

4.0 FIRST NATIONS AND OTHER PUBLICS CONSULTATION

An overview of the public and community¹ involvement activities is provided in Section 4.1 of this chapter. Section 4.2 describes the principles and approach to consultation, while Section 4.3 describes the methods used. Section 4.4 reviews the activities undertaken with various stakeholders and Section 4.5 describes the key perspectives and issues that were provided. Section 4.6 explains how the key perspectives and issues influenced the project. Section 4.7 describes what will occur in terms of communication about the project upon the filing of a submission to YESAB.

4.1 OVERVIEW

Yukon Energy developed a public involvement approach in order to incorporate community input in the Project design and environmental assessment, and to meet the regulatory requirements for public consultation in an effective and credible manner, and as a standing corporate principle for good planning. Public involvement is required under YESAA, and is consistent with the guidance provided by YESAB (2005) in its *Proponent's Guide to Information Requirements for Executive Project Proposal Submissions*. Section 2.0 of this guidance document states:

Before submitting a proposal to the Executive Committee, the proponent of a project shall consult any First Nation in whose territory, or residents of any community in which, the project will be located or might have significant environmental or socio-economic effects.

Public involvement focused largely on the stakeholders that reside in closest proximity to the Project, and to which the potential effects of a project would most likely accrue, including NND and the Village of Mayo, among other organizations and individuals. This included community members from Mayo, private landowners, resource users such as trappers and placer miners, and the Mayo District Renewable Resources Council (MDRCC). In addition, potentially affected non-government organizations, major customers and various federal and territorial government departments were identified throughout the Yukon. A list of the potentially affected or interested publics is provided in Appendix 4A.

The process was designed to provide on-going opportunities for potentially affected and interested parties to participate in the Project planning by providing information, allowing for sharing of key perspectives and interests regarding the Project, and assisting in devising measures to mitigate potential Project-related effects through the environmental and socio-economic assessment process.

¹ The term 'community' in this document refers to both place-based communities, which can be defined geographically, and interest-based communities defined by a common interest or activity, also sometimes referred to as a 'stakeholder' group.

4.2 PRINCIPLES AND APPROACH TO CONSULTATION

4.2.1 Guiding Principles

Yukon Energy has developed the following principles for public involvement in the project planning:

- **Value of Public Involvement:** Engaging the public in a participatory manner improves the project planning and assessment and will yield better outcomes for the project.
- **Opportunities for Ongoing Involvement:** Provide opportunities for interested or potentially affected parties to learn about the Project and provide inputs with respect to interests, concerns and opportunities. Where possible, work through the consultation process to resolve issues and enable participants to have inputs recorded at each stage.
- **Opportunities at Various Stages:** Before and after filing the Project Proposal, provide opportunities for public input.
- **Provide Various Communication Mechanisms:** Provide a variety of mechanisms to communicate and interact with the public.
- **Required Consultation with Aboriginal Peoples:** Recognize the unique status of First Nations who may be affected if the Project is developed. In particular, discuss the location and effects of the Mayo B Project which is located in the traditional territory of NND.
- **Adaptive Approach:** Adjust the public involvement activities, as required and feasible, throughout the environmental review and planning process, in response to issues, concerns and challenges.
- **Full and Fair Consideration:** Provide clarity on how submitted views and information have been considered and how they have informed Yukon Energy's project planning and assessment.

These principles are consistent with the YESAA intentions, and the YESAB guidelines which direct the proponent to provide notice of the proposed project in sufficient form and detail to allow the party (to be consulted) to prepare its views on the matter, a reasonable period of time for consultation activities, and fair and full consideration of the views presented. It is expected that the public will have further opportunities to participate in the Project review during the YESAB review process.

Yukon Energy, in its consultation with NND also took guidance from the First Nation's Guiding Principles Towards Best Practice Codes for Mineral Interests within Na-cho Nyak Dun First Nation's Traditional

Territory (Appendix 4C). Among the goals and objectives delineated in this document that were particularly captured in the consultation process were:²

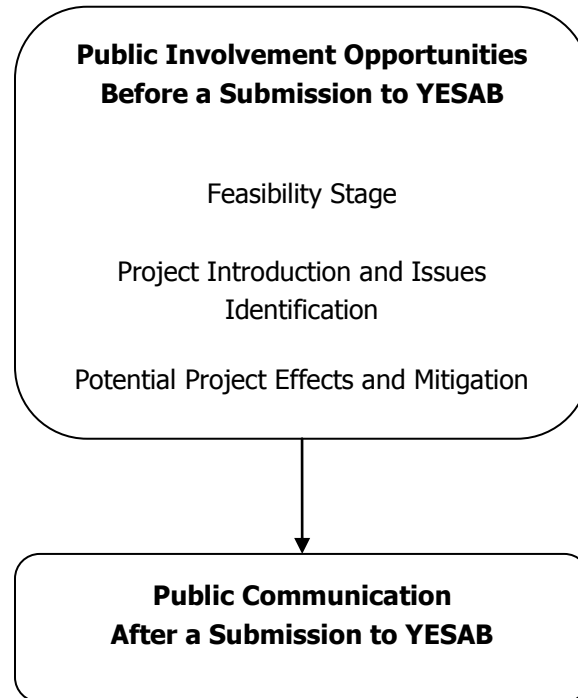
- **Keeping the Commitment Strong:** The parties are committed to working together to achieve environmentally sound and socially responsible developments.
- **Information Sharing:** The parties will ensure effective decision making through impartial sharing of accessible and accurate information in a timely manner.
- **Open Consultation:** The parties will work together to establish appropriate cooperative agreements which will encourage and provide opportunities for meaningful participation.
- **Protecting Environmental Integrity:** The parties are committed to protect and maintain environmental integrity and minimize the impact on the environment.

Yukon Energy also followed NND's Cooperative Engagement Process for Economic Activities Proposed in the Traditional Territory of the First Nation of Na-cho Nyak Dun (2008) (included in Appendix 4C). Protocol was followed to engage the Chief and Council and the staff of NND (described in detail in Section 4.4.1.2) Stages of Public Involvement.

Yukon Energy's public involvement activities were guided in part by discussions held early in the feasibility stage with key stakeholders in the vicinity of Mayo (NND, Village of Mayo, and the MDRCC). Additional opportunities for public consultation occurred prior to the filing of a submission to YESAB. Further opportunities to communicate with the public after filing with YESAB will also occur. These opportunities are described in brief by Figure 4-1. The detailed account of these activities and events associated with public involvement are provided in Section 4.4 and associated appendices.

² Since the guidelines were developed specifically for mineral development, not all of the goals and objectives are relevant – for example the goal regarding opportunities and capacity building which strives towards things such as “ensuring NND citizens receive the benefits derived from their mineral endowment”.

Figure 4-1
Stages of Public Involvement



4.2.1.1 Opportunities before a Filing with YESAB

As per the YESAB (2005) *Proponent's Guide to Information Requirements for Executive Committee Project Proposal Submissions*, Yukon Energy endeavoured to provide sufficient notice to stakeholders about the Project, as well as time for stakeholders to prepare and present their views. This included multiple opportunities before filing the Project Proposal with YESAB:

- **Feasibility Stage:** Yukon Energy approached NND, the Village of Mayo Council, and the MDRRC during the summer of 2008 as preliminary aquatic studies and geotechnical surveys were beginning. The purpose of this was twofold. First, Yukon Energy wanted to keep local stakeholders apprised of the activities that were taking place in the area. Second, Yukon Energy wanted to be made aware of any key interests and issues that might arise should they decide to move ahead with completing studies and consultation required for a submission to YESAB.
- **Project Introduction and Issues Identification:** In the fall of 2008, Yukon Energy began more formal public involvement activities to introduce the Project and its components/options. This stage provided an opportunity for the public to express key perspectives and issues it may have about the proposed Project. These activities focused largely on stakeholders in the Mayo area.

- **Potential Project Effects and Mitigation:** As studies progressed, opportunities to discuss potential Project effects and proposed mitigation measures were provided. Once again, feedback on key perspectives and issues was sought.

Over an eight month period Yukon Energy provided multiple opportunities for stakeholders to learn about the Project, as well as time to consider, prepare, and express their views. Where stakeholders expressed particular concerns, efforts were made to address the issues specifically and in as much detail as possible (based on the status of studies). Feedback was welcome up to the date of filing, and will continue to be accepted and incorporated into the Project planning throughout the review by YESAB and the public. Written feedback of specific issues was provided to key stakeholders and an issues questions and answer newsletter was prepared and direct mailed to all members of the public that left Yukon Energy with their contact information at one of Yukon Energy's public information sessions.

4.2.1.2 Public Communication of the Filing with YESAB

Yukon Energy will communicate its filing of an Executive Committee Screening Report with YESAB with the stakeholders identified in Appendix 4A. This will continue the open dialogue that has been established with local stakeholders such as NND, the Village of Mayo and local residents to ensure that issues they may have identified about Project implementation are addressed.

4.3 METHODS

Several methods to facilitate public involvement were adopted for the Project. These methods were designed to ensure that Yukon Energy was providing information about the Project in a reasonable manner, as well as providing opportunity to receive information and perspectives from potentially affected and interested parties. The audience and methods used for communication varied and included face-to-face interaction, telephone conversations, and electronic and paper communication.

4.3.1 Face-to Face Interaction

Face-to-face interactions with First Nations, stakeholders in Mayo, government, and other parties took a variety of forms depending on the desired level of interaction from the consulted party. This section describes the various formats of interactions that occurred with different groups, while the subsequent section provides details of the activities that occurred.

4.3.1.1 Interaction with NND

- **Meetings with Chief and Council:** As per the guidance provided in Cooperative Engagement Process for Economic Activities Proposed in the Traditional Territory of the First Nation of Na-cho Nyak Dun (NND, 2008b), protocol was followed to engage the Chief and Council, and subsequently the Lands and Resource Department. This included a written request for a meeting with Chief and Council, subsequent initial meeting, and finally in a

formal engagement process related to the Project. Although prior contact/meetings with NND had occurred prior to formal engagement, this process resulted in three main streams of activity with NND in addition to meeting with Chief and Council: 1) Meetings with the NND Lands and Resources Department; 2) Meeting with the NND Project Agreement Working Team, and 3) Meetings with NND membership.

- **Meetings with NND Lands and Resources Department:** The Land and Resources Department for NND acted and continues to act as a major point of contact for public involvement. Meetings have been held in both Mayo and in Whitehorse in order to discuss the proposed Project, associated field studies, and proposed mitigation measures with NND staff and its consultants. Where appropriate NND Lands and Resources staff would identify other relevant NND departments (e.g., Heritage) and community members to participate in meetings (e.g., resource users).
- **Meetings with NND Project Agreement Working Team:** NND and Yukon Energy each identified representatives for a Project Agreement Working Team. This group was tasked with working towards project related agreements including the potential business and investment opportunities for NND related to the project. Initial discussions resulted in a Letter of Contribution Agreement signed by NND and YEC to enable NND to participate in the Planning Phase of the Project up to the end of March 2009, including funding fees and expenses for NND external consultants to assist NND with their review of the proposed Project.
- **Meetings with NND Membership:** Although the majority of contact with NND focused on the Lands and Resources Department and the Project Agreement Working Team, efforts were also made to inform NND membership about the Project. This included invitations to a community drop-in event as well as a community meal and information session which were targeted not only at NND, but the entire community of Mayo.
- **Personal Communications:** Various other conversations occurred with NND Government representatives, largely to facilitate public involvement activities, but these interactions also enhanced the level of understanding about the socio-cultural setting and resource use in the region, as well as the key community interests and concerns regarding the Project. These communications were accomplished in person, by telephone and by email.

4.3.1.2 Interaction with Local Stakeholders and Municipal Government

- **Meetings with the Village of Mayo:** Meetings were held with key staff from the Village of Mayo as well as with the Mayor and Council. These meetings focused on informing the Village of the Project as well as to understand the key issues and concerns that arose from a municipal perspective.
- **Meetings with the MDRRC:** Meetings were held with the MDRRC. These meetings focused on informing the MDRCC of the Project as well as to understand key issues and perspectives.

- **Meetings with Community Members:** A community drop-in event as well as a community meal and information session were held to inform the community about the Project as well as to understand any key issues and perspectives associated with the Project.
- **Personal Communications:** Various key person conversations occurred, in part to coordinate the public involvement process, but also in order to address the key issues and concerns regarding the Project. These communications were accomplished by telephone and email.

4.3.1.3 Interaction with Other Government

- **Small Group Meetings:** Small group meetings were held with various interested federal, territorial and municipal government departments.
- **Open House:** Interested federal, territorial and other municipal government departments were invited to a Project open house in Whitehorse.
- **Personal Communications:** In many instances, consultation with government departments did not warrant a small group meeting and communication occurred via email and telephone.

4.3.1.4 Interaction with Other Publics

- **Small Group Meetings:** Small group meetings were held with various interested parties in order to provide information as well as to understand any key perspectives and potential issues associated with the Project.
- **Open House:** Potentially interested individuals and groups were invited to participate in a Project open house in Whitehorse.
- **Personal Communications:** Not all of the identified organizations/individuals with potential interest in the Project felt that holding a meeting was necessary as they had no major concerns. In such cases, communication occurred via email and telephone.

4.3.2 Electronic, Paper, and Other Media Communication

Electronic, paper and other media communication were used to inform stakeholders and interested publics about the project. The details and contents of each of these forms of communication are provided in Appendix 4B.

4.3.2.1 Mayo Area Activity Bulletins

In order to inform the community of activities associated with the planning of the Project occurring in the Mayo area, bulletins were posted in various locations throughout the community. This included postings at the NND offices, Village of Mayo offices, and the local Yukon Energy office.

4.3.2.2 Mayo Hydro Enhancement Project Newsletters

Two newsletters were produced to provide information about the Project. The first newsletter (November, 2008) described the need for and benefits of the Project, the regulatory approvals and reviews required, the existing Mayo hydro facility, the components of the proposed Project, ongoing studies, and the public involvement opportunities. Copies were mailed to the list of identified potentially affected or interested stakeholders, as well as used throughout public involvement activities.

The second newsletter (February, 2009) provided a summary of the key issues and perspectives provided by stakeholders to date. Distribution of the second newsletter included all individuals who have received the first newsletter and every mailbox in Mayo.

Both newsletters were also posted on the Yukon Energy website (see section 4.3.2.5).

4.3.2.3 Mayo B Posters and Fact Sheets

Project-related posters and fact sheets were developed based on on-going results from technical studies, engineering and environmental field work, and socio-economic and public consultation activities. These were used at the community meal and information session in Mayo and at the Whitehorse open house during January, 2009.

4.3.2.4 Mayo B Technical Status Update

In January 2009, Yukon Energy released a *Technical Status Update for the Proposed Mayo Hydro Enhancement (Mayo B)*. This document was circulated to stakeholders that had participated in on-going discussions on the Project, including NND, the Village of Mayo, MDRRC, the federal Department of Fisheries and Oceans, YG Environment, and the Canadian Wildlife Service. The update report incorporated on-going results from technical studies, engineering, environmental fieldwork, socio-economic baseline work, and public consultation activities (up to January, 2009).

4.3.2.5 Yukon Energy Website

In the fall of 2008, Yukon Energy created a link on their website posting a brief description of the Project. Along with describing the overall Project and providing links to the electronic version of the newsletters, the website described the contingencies for the development of the Project, such as securing the necessary approvals and permits.

4.3.2.6 Event Notification – Print and Radio

Yukon Energy used several means to notify the public about Project public involvement activities. This included posters in the community of Mayo, advertisements in the Whitehorse Star, and public service announcements on the radio (CKRW and CHON-FM) to inform the public of open community events.

These announcements were also sent to CBC North, but unlike the other stations were not guaranteed airtime.

4.4 REVIEW OF PUBLIC INVOLVEMENT ACTIVITIES TO DATE

The following sections summarize the public involvement activities with various groups of stakeholders. Appendices 4C, 4D, 4E, and 4F provide the supporting consultation materials including meeting notes and any materials used during meetings. In many instances, the same materials were used with different stakeholders. As such, some materials are cross-referenced to the first location in which they appear. Appendix 4G provides a summary of personal communications with various individuals and organizations.

4.4.1 Activities Involving NND

As previously indicated in Section 4.3.1.1, activities involving NND focused on four groups: 1) Chief and Council, 2) the Lands and Resources Department³, 3) the Project Agreement Working Team, and 4) NND membership. Table 4-1 provides a summary of these activities, while the presentation materials used and meeting notes produced are provided in chronological order in Appendix 4C.

³ Other departments and community members were involved in these meetings at the discretion of the NND Lands and Resources Department.

**Table 4-1
Summary of Activities Involving NND**

	Date	Location	In Attendance	Notes
Feasibility Stages	July 2, 2008	Mayo	NND Chief and Council, Yukon Energy	Operations overview & summer field studies notification
	August 5, 2008	Mayo	NND Lands and Resources, Yukon Energy	Summer field studies notification
	September 19, 2008	Mayo	NND Lands and Resources, Elders, Yukon Energy	Meeting to explain the Wareham Dam structure and safety facts
	September 25, 2008	Mayo	NND Lands and Resources, Yukon Energy	Socio-economic field work introduction
Project Introduction and Issues Identification	November 17, 2008	Mayo	NND Chief and Council, Yukon Energy	Proposed Project briefing with Chief and Council
	November 26, 2008	Mayo	NND Lands and Resources, Yukon Energy	Proposed Project briefing
	November 28, 2008	Whitehorse	NND Project Agreement working team, Yukon Energy	Proposed Project briefing
	December 3, 2008	Whitehorse	NND Project Agreement working team, Yukon Energy	Discussion on a contribution arrangement to assist in planning and process towards the signing of an MOU and Project Development Agreement
Potential Project Effects and Mitigation	December 4, 2008	Whitehorse	NND representatives, Yukon Energy	Land and Resource Use Workshop
	December 5, 2008	Whitehorse	NND representatives, Yukon Energy	Aquatic Environment Workshop
	December 16, 2008	Mayo	NND representatives, Yukon Energy	Briefing on Land and Resource and Aquatic Environment workshops
	January 19, 2009	Mayo	NND, residents of Mayo, Yukon Energy	Community meal and information session
	January 20, 2009	Mayo	NND Lands and Resources, Yukon Energy	Project Status Update
	February 17, 2009	Whitehorse	NND Lands and Resources, Yukon Energy	Project briefing on the water flow modeling

4.4.1.1 Feasibility Stages

During the feasibility stage of the Project, Yukon Energy wanted to ensure that NND was kept well apprised of the fieldwork activities that were occurring in the area. This included field studies that were occurring in the Project Construction Footprint (e.g., heritage and geotechnical work), as well as aquatic and terrestrial studies occurring within the Project Study Region. At the time, Yukon Energy had not entered into a formal consultation process with NND, however still endeavored to ensure that a relationship between the organization and NND was maintained.

Yukon Energy was open to the identification of any key interests issues that might arise should they decide to move ahead with completing studies and consultation required for a submission to YESAB. One of the issues identified was concerns over dam safety, and as such, Yukon Energy organized a session with NND staff and Elders to explain how the safety of the existing facility was ensured. This dam safety session occurred on September 19, 2008.

The on-going dialogue with NND before the feasibility of the project was completed allowed for an easy transition to a formal consultation process. The transparency of the process was noted and appreciated by representatives of NND.

4.4.1.2 Project Introduction and Identification of Issues

November 17, 2008, marked the beginning of official consultation, as per NND's Cooperative Engagement Process for Economic Activities Proposed in the Traditional Territory of the First Nation of Na-cho Nyak Dun (2008) (included in Appendix 4C). Protocol was followed to engage the Chief and Council, and the meeting resulted in agreement between the Chief and the CEO of Yukon Energy to have their staff and contractors work diligently and cooperatively in further consultation on the Project. A letter to Yukon Energy from the Chief of NND (and on behalf of the council), dated November 21, 2008 (see Appendix 4C) identified the key staff from the NND Lands and Resources Branch, as well as the negotiation team for NND. The letter acknowledged and supported the efforts that had been made to engage the community and were being proposed as the project proceeded.

Upon entering into a cooperative engagement process with NND, Yukon Energy proceeded with meetings with the NND Lands and Resource Department, the NND Project Agreement Working Team, and with the broader community to inform them of the project.

Activities eventually resulted in the signing of a Contribution Letter of Agreement between Yukon Energy and NND. The letter delineated the purposes of an accountable advance provided to NND to facilitate their participation in the review of the Project, including meetings from November 2008 through to the filing of the YESAB Executive Committee Project Proposal Submission. Among the activities undertaken between Yukon Energy and NND were socio-economic and resource use data collection, community consultation, and interaction with the Lands and Resources Department. The scope of the funding also included professional fees and disbursement for expenses for external consultants hired by NND to assist in their review of the Project.

By entering into a cooperative engagement process with NND, including the funding of external consultants to assist NND in reviewing the Project, Yukon Energy demonstrated its commitment to meet the duties set forth in YSEAA and YESAB's *Proponents Guide to Information Requirements for Executive Committee Project Proposal Submissions* regarding public consultation namely:

1. "By providing notice to the party to be consulted:
 - a. Notice of the matter in sufficient form and detail to allow the party to prepares its views on the matter;
 - b. A reasonable period for the party to prepare its views; and
 - c. An opportunity to present its views to the party having the duty to consult."(YESAB, 2005)

4.4.1.3 Potential Project Effects and Mitigation

Yukon Energy shared details on its current assessment of effects and mitigation to NND as studies progressed. This included workshops addressing the aquatic and terrestrial environments in December, 2008, status updates as the assessment process progressed in January, 2009, and sessions on water level and flow modelling as engineering for the Project was finalized (February, 2009). The workshops and sessions often focused on the concerns of NND, and as consultation activities progressed, NND was offered opportunities to set the agenda and topics of discussion in order to discuss any remaining areas of concern.

The Contribution Letter of Agreement between Yukon Energy and NND also included funding for a community meal and information session. More information on the community meal and information session is provided in Section 4.4.2.3 as the event was open to all community members in Mayo, not solely NND members.

Further discussions remain underway to ensure NND has all the necessary information to complete its own review of this project.

4.4.2 Local Stakeholders and Municipal Government

Activities with local stakeholders were focused on three groups: 1) the Village of Mayo Mayor and Council, 2) the MDRRC, and 3) community members. Table 4-2 provides a summary of these activities, while the presentation materials used and meeting notes produced are provided in chronological order in Appendix 4D.

Table 4-2
Summary of Activities with Local Stakeholders & Municipal Government

	Date	Location	In Attendance	Notes
Feasibility Stages	August 5, 2008	Mayo	Village of Mayo representatives, Yukon Energy	Project feasibility and field studies update
	September 23, 2008	Mayo	MDRRC, Yukon Energy	Project feasibility and field studies update
Project Introduction and Issues Identification	November 25, 2008	Mayo	Village of Mayo Mayor and Council, MDRRC, Yukon Energy	Proposed Project briefing
	November 26, 2008	Mayo	Community drop-in, Yukon Energy	Community drop-in event to introduce the Project
Potential Project Effects and Mitigation	January 19, 2009	Mayo	Village of Mayo Mayor and Council	Effects and mitigation discussion including review of concerns expressed in the Mayor's letter (dated December 18, 2008)
	January 19, 2009	Mayo	NND, residents of Mayo, Yukon Energy	Community meal and information session
	January 20, 2009	Mayo	MDRRC, Yukon Energy	Effects and mitigation discussion,

4.4.2.1 Feasibility Stages

Similarly to the early stages of involvement with NND, Yukon Energy strived to ensure that local community stakeholders were aware of the activities taking place in the Project Construction Footprint (e.g., heritage and geotechnical work), as well as aquatic and terrestrial studies occurring within the Project Study Region. Yukon Energy was open to the identification of any key interest and potential issues that might arise should they decide to move ahead with completing studies and consultation required for a submission to YESAB.

4.4.2.2 Project Introduction and Issues Identification

Yukon Energy introduced the Project to local stakeholders and municipal government in November, 2008. This provided the first opportunity for residents of Mayo and the surrounding area to learn about the Project as well as express any concerns or perspectives they had about the project. Generally speaking, people were receptive to the Project and considered it a preferable alternative to development of a new hydro electric generating site at a location not yet developed for hydro power. Representatives of the Village and the MDRCC maintained an on-going dialogue with Yukon Energy and its consultants from this point forward in regards to the Project.

In addition to meetings with the Village of Mayo and MDRCC, Yukon Energy also hosted a drop-in Mayo community event (November 26, 2008) to introduce the Project. This event was advertised with posters and on the radio, and individuals with leases in the Project Study Region were also called and personally invited to the event. Copies of the first newsletter were distributed at the event, and Yukon Energy staff and consultants were on hand to field questions and receive feedback from community members regarding the Project.

4.4.2.3 Potential Effects and Mitigation

Yukon Energy provided details on effects and mitigation to local stakeholders and municipal government as studies progressed. Yukon Energy also consulted directly with local stakeholders to gain a better understanding of the existing environment and related interests and potential concerns.

The Village of Mayo expressed some of its concerns in a letter dated December 18, 2008 (see Appendix 4D). The letter provided the outcomes of a discussion with Mayor and Council that resulted in 12 questions and concerns regarding the existing environment and proposed Project. This letter provided the basis for the next meeting with Mayor and Council on January 19, 2009, where Yukon Energy worked to address the concerns identified in the letter.

Other stakeholders with specific interests and concerns were welcomed to provide written commentary or ask questions of Yukon Energy, the details of which are captured in the Record of Personal Communications in Appendix 4G. As a result of this process Yukon Energy has committed to further discussion with the village in regard to maximizing benefits from construction camp infrastructure, for example.

Mayo Community Meal and Information Session

On January 19, 2009 Yukon Energy hosted a community meal and information session for local stakeholders in Mayo, including residents of the Village and surrounding area, as well as NND. The event was advertised in the Whitehorse Star on January 16, 2009 and January 19, 2009, as well as on the radio (CKRW and CHON-FM), and in posters posted in various locations in Mayo.

This event was designed not only to provide the current understanding of the Project and its components, but to describe what was known about the assessment of effects to date. This event was attended by 48 community members, not including Yukon Energy employees and consultants. It included an excellent meal catered by NND members, as well as a presentation by Yukon Energy on the Project status. Newsletters, posters and fact sheets providing more detailed information on the Project were available at the event (See Appendix 4D for materials).

4.4.3 Other Government

Table 4-3 provides a summary of these activities. The presentation materials used and meeting notes produced are provided in chronological order in Appendix 4E. Considerable informal interaction occurred as well with government agencies. Record of this communication is included in Appendix 4G.

Table 4-3
Summary of Activities with Other Government

	Date	Location	In Attendance	Notes
Project Introduction and Issues Identification	November 4, 2008	Whitehorse	Department of Fisheries and Oceans, Yukon Energy	Proposed Project briefing
	November 24, 2008	Whitehorse	Yukon Department of Tourism & Culture, Yukon Energy	Proposed Project briefing
	December 3, 2008	Conference Call	Yukon Environment (Regional Biologist), Yukon Energy	Proposed Project briefing
	December 3, 2008	Whitehorse	Canadian Wildlife Service (Environment Canada), Yukon Energy	Proposed Project briefing
	December 4, 2008	Whitehorse	Yukon Environment – Fish and Wildlife, Yukon Energy	Proposed Project briefing
	December 16, 2008	Mayo	Yukon Environment (Conservation Officer), Yukon Energy	Proposed Project briefing
Potential Project Effects and Mitigation	December 4, 2008	Whitehorse	Department of Fisheries and Oceans, Yukon Energy	Proposed Project briefing, including effects and mitigation discussion
	January 22, 2008	Whitehorse	Yukon Environment – Fish and Wildlife, Yukon Energy	Proposed Project briefing, including effects and mitigation discussion

Yukon Energy consultation with federal and territorial governments focused on departments identified either by Yukon Energy or government as having potential interest in the Project. In addition to the meetings listed in the above table these departments received copies of the Technical Status Update (see Section 4.3.2.4 and Appendix 4B). Federal, territorial and municipal (i.e., Whitehorse) government departments were informed about the Project through newsletters and other media as well as being invited to the Whitehorse Open House (See Section 4.4.4.1).

4.4.4 Other Publics

The consultation efforts sought feedback from various non-government organizations and well as private citizens. For the most part, these potentially affected or interested parties were contacted with the newsletter, although efforts were made to contact people that were likely to have concern or interest in the Project, such as lease holders around Mayo Lake, placer miners, ENGOs and other organizations. Any materials used and meeting notes produced with other publics are provided in chronological order in Appendix 4F.

Several non-government organizations with potential interest in the Project were contacted to see whether they had interest in being involved in consultation activities. Among the organizations contacted were the Yukon Conservation Society (YCS), CPAWS, the Wilderness Tourism Association of the Yukon (WTAY), Silver Trail Tourism Association, Klondike Placer Miners Association, Association of Yukon Communities, and the Silver Trail Chamber of Commerce. Of these organizations, only YCS expressed interest in meeting with Yukon Energy. Numerous other non-government organizations were also informed of the project by newsletters, as well as invited to the Whitehorse Project Open House (e.g., Utilities Consumer Group, the Yukon Salmon Sub-Committee, etc.).

Efforts were taken to notify potentially interested publics about the consultation events associated with the Project. For example, phone calls were placed to all trappers, placer miners and lease holders in the Mayo area to inform them of the Community Drop-in Event (November 26, 2008 in Mayo); and notices were placed in all Village of Mayo post-office boxes for the community information session (January 19, 2009). For individuals and organizations with addresses in Whitehorse, letters of invitation were sent for a Project Open House on January 21, 2009 (held at the High Country Inn, Whitehorse). All personal communications are summarized in Appendix 4G, while the list of Whitehorse Open House invitees is provided in Appendix 4F.

4.4.4.1 Whitehorse Open House

On January 21, 2009, Yukon Energy hosted an open house at the High Country Inn in Whitehorse for interested publics. This event was attended by 20 individuals interested in hearing about the Mayo B Project, the need for the project, and potential project effects. The event was advertised in the Whitehorse Star on January 16, 2009 and January 19, 2009, as well as in public service announcements on the radio (CKRW and CHON-FM). Letters of invitation were sent to stakeholders in Whitehorse, including individuals with leases in the Mayo area with Whitehorse addresses (see Appendix 4F for the list of Whitehorse Open House Invitees).

4.5 KEY ISSUES & PERSPECTIVES HEARD TO DATE

Participants in the public involvement activities provided a wide range of issues and perspectives over the course of consultation activities. Some concerns were very specific, while others were more general. Some similar perspectives were raised on numerous occasions, while others were only cited by a single individual or organization. In many cases, the individual or group consulted had no identified issues or concerns with the Project, and many saw it as an opportunity for the Yukon.

4.5.1 Key Issues Related to the Existing Environment and Mayo Facility

Stakeholders identified concerns related to the existing environment, as well as the operation of the existing Mayo Hydro electric facility. These concerns are documented in the meeting notes presented in Appendices 4C, 4D, 4E, and 4F, as well as the record of personal communications presented in Appendix 4G.

4.5.1.1 Existing Environment Concerns

On several occasions, people expressed interests and concerns that related to conditions in the existing environment, often in relation to issues that have arisen in recent years. Although these concerns have been identified as part of the existing conditions in the Project Study Region, in most instances no pathway of effect can be identified in relation to the Mayo B Project.

Dam Safety

Residents of the Mayo area expressed concerns about the safety of the existing dams, particularly about the Wareham Dam. There are concerns that if the Mayo Lake Dam or the Wareham Dam breach, people and homes in Mayo could be flooded. There are also concerns about the amount of time necessary to react if such an emergency were to occur (emergency measures, planning and protocol).

The process of inspecting the existing Mayo hydroelectric to ensure the safety of the operation was shared with stakeholders. This includes routine inspections (day-to-day observations, monthly check-list driven inspections as required and 24-hour equipment monitoring), annual formal inspections by Yukon Energy engineering staff, and an independent dam safety review every five years by independent contractors as per the Canadian Dam Association guidelines and current operating licence. The most recent five-year review was conducted in November of 2005. The proposed Project does not include building any new dams or substantive changes to the existing structures. Yukon Energy will continue the inspections as noted above. Yukon Energy also maintains an Emergency Preparedness Plan for the Mayo Hydro facility that is shared with EMO and Village of Mayo officials. It contains a very detailed response, communication and in a worst case event, an evacuation plan.

Fish Passage at the Wareham Dam

The question of upstream fish passage on the Mayo River has been noted at times by community members since Wareham Dam was constructed in the early 1950's. The Mayo River traditionally had a run of Chinook salmon which migrated over 50 km upriver to, and through, Mayo Lake. Wareham Dam was constructed 12 km upstream from the mouth of the Mayo River, greatly reducing the length of river available to Chinook salmon, including access to spawning sites immediately downstream of Mayo Lake.

The local community has expressed concern over the loss of access by Salmon to the upper Mayo River. It has been reported by the local community that provision of a fish ladder was requested as a condition for the construction of Wareham Dam by the Northern Canada Power Commission (NCPC) in the 1950's. Interviews with some Elders and other long-time residents of the area relay that a fish ladder was understood to be part of the original project design. While some accounts suggest that NCPC agreed to build a fish ladder at the Wareham Dam, others have no recollection of such commitments being made (Buchan, 1993). At numerous meetings over the past six decades, local residents and community representatives have reintroduced and enquired about a fish ladder at Wareham Dam to facilitate the rehabilitation of salmon runs in the Mayo River. Separately, YEC is aware that a fish collection and transport facility ("trap and truck") around the Wareham Dam has also been contemplated by other parties. Yukon Energy conducted a very extensive research of its files and the NCPC files in its possession and can find no mention of a fish ladder.

Construction of a fish ladder at Wareham Dam would be a technically-challenging and very expensive endeavour.

In the event trap and truck fish passage was to be put in place by the local community or government resource managers, assessment of the habitat quality and fish productivity of the Mayo River above Wareham Dam would be necessary. A number of factors over the past several decades may have negatively impacted this section of the river for production of juvenile salmon, including placer mining activities and related increased seasonal turbidity, as well as components of the Mayo Hydro project (the Mayo Lake control structure, the use of Mayo Lake for water storage and seasonally regulated flows in the Mayo River), among other factors.

In respect of the development of Mayo B, no new pathways of effect exist with respect to fish passage beyond Wareham Dam. Yukon Energy has focused efforts in this Project Proposal on mitigation and enhancements to salmon habitat in the lower Mayo River as part of the Project description (see Section 6.6.5).

Icing and Inland Water Inundation

In the past couple of years, residents have noted some concerns about water overtopping the ice on the Mayo River, as well as inland water inundation in and around the Village of Mayo. Among the issues noted over the course of public involvement activities were icing issues on the Mayo River (water

overtopping the ice), flooding of McIntyre Park (including the benches getting frozen into the ice), possible erosion of a portion of the dyke between the village and the river, standing water in and around the community (resulting in issues such as a need for increased mosquito control), and flooding of basements.

Community members offered various opinions as to why these issues were occurring, which included observations on regarding both the Mayo River and the Stewart River, groundwater flows in the area, changing discharges into the Mayo River, and anomalous precipitation over the last couple of years. Although a direct pathway between the existing environment concerns and the operation of the Mayo hydroelectric facility could not be clearly identified, Yukon Energy is in the process of undertaking activities to better characterize the issue and to work with the Village to address outstanding concerns as appropriate (see Appendix 7C).

Wareham Lake Levels near the Minto Bridge

The construction of the Wareham Dam in the 1950s has contributed to the creation of wetland habitat in the vicinity of the Minto Bridge. This wetlands area was created from back-flooding from the dam in 1951. This area has been identified by local residents and stakeholders as an important area for migrating waterfowl, aquatic mammals such as beaver, and moose. Concerns were expressed that changes in water levels could affect the habitat, in particular in relation to nesting ducks.

The area is also used for harvesting berries and medicinal plants. It was the site of a traditional fishing camp in the past, and is now an area used boat launching point for the upper Mayo River.

The Mayo B project will not affect the operation of Wareham Lake, and as such is not expected to have any pathways of effect to water levels in the vicinity of the Minto Bridge.

Occasions of higher than normal Wareham Lake levels also raise concerns regarding flooding of lands used for agricultural purposes in the vicinity of the bridge. Although there is a dyke in place to help protect the property, there is a garden on the property that has experienced some flooding in recent years. Yukon Energy has committed to following up with the property owner to address this concern.

4.5.2 Key Issues Related to Mayo B Project

Stakeholders identified issues related to both the construction and operation of the proposed Project. These concerns are documented in the meeting notes presented in Appendices 4C, 4D, 4E, and 4F, as well as the record of personal communications presented in Appendix 4G.

Generally speaking, with respect to the overall project, stakeholders were pleased that Yukon Energy was focusing its efforts on enhancement of existing facilities as opposed to the development of green field sites (i.e., new dams). They saw it not only as an opportunity to reduce reliance on fossil fuels, but also

as an opportunity for the community of Mayo to benefit from job opportunities and other economic benefits of a major project in the region.

4.5.2.1 Potential Aquatic Effects

Concerns about the potential effects of the Project on the aquatic environment stemmed from the changes to water levels and flows once the new powerhouse is operational. During operation, this included the potential for any rise in Mayo Lake water levels above the current license, as well as the potential of lowering Mayo Lake water levels below the current license as well as changes to flows on the Mayo River.

The interests and concerns related to changes in water levels include:

- Chinook salmon are known to spawn in reaches of the Mayo River downstream of the existing plant. In recent years, First Nations have noted declines in the salmon run throughout the Yukon, and although the Mayo River is not typically used for salmon fishing due to the availability of other salmon fishing locations on the nearby Stewart River, declines to salmon stocks are an overall concern.
- Lake trout and whitefish, along with arctic grayling and northern pike are fished on Mayo Lake. Changes to Mayo Lake water levels, in particular at the bottom range of the existing license or lower, could affect spawning habitat for fall spawners such as lake trout and whitefish.
- Wetland habitat such as those found at the Roop and Nelson arms of Mayo Lake, was identified by various stakeholders as important habitat for a variety of wildlife, as well as to resource users.

4.5.2.2 Potential Terrestrial Effects

- Potential effects on culturally important species such as moose and beaver.
- Effects on access to locations where collection of plants (berries and medicinal plants) occurs throughout the Project Study Region.
- Construction activities for the conveyance options in proximity to the Five Mile Lake campground could potentially effect recreation activities (e.g., cross country skiing, camping), due to increased noise and traffic.

4.5.2.3 Potential Effects on Resource Use

- During the construction period an influx of workers could potentially increase pressure on local hunting and fishing activities, which could affect local resources and existing resource users.

- Concerns about navigation and access on Mayo Lake were expressed by a variety of stakeholders, particularly when the lake is operating at the upper or lower limits of its water license.
- Low water levels in spring could affect barge access to Mayo Lake, in particular at the west end of the lake, affecting the timing of activities associated with placer mining.
- Placer miners expressed concerns about the suggestion of a fish ladder at Mayo Lake as the re-introduction of salmon to the area would affect the regulatory requirements for managing their mining operations.

4.5.2.4 Potential Socio-Economic Effects

- People expressed interest in the training, employment and business opportunities associated with the project.
- Concerns were identified about increased pressure on local infrastructure (such as the highways, roads, landfill site, water supply, and sewage lagoon). Opportunities were also noted to develop infrastructure for the project construction camp that could leave a positive “legacy” for the local residents.
- Community members expressed concerns about an influx of workers and the potential for alcohol related incidences.
- People expressed concerns about the Project’s potential to affect utility rates across the Yukon.
- Some people expressed concerns about the overall cost and the potential for the Project to draw upon moneys that could be used for other developments (e.g., funding from the federal infrastructure program).
- If the grids are interconnected, there is concern that Mayo will begin to experience the same sort of power outages that have occurred in Whitehorse recently.

4.5.3 Other

Some community members noted that Yukon Energy used to have an office in Mayo where people could pay their bills. This is a service that some people in the community have interest in seeing reinstated.

4.6 FIRST NATION AND OTHER PUBLICS INFLUENCE ON THE PROJECT

The key issues, concerns, and perspectives raised during the public involvement process to date have been considered by Yukon Energy and incorporated in the Project design and environmental assessment

process. The issues and perspectives raised by various stakeholders were balanced with other aquatic, terrestrial, socio-economic, cultural, technical and cost considerations, and met the duty set for by YESAB's *Proponent's Guide to Information Requirements for Executive Committee Project Proposal Submissions* (2005) to "consider fully and fairly any views so presented".

Public influence can be broadly categorized as general influences on the Project and site specific influences. Additionally, public involvement also identified opportunities and constraints that without consultation would not have been incorporated in the Project design. Examples of opportunities included location of the work camp and associated infrastructure needs (e.g., potable water). Examples of constraints presented include the identification of historic sites.

The following are some of the areas where feedback from public involvement activities was considered in the environmental and socio-economic assessment process:

Existing Environment Concerns

- Yukon Energy endeavored to characterize concerns about the existing environment (Section 4.5.1.1) in order understand whether there were potential pathways of effects between existing conditions and the proposed Project.

Inviting Stakeholders to Influence the Public Involvement Activities

- Yukon Energy has worked cooperatively with NND to understand their concerns and address their information needs. This began with initiation of the first steps identified in NND's *Cooperative Engagement Process for Economic Activities Proposed in the Traditional Territory of the First Nation of Na-cho Nyak Dun*, and working within its protocol throughout the process of public involvement (NND, 2008b). In addition, Yukon Energy was cooperative in scheduling additional meetings at the request of NND to ensure that they were apprised of the state of studies throughout the course of the assessment. Yukon Energy also provided funding for NND to hire external consultants to help them in the review of information.
- Yukon Energy responded to the concerns expressed by the Village of Mayo by using their letter of interests and concerns (see Appendix 4D) to set the agenda for meetings held in January, 2009. Issues raised in these exchanges remain under discussion.

On-going Commitment of Work with Stakeholders after Filing

- While Yukon Energy strived to address public concerns prior to filing with YESAB, in some instances it is necessary and sensible to initiate YESAB review of the proposed Project prior to finalizing all discussion with stakeholders on each item of concern. Yukon Energy recognizes that NND, the Village of Mayo and other local stakeholders may have concerns regarding the implementation of the Project. Yukon Energy is committed to maintaining an

on-going dialogue with these stakeholders in order to ensure that issues and concerns are considered and addressed in a timely and thoughtful manner.

The following are some of the areas where public influence resulted in refinements to the Project:

- Location and Operation of the Work Camp.
 - The preferred location of the work camp was determined after considering feedback from residents regarding their preference to see it located outside of the community.
 - Issue of potable water – opportunity to have Yukon Energy drill a new Village well for long-term community benefit; and have NND haul the water to the camp as a business endeavour is being explored.
- Mitigating Potential Issues Resulting from an Influx of Non-Local Workers.
 - In order to address concerns about increased pressure on hunting, Yukon Energy will restrict the possession of firearms in the Project Construction Area and work camp. Such a policy should help to reduce opportunities for non-resident workers to engage in hunting while in the Project Study Region.
 - In order to address concerns about increased pressure on fishing, Yukon Energy will engage in further discussions with the MDRRC and the Village of Mayo, and government resource managers to determine more suitable locations in the area for those workers interested in fishing.
 - A zero tolerance policy for alcohol possession and use will be put in place for the work camp.
 - The Village of Mayo proposed various measures that could help to alleviate potential concerns associated with an influx of workers. Yukon Energy will continue the dialogue in this regard, as well as appoint an ongoing Project Liaison person to address any concerns once construction is underway.
- Mayo Lake levels/Wetlands at ends of Mayo Lake Arms.
 - Yukon Energy originally considered scenarios in which water levels on Mayo Lake could be raised or lowered. Raising water levels was discarded as an option due in part to concerns expressed about shoreline erosion and associated effects.
 - Yukon Energy initially considered the full range of a 1 metre additional draw-down, with unconstrained use as required, including on an annual basis. This has been amended in the Project Description (Chapter 6) to incorporate a more restrictive operating regime in part response to the concerns expressed related to fall spawning fish at Mayo Lake.
 - Wetlands, such as in the Roop Lakes area, were identified as being of ecological importance to NND, and as such, was given specific consideration during the environmental and socio-economic assessment.

4.7 FUTURE STEPS IN PUBLIC CONSULTATION

Yukon Energy will make efforts to continue communication with stakeholders about the filing of its submission to YESAB.

Public consultation activities will continue prior to and during construction and operation/maintenance. Throughout construction activities, Yukon Energy will ensure open and timely communication with potentially affected publics to minimize any interference between construction activities and resource use. This may include posting of bulletins in the community, provision of a liaison person for direct communication to Yukon Energy in the event of incidents to report, and/or notices on YEC's website. An additional newsletter after the YESAB filing will be produced to describe the proposed Project and summarize the key issues that were heard.