? it can includes Concepts like offsets, trade-offs and protection*
- *Avoid: protected Areas (Parks, HPA's, reserves, etc.) and wetlands that are deemed highly significant*
- *Minimize: ID folks to do this (?): design options, seasonality, size, offset etc.*

Objective 3: Improving our knowledge

- *Improve our Collective understanding of Yukon Wetlands through education, TK, data gathering, ongoing monitoring, and evaluation*
- *When marshes, lakes, and bogs dry up, is this a loss?*
- *Let's adopt the Canadian Wetland Classification System and get on with it*
- *Uncertainty or lack of adequate inventory or research directs us to a precautionary approach to allowing impacts to Wetlands from human activities*

Objective 4: Monitor, review and adapt

- *The term acceptable loss means we accept limit. So we could ask: what is the limit to our activities and growth?*
- *If we lose 1% of our existing Wetlands every year, in no more than 100 years there will be none left. We have seen this in the Prairies. We need to consider the exponential function*
- *Cumulative loss - for Wetlands that cannot be restored, it has to be zero because otherwise eventually there will be none of those ones left. for Wetlands that can be restored in 100 years, then 1% per year. for Wetlands that can be restored in 10 years than 10% a year.*
- *Cumulative at local level will cause conflict at a watershed level*
- *This is an unfunded mandate, and yet thresholds approach is more expensive and complex but leads to the best outcome. This requires more government capacity but the question is who pays?*
- *Evaluation could be its own section of the policy. An objective can be to adjust and adapt policy action based on evaluation results which are gathered through monitoring and evaluation.*
- *Track the number of protected areas designated and finalize for review process; satisfaction of proponents of protection with utility and effectiveness of policy*